

PWEP Press Statement:

The Philosopher's Wool Environmental Preserve files an Application for Judicial Review against the County of Bruce

Inverhuron, ON (Nov. 30, 2023) - In the interest of upholding environmental protections and public involvement in planning decisions, the Philosopher's Wool Environmental Preserve (PWEP) has filed an application for judicial review pertaining to the decision of the Approval Authority for the County of Bruce dated September 26, 2023 to approve a Draft Plan of Subdivision, File Number S-2022-015 for JHT2INV Development Inc. c/o John Hood Tidman, in respect of PLAN INVERHURON LOTS 6 TO 10; E VICTORIA ST W ALBERT ST, Municipality of Kincardine.

Bordered on one side by the Inverhuron Provincial Park and otherwise surrounded by naturalized, rural and low-density residential lots, the 4.15 ha site selected for the proposed development consists of significant natural heritage features, including mature woodland, old growth forest and a tract of the Little Sauble River, giving rise to serious land use compatibility concerns. The Tidman subdivision, which would consist of up to 80 housing units, a multiple-story commercial building and a parking lot area, would likely destroy significant wildlife habitat, including that of several endangered and threatened species; cause irreversible damage to the fishery connected to the Little Sauble; and put undue pressure on the ecological function and biodiversity of natural heritage systems in the area.

PWEP's application for judicial review comes after municipal and county officials were unresponsive to a community petition, served on September 6th, that garnered more than 200 signatures opposing the Tidman development on environmental grounds. The application for judicial review reflects PWEP's growing concerns about the dramatic erosion of environmental protections in Bruce County and across the Province, as well as the disenfranchisement of the public concerning land use decisions.

Through the judicial review process, PWEP seeks to obtain a court ruling that would prevent the proposed development from going forward without, at minimum, further consideration of its environmental impacts. An open hearing on the matter is expected to be scheduled in the coming months.

Background

Because of inadequate notification, the vast majority of the Inverhuron community was not informed of the proposed development until early September of 2023, nearly a year after the initial Draft Plan of Subdivision Application was circulated. On September 3rd 2023, a group of concerned Inverhuron residents organized a community information session, outlining the main concerns connected to this project and circulating a petition opposing the Tidman development. In the following weeks a local grassroots group formed around the issue, giving rise to PWEP, a volunteer based and community run non-profit organization with a focus on environmental advocacy.

Following Bruce County council's decision to approve the Draft Plan of Subdivision on September 7th without even a mention of the petition and its 200+ signatures, members of PWEP learned that they were barred from appealing the decision in front of the OLT (the Ontario Land Tribunal). Requests to the municipality and MPP Lisa Thompson to appeal the decision on the community's behalf went unheeded, which left as an only recourse an application for judicial review.

Broader Implications

Due to Bill 23, the More Homes Built Faster Act (2022), members of the public have lost their right to appeal Draft Plan of Subdivision applications; public meetings for Subdivision applications are also no longer required to be held. With public input on planning decisions being systematically eroded across the province, this case is the perfect example of the consequences of such policies: many in the Inverhuron community are feeling the brunt of disenfranchisement caused by Bill 23 and are deeply frustrated that their voice is not being heard. PWEP seeks to alleviate these circumstances through the judicial review, but recognizes that this process is an imperfect tool to address differences on planning decisions in the long run. We therefore join the many other groups and entities, including the Chiefs of Ontario and First Nations, in their opposition of Bill 23.

Land use decisions affect communities in profound and lasting ways. The Municipality of Kincardine has joined another province-wide trend by undergoing an urban boundary expansion that applies a settlement and shoreline development designation to large swaths of Inverhuron, essentially opening up the area for large-scale development. This was done without the input and agreement of the community. The result is that now developments such as the Tidman subdivision are being imposed on the community without their consent, at enormous expense to natural heritage features.

With development pressure escalating due to projected population growth in our area, the Tidman development would likely be only the first of many that would seek to bypass environmental protections and build in fragile natural environments along important watershed arteries and near the Lake Huron shoreline. If this development is allowed to go forward, it will set an environmentally damaging precedent, potentially opening the floodgates for similar projects in the area.

PWEP recognizes the increasing need for affordable housing, while at the same time emphasizing the importance of safeguarding sensitive natural environments. We believe it is possible to meet the growing housing need through thoughtful, environmentally responsible development by containing development within urban boundaries and preventing the kind of sprawl a development such as the Tidman subdivision appears to represent.