



Cultural Heritage Impact Assessment Terms of Reference

1.0 Introduction

A Cultural Heritage Impact Assessment (CHIA) is a study to determine the impact of a proposed development, or a capital project involving building and/or site alteration that includes or is adjacent to a significant cultural heritage resource or is adjacent to a property identified as having cultural heritage value, and to recommend an overall approach to the conservation of the heritage resources.

The assessment results recommended in the CHIA identifies the cultural heritage resources present on a site, provides an evaluation of those resources and makes recommendations regarding conservation methods and/or mitigation that would minimize the impact of the proposed development. Cultural Heritage Impact Assessments are important planning tools to ensure that heritage values and attributes are considered in the land development process.

The Cultural Heritage Impact Assessment will be based on a thorough understanding of the significance and heritage attributes of the cultural heritage resource, identify the impact the proposed development or alteration will have, and consider and recommend mitigation and conservation strategies that best conserves the resources within the context of the proposed development or building and/or site alteration.

Minimal intervention should be the guiding principle for all work. Further, the recommendations from the Cultural Heritage Impact Assessment will contain sufficient detail to inform decisions and direct a conservation plan.

Where there is potential impact to archaeological resources an archaeological assessment will be undertaken as an additional study, in accordance with requirements of the Norfolk County Official Plan and any other applicable provincial regulations.

2.0 Policy Context

The requirement to provide a Cultural Heritage Impact Assessment is derived from the *Ontario Heritage Act*, O.Reg. 9/06, Section 2(d) of the *Planning Act*, Section 2.6 of the Provincial Policy Statement, and Section 5.7.5 of the Norfolk County Official Plan.

Section 2.6.1 of the Provincial Policy Statement, 2020 (PPS) states the following: “Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

Section 2.6.3 of the PPS additionally state the following: “Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

“Conserved” in the PPS, 2020 is defined as the following:

Means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensure their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or culture heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

According to Section 5.7.5 of the Norfolk County Official Plan:

Applications for development of a Listed or Designated heritage resources having known cultural heritage value, or adjacent to a property having known cultural heritage value, will require a Heritage Impact Assessment prepared by a qualified professional who is a full member of the Canadian Association of Heritage Professionals. The requirement to prepare a Heritage Impact Assessment may also apply to unknown or recorded heritage resources that are discovered during the development application stage or construction. The Cultural Heritage Impact Assessment shall demonstrate how the heritage values, attributes and integrity of the property are to be conserved and how any impacts may be mitigated.

Additionally, it states the following:

The character of an individual heritage designated property as defined through a Cultural Heritage Impact Assessment shall be maintained or enhanced through the careful consideration of plans for additions, alterations, renovation and restoration. It is the intent of the County to conserve and enhance cultural heritage resources in their original place, wherever possible. The proposed alteration, relocation, removal or demolition of designated structures and the development of new structures on a designated property shall be subject to the provisions of the *Ontario Heritage Act*.

3.0 When is a Cultural Heritage Impact Assessment required?

Cultural Heritage Impact Assessments are required for the following:

- Properties designated under or adjacent to those properties designated under the Ontario Heritage Act;
- Properties included on or adjacent to those listed on the Municipal Heritage Register;
- If a proposal affects a known archaeological site or is of high archaeological potential;
- Areas for which a cultural heritage plan statement exists; and
- Properties included in cultural heritage landscapes listed on the Municipal Heritage Register.

At the Director, Heritage & Culture's discretion, after review by the Norfolk Heritage Committee, consideration can be given to permit a scoped CHIA that would specifically address anticipated impacts on a cultural heritage resource or waive if there is sufficient demonstrated evidence to suggest there will be no impact on a heritage resource. An example of this might be the erection of a temporary structure.

