

Backlands Coalition submission to the Regional Plan Review +10 August 12, 2020

In this submission, we are asking that you implement our well-considered requests (bold face type) in the current review of the Regional Plan.

What is the Backlands Coalition?

We are a coalition of non-governmental groups. Our mission is to ensure no loss of wildlife habitat in the Backlands and to preserve them for natural, historical, cultural, conservation, educational, recreational and common use.

Where are the Backlands?

Easily reached from peninsular Halifax by foot, bike or bus, the Purcells Cove Backlands encompass approximately 1350 hectares of urban wilderness within Halifax Regional Municipality. The Backlands are enclosed by Herring Cove and Purcells Cove Roads and extend from Williams Lake Road at the northwest to Power's Pond at the southeast. Water from the Backlands flows through the coastal communities and into the sea, transcending man-made boundaries and binding the communities to the Backlands. There are the large watersheds with their lakes, wetlands, rivers and streams. Also, high vantage points, granite outcroppings, forests and habitat for many insects, animals, fish, reptiles, turtles, song birds, birds of prey, terrestrial birds and waterfowl. (See Map #1 HRM Staff report re Shaw NCC lands - 160920ca1418.pdf)

Preserve and protect the Backlands

The Backlands are a valued asset for HRM and the province of Nova Scotia. Over the past 30 years many studies have been conducted in this area which emphasize the valuable attributes of the land. There is so much critical information which has come to light (see Backlands Coalition reports for source information http://backlandscoalition.ca/?page_id=620). One such example which is of particular note is a flora study conducted in 2014 which determined that, 'the Jack Pine/Broom Crowberry Barrens community that is nationally unique to Nova Scotia, globally rare and of high conservation significance'. The studies are not just limited to the natural environment but also include areas of important cultural and historical significance.

The Backlands are ringed by small and distinct communities, some of these settlements are hundreds of years old. When a feasibility study for the potential for an extension to municipal sewer and water services along the Purcells Cove Road was conducted the views of the residents were canvassed. It was abundantly clear that there was absolutely no appetite for development. (See CBCL feasibility study <http://legacycontent.halifax.ca/Commcoun/west/documents/CBCL-Redacted.pdf>)

We are asking that the whole of the undeveloped Backlands be given zoning of open space protected status. The current Plan inappropriately provides a scenario of growth for the entire area. A quick review of the Generalized Future Land Use Map(GFLUM) Map 9F reveals that all of the area is to be Residential Development District(RDD). (see https://www.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/Halifax_MPS_Map9FMainlandSouthGFLUM31July2018to_1.pdf)

In the minds of the residents this would devastate the area. **A radical change to the GFLUM must be included in the revised plan.** Acknowledgment of the need for this change has been recognized by HRM planning staff. In a staff report titled, Purcells Cove Backlands-Shaw Group and Nature Conservancy of Canada Proposal, September 14, 2016, it was stated at page 9 “. . . it is recommended that the implications to the surrounding area as a result of acquiring the subject lands be reviewed as part of the Regional Plan Review.” (See HRM Staff report re Shaw NCC lands - 160920ca1418.pdf)

In addition, staff sheds light on the wishes of the HRM residents and the strong desire to leave the land in its natural state. At page 7 the following can be found, “Through the Halifax Green Network Plan’s most recent consultation, the protection of the larger Purcells Cove Backlands (including the subject property) was the most cited open space area of value and concern. Information from the Shaw/NCC and community organizations highlight the ecological and recreational values of the subject lands and support their conservation along with their provision of opportunities for recreational uses. In addition, initial information from the Halifax Green Network Plan work also identify that the Purcells Cove Backlands, possess ecological attributes and are important from a wildlife connectivity perspective.”

Another very important consideration is also contained in the report. Specifically, it is stated that there is no need to develop the area as the supply of serviced land is more than sufficient. At page 8 it is stated that “HRM staff created an inventory of potentially developable lands within the urban communities outside the regional centre. . . . At the time of the 2014 Regional Plan Review, staff estimated that there was sufficient supply for at least 28 to 35 years.” This acknowledgment by HRM staff combined with the conclusion of the CBCL Sewer and Water feasibility study should be evidence enough to **rezone the lands to an open space protected status.**

The current usage of the Backlands must also be considered. There are hiking paths crisscrossing the entire area. The McIntosh Run Watershed Association has created a complex set of trails which extend for miles down the Run and is well used by Spryfield families, hikers and trail runners and bikers from across

HRM. The clean fresh water lakes offer swimming opportunities as well as canoe, kayak, paddle boarding and sailing. Activities are not just confined to the summer, as winter activities are also popular.

With the creation of the Shaw Wilderness Park much of the land is now under government ownership. There are York Redoubt and Department of Defense lands both owned by the Federal Government, Provincial Crown lands and Municipal lands designated as Protected Areas. The logical next step would be to rezone remaining lands to allow for open space protected status for the entire area.

There is little doubt that the current traffic situation cannot withstand more population growth. The roundabout is increasingly unable to keep up with the number of cars from Purcells Cove and Herring Cove Roads. It is also noteworthy that the communities of Boulderwood, Purcells Cove and Ferguson's Cove have recently lost public transportation on the weekends and all but a skeleton service on the weekdays. This change happened after the communities valiantly fought to keep the service for people who may not drive such as seniors, students and those who are disabled and/or economically disadvantaged. The main reason for the loss of regular bus service was that changes made in the previous update of the Regional Plan (RP+5) put this area outside the service area boundary. It does not make sense then to retain the current zoning designation.

