



4560 Sideline 22, R.R. #5, Claremont ON L1Y 1A2 / landoverlanding@gmail.com / 905-649-2433

Comments on Envision Durham DRAFT Official Plan March 6, 2023

About Us

Land Over Landings^[1] is a non-profit organization based in Durham Region and dedicated to securing permanent protection of the farmlands, woodlands, and wetlands of the Federal Lands in north Pickering – 8,765 acres (3,547 hectares) of Crown land, mostly prime farmland, owned and administered by Transport Canada.

As concerned citizens and stakeholders in the Region, we appreciate the opportunity to provide input into the finalizing of Durham Region's Official Plan.

Focus of This Submission

We are responding to content in the following sections of the February 2023 Draft:

- **A Prosperous Region** (2.1 Pickering Federal Airport Lands, p. 18)
- **Healthy Communities** (3.2 Climate Change & Sustainability: Reducing Greenhouse Gases and Improving Air Quality, p. 29)
- **Vibrant Urban System** (5.5 Employment Areas, p. 106; 5.7 2051 Urban Expansion Areas & Future Expansions, p. 117)

Our focus is airport-related. In some instances our comments apply to all three of these sections.

Comments

1 Inconsistent nomenclature in references to land in Pickering owned by Transport Canada

The entire Plan needs to be edited to ensure that these Lands are described consistently and correctly in accordance with Transport Canada's 2023 description of its Pickering holding. If this is not done, individuals (staff, councillors, general public) unfamiliar with the Transport Canada file could easily misinterpret or get into arguments over the meanings of the Plan's various, mostly incorrect, descriptions of this Transport Canada property.

Transport Canada no longer commits to using its Pickering property for an airport. "No decision has been made to develop an airport on the Pickering Lands. Any decision on the future of the Pickering Lands will be made based on a sound business case, updated data on aviation demand and capacity, and stakeholder engagement."^[2]

1 <http://landoverlandings.com>

2 <https://tc.canada.ca/en/aviation/operating-airports-aerodromes/airport-zoning-regulations/pickering-lands>

The correct description of Transport Canada’s property in Pickering is “the Pickering Lands.” Also accurate is “the land area reserved for a potential future airport in Pickering” (Plan, p. 112). But throughout the rest of the Plan, about half of the “airport” references contain wrong or misleading descriptions of Transport Canada’s property in Pickering. Examples:

- Phrases that don’t contain both “potential” and “future” qualifiers are wrong. “Airport,” “future airport,” and “potential airport” imply that Transport Canada has decided to construct an airport at its Pickering site. This is false.
- “Federal lands in Pickering,” used when referring to a potential future airport, is misleading, as it is an accurate description of Rouge National Urban Park in Pickering as well as of the Pickering Lands themselves.
- The “airport” symbol on the Pickering Lands on Map 1, and on all other Region maps, must be removed, since it is the universal symbol used to indicate an airport site. There is no airport in this location and no airport is shown there on any other cartographic database. There is plenty of space on the map to label the Pickering Lands as a “potential future airport” while eliminating the misleading use of the symbol on Map 1 and in its legend.

It is correct to use official federal regulation titles such as “Pickering Airport Site Order” and “Pickering Airport Zoning Regulations,” which originated a generation ago when Transport Canada actually thought an airport might be built.

Transport Canada has not referred to its Pickering property as “airport lands,” “Pickering airport,” “Pickering airport lands,” or “future airport” for over a decade. Today, the official name is the “Pickering Lands.” The Plan must be edited to match the federal designation.

2 Transport Canada is constrained from building a new airport in Pickering

Transport Canada does periodically study the supply/demand capacity of the southern Ontario airports system. The most recent study, by KPMG, found that, for the study’s 2016-2036 planning horizon, “there will be sufficient capacity in the southern Ontario airports system ... without the requirement to build a new airport.”^[3] On March 25, 2020, in a letter from then Transport Minister Marc Garneau to Durham Regional Chair John Henry, the Minister confirmed KPMG’s finding of “no immediate need for additional airport capacity in the Greater Toronto Area” and that “any decision on the future of the Pickering Lands must be based on a sound business case...”.

The only sound business case Transport Canada is able to suggest for building an airport on its Pickering Lands is when Toronto Pearson airport overflows its maximum runway capacity, or “goes full.” Toronto Pearson’s current Master Plan (2017–2037) is in complete agreement with the KPMG analysis. The airport’s current 5-runway configuration will not be at capacity by 2037, and if there’s air traffic demand, it can build an already approved 6th runway. Transport Canada legally embedded its position in its Ground Lease Agreement^[4] with Toronto Pearson airport’s operator, the Greater Toronto Airports Authority (GTAA). This lease expires in 2056. Lease Article 44, Direct Competition by Landlord, states: “If the Tenant [GTAA] is continuously and actively meeting any

3 KPMG, “Pickering Lands Aviation Sector Analysis: Supply and Demand Report,” 2016, p. 5. Note that this wording is unique to Scenario 2, but Scenarios 1, 3, and 4 reach similar conclusions.