4.0 What is Included in a Heritage Impact Assessment?

The Cultural Heritage Impact Assessment (CHIA) at minimum should include the following:

- a. Executive Summary**
- b. Introduction to the Development Site**
 - i. Applicant and owner contact information;
 - ii. Location plan and current site plan for the location;
 - iii. Concise written and visual description of the property and the location, identifying significant features, buildings, landscapes and vistas; and

- iv. Concise written and visual description of the context of the property, including but not limited to:
 - 1. Adjacent or nearby (100 m or less) heritage properties and cultural resources, including their level of recognition;
 - 2. Any yet identified or unrecognized potential cultural heritage resources.

c. Background Research and Analysis

- i. A comprehensive written and visual research and analysis of the cultural heritage value or interest of the site or the adjacent site if applicable, including physical or design, historical or associative and/or contextual value;
- ii. Development history of the site including original construction, additions, alterations, removals, conversions, etc. with substantiated dates of construction; and
- iii. Relevant research material, including historic maps, drawings, photographs, sketches/renderings, permit records, land records, assessment rolls, etc.

d. Statement of Cultural Heritage Value or Interest

- i. A statement of significance identifying the cultural heritage value and heritage attributes of the cultural heritage resource(s), in accordance with provincial legislation Ontario Regulation 9/06 made under the *Ontario Heritage Act* and referenced in the Ontario Heritage Tool Kit;
- ii. This statement should be informed by current research and analysis of the site as well as pre-existing heritage descriptions; and
- iii. This statement should be written in a way that does not respond to or anticipate any current or proposed interventions to the site.

e. Assessment of Existing Condition

- i. A comprehensive written and visual description of the physical condition of the structures on the site, including the exterior and interior;
- ii. Current photographs of the property including the following:
 - 1. views of the area surrounding the property to show it in context with adjacent properties;
 - 2. exterior views of each elevation of each building;
 - 3. views of the property including all significant landscape features;
 - 4. interior views of each room in each building; and

5. close-up views of all significant interior and exterior heritage features.

f. Outline of the Development Proposal

- i. A written description of the proposed development or building and/or site alteration including capital projects;
- ii. A conceptual site plan and conceptual drawings of all building elevations; and
- iii. The written description and conceptual drawings should identify which heritage attribute(s) are considered for retention and which are considered for removal or alteration.

g. Impact of Development on Heritage Attributes

- i. A discussion identifying any impact the proposed development or site alterations, including capital projects may have on the cultural heritage resource(s) and cultural heritage attributes;
- ii. Negative impacts on cultural heritage resources may include, but are not limited to:
 1. the destruction of any, or part of any, significant cultural heritage attributes;
 2. alteration that is not sympathetic to the cultural heritage attributes;
 3. shadows created by new development that alter the appearance of, or change the viability of the cultural heritage attributes;
 4. isolation of the cultural heritage attributes from its surrounding environment, context, or significant relationship;
 5. direct or indirect obstruction of significant views or vistas;
 6. a change in land use which negates the property's cultural heritage value; and
 7. land disturbances such as a grade change that alters soils and drainage patterns that adversely affect a cultural heritage resource.

h. Comprehensive Examination of Conservation/Mitigation Options

- i. An assessment of alternative options, mitigation measures and conservation methods, that may be considered to avoid or limit the negative impact on the cultural heritage resource(s) including but not limited to:

1. Avoidance Mitigation

Avoidance mitigation may allow development to proceed while retaining the cultural heritage resources in situ and

intact. Avoidance strategies for cultural heritage resources typically would require provisions for maintaining the integrity of the cultural heritage resource and to ensure it does not become structurally unsound or otherwise compromised. Feasible options for the adaptive re-use of built heritage structure or cultural heritage resources should be clearly outlined.

Where conservation of the entire structure is not feasible, consideration may be given to the conservation of the heritage structure/resource in part, such as the main portion of a building without its rear, wing or ell addition.

2. Salvage Mitigation

In situations where cultural heritage resources are evaluated as being of minor significance or the conservation of the heritage resource in its original location is not considered feasible on reasonable and justifiable grounds, the relocation of a structure or (as a last resort) the salvaging of its architectural components may be considered. This option is often accompanied by the recording of the structure through photographs and measured drawings.