Currently the Backlands is a patchwork of uncertain and ineffective zoning. This has led to inefficient development. But, **the area should be considered as a whole with adoption of a co-management model for stewardship**. This might include community stakeholders, private landowners, residents and representatives from the three levels of government. **Shared responsibility for stewardship and proper management of the land for remediation where needed, protection and conservation of wildlife, habitat and water quality must be recognized and acted upon.**

The land zoned Urban Reserve must be rezoned to open space protected status. As well, land zoned Holding should be zoned to open space protected status. Land zoned Residential Development District should be zoned open space protected status. The complete lack of any environmental protection in the existing Mainland South Secondary Plan (MSSP 1987) makes this imperative. Although MSSP contains policies which recognize the importance of tree cover, bedrock, slope and watercourses there are no land use bylaws which actually protect these environmental attributes. (See 2004 NSUARB 109(CanLII) Williams Lake Conservation Co v. Kimberly-Lloyd Developments Ltd.)

Another change involves the current 'as of right' development. As indicated above, the existing laws do not protect the environment so **'as of right'**

development must not be allowed to continue. At a time when protecting the environment is paramount this species of uncontrolled development is out of date, inappropriate and deleterious.

The Halifax Green Network Plan (HGPN) recently passed by HRM Council is a priority plan for our municipality. This plan should be a pivotal focus in the Regional Plan Review. In particular, Action 66 of the plan states as follows:

During the next Regional Plan Review amend the Regional Plan to recognize recent land acquisition (pending) within the Purcell's Cove Backlands as Regional Park and consider open space planning for the remainder of this area.

It is encouraging to have such a strong endorsement of the sentiments of the residents contained in an HRM document. **We ask that Action #66 be fully realized in the new Regional Plan.**

Please review the following Action items contained in the HGPN. They are relevant to the Backlands and deserve to be considered as well:

- Action 18- Amend the Charter to enable municipality to acquire sensitive environmental lands (riparian areas, wetlands, steep slopes, etc.)
- Action 28- Amend Municipal Planning strategies and land use by-laws to encourage both small and large-scale tourism related uses in rural areas. In fact, the idea of promoting retail outlets in the Spryfield District would be beneficial to different groups. The Spryfield District needs more commercial development to fill empty space and provide employment to its residents which is within walking and biking distance to the Backlands. The location to the retailers would be ideal as it is close to the areas where people are hiking, kayaking, etc. and may need a trail guide, experienced birder or equipment for outdoor sports. Development of this commercial sector in Spryfield would be a win/win for all.
- Action 42-Promote parks and open spaces for health, wellbeing, sense of community and overall quality of life through improved public communication.
- Action 70- Use the HGPN and other municipal plans, including the AT Priority Plan and Integrated Mobility Plan (IMP) to establish linkages between parks, Provincial Wilderness Areas, crown lands, fresh water bodies and ocean fronts that are used for recreational purposes.

We support the insertion of all the HGPN into the Regional Plan and all legislation flowing from the Plan in order to achieve correct and complete implementation of the HGPN. Particular emphasis should be placed on the integration of the Ecology map into the plan and this should take place in the very near future before key opportunities are lost.

The HRM priority plan HalifACT which addresses climate change endorses the notion of preserving wilderness as one mechanism to combat carbon emissions.

It is well known that trees consume carbon and emit oxygen into the air making forests the 'lungs of the city'. The location of the Backlands close to the urban core provides relief from climbing urban temperatures. **Action-26 of HalifACT: Acquire more land to preserve natural areas and ecosystem health in alignment with the Halifax Green Network Plan.**

The lakes and streams of the Backlands have been compromised by deprivation of fresh natural water and distress caused by polluted run off. The existing Regional Plan is deficient in addressing adequate storm water management and riparian buffers. **It is well known that storm water runoff is routinely directed into streams and lakes. This must cease.** The Plan must ensure that new developments deal with runoff on site with settling ponds or other mechanisms. With the increasingly dry conditions which come with climate change, the natural sources of water entering the lakes and streams are diminishing. **The lakes and streams of the Backlands need immediate attention to restore natural water sources and replenish the fresh water. All strategies implemented to manage storm water should be monitored to ensure that remedial and preventative actions are effective and maintained over time.**

The treatment of riparian buffers in the Regional Plan is weak.

- There is little to protect existing riparian buffers where development has already taken place. Section E-19 of the Plan states, "HRM shall consider a by-law to protect existing trees and manage the retention and the removal of existing trees within riparian buffers zones." To date there is no **by-law addressing tree cutting in the riparian buffer.**
- **The removal of any vegetation in the riparian buffer must be addressed.**
- The current Halifax Mainland land-use by-law regarding riparian buffers only relates to situations where an individual has applied for a development permit (see s. 14QA(1)). The limited application of this by-law goes back to the inadequate treatment of riparian buffers in the current plan. **The section of Regional Plan pertaining to riparian buffers must be redrafted to reflect the intent of protecting the buffers under all circumstances.**
- **The riparian buffer setback of 20 metres should be increased to 100 metres.**