4 <https://www.torontopearson.com/en/corporate/our-future/master-plan#:~:text=We%20have%20a%2060-year%20ground%20lease%20with%20the,a%20First-Class%20Facility%20and%20a%20Major%20International%20Airport.>

capacity and demand requirements for airport and aviation services at the [Toronto Pearson] Airport, the Landlord [Transport Canada] will not construct and operate, during the Term [until 2056], an airport as a Major International Airport within seventy-five (75) kilometres from any point on the perimeter of the [Toronto Pearson Airport] Lands.” In short, **as long as Toronto Pearson doesn’t “go full,” Transport Canada cannot construct a competitor airport on its Pickering Lands. The existing airports of Hamilton, Billy Bishop, and Oshawa are exempt from this requirement. Until Pearson “goes full,” Transport Canada’s Pickering file remains in limbo.**

3 Wildlife Hazard Zone complicates development of northeast Pickering

Map 1 shows a plan for a northeast Pickering urban growth centre. The Town of Ajax has expressed concerns that any urban development on the headwaters of Carruthers Creek will result in increased flash flooding in Ajax. Section 5.7.3(c) of the Plan highlights this concern, stating that planning will “minimize and mitigate any potential impacts on watershed conditions.”

No details of this mitigation plan are given, but a common practice would be to build sufficient stormwater containment capacity within a proposed northeast Pickering urban development to minimize the flooding risk in Ajax. At the same time, the Plan’s section 5.5.33(d) recognizes “Federal Airport Site Orders and Federal Airport Zoning Regulations.” And these are highly pertinent to any northeast Pickering development plans.

In 2015, with the creation of Rouge National Urban Park, Transport Canada proposed a revision of its 2005 Pickering Airport Zoning Regulations. These, however, did not proceed past the draft stage when the Pickering file went dormant.^[5] Both the original Regulations and the draft revision delineate the boundaries of the proposed future Wildlife Hazard Zone – and the entire proposed northeast Pickering urban development *is in that Zone*. The Plan’s section 5.5.33(c) specifies “discouraging any land use which may cause a potential aviation safety hazard.” Stormwater storage reservoirs attract birds, particularly the numerous Canada geese in north Pickering, which pose the highest bird risk to aviation safety. For this reason, 6.(2) in the draft Pickering Airport Zoning Regulations only allows stormwater to remain in an “open water storage reservoir for a period of 48 hours or less” within the Wildlife Hazard Zone. **Potential Carruthers Creek flooding mitigation strategies for Ajax must be adjusted to account for a potential future very-short-residence time for stormwater in reservoirs, or must build closed reservoirs to eliminate attracting birds.**

4 Airport Noise Zone complicates development of northeast Pickering

To control aircraft-noise-sensitive development surrounding the area reserved for a potential future airport in Pickering, Transport Canada recommends that no new residential development take place in the proposed northeast Pickering Urban Growth Centre.

In its publication “AVIATION: Land Use In The Vicinity of Aerodromes,” Section 4.3.1 Noise Exposure Forecast (NEF),^[6] Transport Canada “does not support or advocate incompatible land use (especially residential housing) in areas affected by aircraft noise... New residential development is therefore

5 <https://gazette.gc.ca/rp-pr/p1/2015/2015-07-25/html/reg3-eng.html>

6 <https://tc.canada.ca/sites/default/files/migrated/tp1247e.pdf>

not compatible with NEF 30 and above, and recommends that it not be undertaken.” This applies to existing airports, such as Oshawa Executive Airport. The Plan’s section 5.5.33(a) demonstrates compliance with Transport Canada’s recommendation by prohibiting residential and other sensitive land uses (e.g., schools, daycare centres, nursing homes, and hospitals) on lands that are within or above the 30 NEF noise contours, as shown in Fig. 12 in the Plan.

