

Planning Rationale and Justification

Cultural Heritage Policy Changes – OPA37C25

This Appendix provides detailed planning rationale and justification for the key directional policy changes introduced through Official Plan Amendment OPA37C25 related to cultural heritage conservation. The intent is to explain why these changes are necessary, how they respond to observed implementation challenges under the County's 2023 Official Plan, and how they align with the Provincial Planning Statement, 2024 (PPS 2024) and the County's Arts, Culture and Heritage Strategy (2024).

This Appendix focuses on policy changes that materially affect development applications and decision-making. Technical refinements, reorganization of existing policies, and wording changes intended solely to improve clarity or readability are not discussed in detail.

1. Outcomes-Oriented Conservation

Purpose, Goals, and Framework

The 2023 Official Plan heritage policies are largely procedural, focusing on when studies may be required and how heritage resources are identified through the development process. While this approach established a basic review framework, experience applying the policies demonstrated limited direction regarding desired conservation outcomes or how heritage considerations should be balanced with growth pressures.

The proposed amendment introduces clear purpose statements, goals, objectives, and a guiding policy framework that establish cultural heritage conservation as an integral component of land use planning rather than a stand-alone regulatory exercise. This shift provides decision-makers, applicants, and the public with clearer expectations regarding how heritage resources are to be conserved, adapted, or mitigated, and reinforces conservation as a value-added planning objective rather than an obstacle to change.

2. Consistency with Provincial Policy

Protected Heritage Property and Proactive Conservation Strategies

The PPS 2024 places renewed emphasis on the conservation of protected heritage property and encourages planning authorities to develop proactive strategies for conserving built heritage resources and cultural heritage landscapes. While the 2023 policies reference conservation, they rely heavily on reactive evaluation triggered by development applications.

The updated policies respond by strengthening the role of the Heritage Inventory as a proactive planning tool. Properties may now be listed on the Heritage Register at the pre-consultation stage, ensuring heritage considerations are identified early and interim protection is available before demolition or site alteration occurs. This approach improves certainty for applicants while aligning with provincial direction to conserve heritage resources before impacts occur.

Defining Adjacent Lands

The existing Official Plan defines adjacent lands as “contiguous,” consistent with earlier provincial policy but lacking clarity in practice. This ambiguity has resulted in inconsistent interpretation and uncertainty during development review.

The proposed amendment introduces a 50-metre adjacency definition, reflecting flexibility permitted under PPS 2024 to define adjacency in a local context. This change improves predictability for applicants and staff, supports defensible decision-making, and ensures heritage impacts are assessed consistently where development may affect nearby protected heritage property.

3. Addressing Loss, Neglect, and Unforeseen Changes

Flexible Reconstruction Following Unforeseen Events

Under the 2023 policies, designated heritage properties damaged by fire, weather, or other unforeseen events were generally expected to be rebuilt in “like kind and quality.” Experience has shown this requirement can create unintended consequences, including increased insurance costs and financial hardship for property owners.

The proposed policies introduce flexibility by allowing contemporary or cost-effective reconstruction options following unforeseen damage, provided cultural heritage value is appropriately considered and supported by recognized conservation standards and technical studies. This approach maintains conservation objectives while reducing barriers that may otherwise disco

Stronger Direction for Demolition Resulting from Neglect

Conversely, where deterioration results from neglect, the amendment introduces a more rigorous evidentiary framework. Property owners must demonstrate, through a Building Condition Assessment and Cost-Benefit Analysis, that rehabilitation or adaptive reuse is not feasible before demolition is supported. This distinction ensures flexibility is not applied in a way that incentivizes neglect and reinforces accountability in heritage stewardship.

Insurance Implications

There is an expectation that designated heritage properties are expected to be reconstructed “in like kind and quality” following unforeseen damage, which creates

significant financial and practical barriers for property owners. Heritage buildings often rely on rare materials, specialized craftsmanship, and non-standard construction techniques, which can substantially increase reconstruction costs and complicate the ability to obtain or maintain insurance coverage. Recent sector research and municipal experience across Ontario indicate that insurance availability and affordability are a growing concern for owners of designated heritage properties, particularly where rigid reconstruction expectations are applied.

By making it clear that a requirement for reconstruction in like kind and quality following events beyond the owner's control is not the direction in the County of Brant, the proposed policies introduce needed flexibility while still encouraging conservation-informed outcomes. This approach reduces unintended disincentives to designation, supports responsible stewardship, and helps ensure that heritage conservation policies do not inadvertently contribute to vacancy, neglect, or loss resulting from insurance or financial constraints.

4. Establishing a Clear Conservation Hierarchy

The 2023 policies encouraged conservation but did not clearly establish priorities where on-site preservation was not feasible. The proposed amendment introduces a clear hierarchy:

- a) Adaptive reuse,
- b) Relocation, and
- c) Compensation where conservation or relocation cannot be achieved.

This hierarchy provides transparent expectations for applicants and ensures that, even where physical conservation is not possible, development results in a net community benefit through salvage, commemoration, or interpretive design.