3. Historical Commemoration

While this option does not conserve the cultural heritage of a property/structure, historical commemoration by way of interpretive plaques, the incorporation of reproduced heritage architectural features in new development or erecting a monument-like structure commemorating the history of the property, may be considered. This option may be accompanied by the recording of the structure through photographs and measured drawings.

i. Recommendation

- i. The preferred strategy recommended to best protect and enhance the cultural heritage value and cultural heritage attributes of the cultural heritage resource(s) including, but not limited to:
 1. A mitigation strategy including the proposed methods;
 2. A conservation scope of work including the proposed methods; and

3. An implementation and monitoring plan.
- ii. Recommendations for additional studies/plans related to, but not limited to: conservation, site specific design guidelines, interpretation/commemoration, lighting, signage, landscape, stabilization, additional record and documentation prior to demolition, as well as long-term maintenance; and
- iii. Referenced conservation principles and precedents.

j. Appendices

- i. A bibliography listed source materials used and institutions consulted in preparing the CHIA;
- ii. A report identifying the author, their qualifications and background.

Content and recommendations of the Cultural Heritage Impact Assessment should be based on accepted conservation principles and guidelines, including those outlined in:

- Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*
- Ontario Ministry of Culture, Tourism and Sport's *Eight Guiding Principles in the Conservation of Historic Properties*
- *The Ontario Heritage Tool Kit*

5.0 How is the Document Submitted?

The document is expected to include proper referencing, including images, maps, figures, etc. One (1) digital copy (in either pdf or docx format) must be submitted to Norfolk County Heritage & Culture. Additionally, all images taken or obtained for the CHIA should be submitted in a digital format.

6.0 Who is Qualified to Complete a Heritage Impact Assessment?

A Cultural Heritage Impact Assessment must be prepared by a qualified heritage professional such as a heritage planner, heritage architect, and heritage landscape architect with appropriate qualifications, demonstrated knowledge of heritage conservation principles, and who has undertaken historical research and evaluation of cultural heritage resources. Heritage consultants must be members in good standing of the Canadian Association of Heritage Professionals (CAHP). Consultants who are not CAHP members but who hold equivalent qualifications may be considered and require pre-approval by County staff. The background and qualifications of the heritage consultant(s) must be included in the report.

The consultant preparing the report must also be independent from the planning, consulting or engineering firm making the development application or working on behalf of the applicant.

In addition, any archaeological component of the assessment must be carried out by a licensed professional archaeologist as required by provincial law and must follow provincial standards and guidelines for archaeological assessments.

7.0 Approval Process

The Cultural Heritage Impact Assessment will undergo a compliance review by County staff to determine whether all requirements have been met, and to review the option(s) outlined in the report. Staff comments will be provided to the applicant and heritage consultant.

A Cultural Heritage Impact Assessment will be considered a 'draft' until such a time that Heritage & Culture and Planning staff deem the report complete. A site visit of the subject property by County staff and/or members of the Norfolk County Heritage Committee may be required prior to the CHIA being deemed complete. Staff will notify the applicant and heritage consultant when the report is considered complete.

An accepted Cultural Heritage Impact Assessment is required for the final processing of a development application or prior to the initiation of any capital projects that includes or is adjacent to a significant cultural heritage resource.

Final approval authority is to be provided by the General Manager, Community Development with designated authority to the Director, Heritage & Culture and/or Director, Planning.

The recommendations within the final approved version of the Cultural Heritage Impact Assessment may be incorporated into legal agreements between the County and the proponents at the discretion of the municipality. Until the CHIA is deemed complete, schedules associated with planning and building applications related to heritage properties cannot commence.

8.0 Peer Review

The Corporation of Norfolk County reserves the right to request an independent review of a Cultural Heritage Impact Assessment at the applicant's cost. Planning staff will facilitate peer reviews if deemed necessary by the Director, Planning and/or the Director, Heritage & Culture.

These reviews may include, but are not limited to, addressing inconsistencies, factual errors, discrepancies, inappropriate conservation advice not consistent with recognized standards, omissions and misrepresentations.