However, the Plan does not reflect the fact that different rules apply to a potential future airport. It would be a *new* aerodrome. In “AVIATION” (p. 22), Transport Canada defines a “New Aerodrome” as any land designated by the Governor in Council as an “Airport Site” under the Aeronautics Act after January 1, 2001. (The Pickering Lands were first legally declared an airport site on August 1, 2001.)⁷ The publication states that “For new aerodromes, Transport Canada recommends that no new noise sensitive land uses be permitted above 25 NEF/NEP. Noise sensitive land uses include residential, schools, daycare centres, nursing homes and hospitals.” It also explains that *aircraft noise annoyance begins as low as NEF 25*, resulting in chronic sporadic noise complaints, and impairing the quality of life in the community (ongoing noise complaints from residents around Oshawa Executive Airport being a good example). The much broader NEF 25 area provides “a sufficient buffer zone to control noise sensitive development around a new aerodrome” and protects “the unique [very quiet] noise environment of a non-urban area” that rural residents are used to prior to the development of a new aerodrome. **The 25 NEF zone for a potential future airport on the Pickering Lands, shown in Fig. 12, occupies nearly all of the proposed northeast Pickering Urban Growth Centre and extends well into Whitby. In compliance with Transport Canada recommendations to avoid potential future chronic noise complaints, northeast Pickering cannot be designated for residential or other sensitive land uses.**

5 An airport complicates dealing effectively with climate change

Regional Council’s Climate Change Emergency Declaration (January 29, 2020), stated that “the need to reduce overall emissions from Durham Region, as well as to continue to prepare for Durham Region’s future climate, are deemed to be *high priorities ... in all decisions of Regional Council.*” [emphasis added]

In November 2022, at COP27, UN Secretary-General António Guterres warned the world: “We are in the fight of our lives, and we are losing. [...] Greenhouse gas emissions keep growing, global temperatures keep rising, and our planet is fast approaching tipping points that will make climate chaos irreversible.”

Yet Durham’s Draft Official Plan breaks with the Region’s own climate emergency declaration, and it ignores Guterres’ dire warning, by affirming support – more than two dozen times – for a new airport in Pickering. The Plan relies on the future approval of a project that Transport Canada shelved half a century ago and, as shown in Part 2 of these comments, cannot be approved or proceeded with while Pearson is “continuously and actively” meeting its obligations under the terms of its Ground Lease (*still in force years after the horizon of this Official Plan*). At the same time, the Plan ignores, even in these increasingly perilous times, a new airport’s high risk of becoming a costly stranded asset (not to mention the destroyer of critical prime farmland).

7 <https://laws-lois.justice.gc.ca/eng/regulations/sor-2001-297/page-1.html>

It suggests, instead, that the facility will deliver economic benefits to the Region. It implies (despite the many tonnes of new greenhouse gasses (GHG) that an operational airport would emit *and lock in*) that the Region would somehow still reach its net-zero targets in the brief time remaining to it. It implies that a new international airport's site preparation (carbon-releasing land clearance, land levelling, roadworks, other servicing), the construction (runways, aprons, terminals, hangars, other buildings), and daily operations would somehow have no negative impact on the Region's emissions tally, or that the vast increase in emissions would somehow be neutralized by mitigation efforts in other sectors. Where are the studies that support these assumptions?

The Plan expects that Transport Canada will complete “the proposed updates to the Pickering Airport Site Order and Pickering Airport Zoning Regulations” and will undertake “updated Noise Contour Mapping.” It is mute on the fact that airport zoning requirements directly conflict with the regulations governing national parks – and Rouge National Urban Park (also partly within Durham Region) lies immediately adjacent to land held for a potential future airport and under delineated flight paths. An airport's pollution levels and safety regulations clash with the Park's environmental and agricultural mandates as laid out in the *Rouge National Urban Park Act*. Updated Noise Contour Mapping would reveal the degree to which the peace of the Park would be shattered, while it is already clear how activating the Wildlife Hazard Zone would compromise and possibly destroy, the Park's environmental integrity. RNUP exists. Millions of taxpayer dollars have gone towards its creation and development. It will have a critical role to play in protecting GTA residents' health and wellbeing in the uncharted future we face, yet the Plan actively promotes a project that would damage it.

In the latest analysis of the Southern Ontario aviation sector, undertaken for Transport Canada by KPMG,^[2] the effects of climate change on aviation were not considered. They weren't even mentioned in the report. **But the Region must take into account in its Plan the fact that the aviation sector has so far found no viable path to net-zero emissions by 2050.^[8] At present, it has no way of replacing kerosene-based fuel with sustainable alternatives *in quantities sufficient to keep the current global fleet aloft*, let alone expand it. Any potential future airport at Pickering is consequently pushed even further into the future.**

* * *

Airport proponents either don't know about, or they choose to ignore, the complications outlined in these comments. But the complications are real, and they are consequential. The Plan must not pin future economic benefits and prosperity on the operations of an unapproved and increasingly unlikely potential future airport and we request that the Plan be modified accordingly.

Thank you again for the opportunity to comment during this important exercise.

Land Over Landings

8 Gwyn Topham, “Scientists pour cold water on UK aviation's net zero ambitions,” The Guardian, February 28, 2023 <https://www.theguardian.com/business/2023/feb/28/scientists-uk-aviation-net-zero-ambitions-half-farmland-double-renewable-electricity> (just one example of many)