



Appendix A: Draft Heritage Impact Assessment Terms of Reference

Heritage Impact Assessment Terms of Reference

1.0 Purpose

Heritage Impact Assessments (“HIA”) are one of the key components for the consideration and conservation of cultural heritage resources in the planning and development process. Cultural heritage resources consist of built heritage resources, cultural heritage landscapes, and archaeological resources. The purpose of a Heritage Impact Assessment is three-fold:

- 1) To identify, evaluate, and describe the cultural heritage value or interest of cultural heritage resources that may be affected by a development proposal. In some cases, cultural heritage resources are known and already recognized but in other cases, cultural heritage resources will be formally identified through the HIA itself;
- 2) To provide an overview of the development proposal, and assess the impacts of the development proposal on the identified cultural heritage resources, noting both positive and negative impacts; and
- 3) To detail how the development proposal conserves the cultural heritage value of the affected cultural heritage resources. This can include identifying aspects of the proposal that directly or indirectly conserve heritage value, as well as recommending strategies to conserve the cultural heritage value or interest of the cultural heritage resources so that any negative impacts of the development proposal are mitigated or avoided.

2.0 When is a Heritage Impact Assessment required?

When a property is the subject of a *Planning Act* application, a Heritage Impact Assessment will be requested from the development proponent in accordance with the criteria established in City of Brantford Official Plan policy 3.4.h., as follows:

“The City will require the submission of a Heritage Impact Assessment as part of a complete development application where such application includes, is adjacent to, or may have a negative impact on all or part of:

- i. A cultural heritage resource;*



- ii. *A potential cultural heritage resource which has been evaluated, or is being evaluated, for cultural heritage value or interest but is not yet formally recognized; or*
- iii. *A potential cultural heritage resource identified through the development approval process or site alteration.”*

City Staff will most often identify the need for a HIA at the Pre-consultation stage of the planning and development process. In some cases, identifying the need for a HIA at the Pre-consultation stage is not possible because records are incomplete or the resource was not previously catalogued and information comes to light after the initial application (e.g. information is identified by members of the public during early parts of the development process). In those instances, Staff will notify the proponent as early in the process as possible that a Heritage Impact Assessment is required following Pre-Consultation.

Other projects, such as Environmental Assessments will have their own triggers to complete an HIA or related study. See notes in Section 5.0 of this Terms of Reference.

2.1 A Note on Archaeological Resources and Assessments:

Though archaeological resources are cultural heritage resources, they will most often be dealt with in one or more Archaeological Assessments which are completed in accordance with the Province’s Standards and Guidelines for Consultant Archaeologists (2011), as may be amended or any successor, by a licensed archaeologist. In the event that a Heritage Impact Assessment is required for archaeological resources, then the HIA must be prepared by or with the input of a licensed archaeologist and must bear their signature.

3.0 Who Can Prepare a Heritage Impact Statement?

As set out in policy 3.4.i. of the Official Plan, the City requires that Heritage Impact Assessments are “*conducted by a qualified professional with demonstrated experience in cultural heritage resource evaluation and conservation.*” This qualified professional must operate at arms-length from the development proponent and other consultants working for the proponent. The qualified professional should be registered and in good standing with the Canadian Association of Heritage Professionals.



If the HIA author is not a member of the Canadian Association of Heritage Professionals, it will be even more important for them to demonstrate their **direct experience** in heritage resource evaluation and conservation in an appended *curriculum vitae*.

4.0 Required Contents of a Heritage Impact Assessment

The sub-sections below build on matters identified in City of Brantford Official Plan policy 3.4.i. which detail what must be included in a Heritage Impact Assessment. In some instances, the City may waive or scope the study requirements set out below as contemplated in Official Plan policy 3.4.I.

4.1 Introduction:

- A) Provide an overview of why the Heritage Impact Assessment was undertaken. Be sure to identify:
 - 1) The property that is being developed;
 - 2) The development proponent and the property owner; and
 - 3) Name and background of the qualified heritage conservation professional who has prepared the HIA. A full *curriculum vitae* (CV) should be included as an appendix to the HIA.
- B) Include contextual mapping (location maps and/or aerial photos) and a site plan of the property as it exists.
- C) The Introduction should provide the policy context regarding heritage conservation. Be sure to refer to the appropriate policies within the City of Brantford's Official Plan in addition to any other policies referenced (e.g. Provincial, Federal).

4.2 Identification of Heritage Resources and Detailed Site History

- A) Identify all built heritage resources and cultural heritage landscapes that are on, or adjacent to (i.e. abutting or shares a common boundary, including a roadway), the property that is the subject of the development proposal. Development proponents and their consultants are encouraged to consult the following as they prepare the Heritage Impact Assessment:
 - 1) The City of Brantford's [Official Plan](#), and the [Heritage Register webpage](#);



- 2) The [Ontario Heritage Register](#) maintained by the [Ontario Heritage Trust](#), and Federal registers such as those maintained by [Parks Canada](#);
 - 3) The [Six Nations of the Grand River](#) (Department of Lands & Resources);
 - 4) The [Mississaugas of the Credit First Nation](#) (Department of Consultation & Accommodation);
 - 5) The historic collections of the [Brantford Public Library](#) and [County of Brant Public Library](#); and
 - 6) The [Brant Historical Society / Brant Museum and Archives](#).
- B) For each cultural heritage resource, provide a description and photo documentation of the as-found exterior and, where possible, interior of the resource or landscape.
- C) This section of the HIA must include references to existing heritage recognition, such as inclusion on a Municipal, Provincial, or Federal register, designation under the *Ontario Heritage Act* or Federal legislation, or the relevant cultural heritage landscape recognition.
- D) Provide a detailed site history and chronology referencing relevant sources for each cultural heritage resource on or adjacent to the property.
- E) This section of the HIA should include or reference relevant documents like those listed below:
- 1) Existing heritage recognition (register entries, by-laws, etc.) and studies;
 - 2) Historical mapping, atlases, and plans;
 - 3) Historical photos, drawings and sketches;
 - 4) Chain of title, as well as any other land registry and City directory, permit, and assessment roll records; and
 - 5) News articles, genealogical information, or other historic records (including any plaques on the property).

4.3 Evaluation of Cultural Heritage Value or Interest



- A) Evaluate the significance of each cultural heritage resource using Ontario Regulation 9/06 or, if appropriate Ontario Regulation 10/06, as amended from time to time, under the *Ontario Heritage Act*.
- B) Reference must be made to any existing recognition together with any additional information established under the guidelines in subsection 4.2. If recent changes or alterations have occurred, identify the alterations and any impact they have on the evaluation.
- C) It is not enough for the Heritage Impact Assessment to state that an evaluation criterion is or is not satisfied; the HIA must provide a rationale as to how and why a given criterion is or is not satisfied. This will be particularly important if the cultural heritage value or interest of the resource is being expanded on (i.e. new cultural heritage value or interest is identified and one or more criteria would apply beyond what is already documented or attributed to the resource) or when the cultural heritage value or interest of the resource is being disputed.

4.4 Assessment of Development Impacts on the Resource

- A) Provide an overview of the development proposal within the Heritage Impact Assessment, including:
 - 1) A brief description of the development proposal, identifying: height, massing; residential unit yield and/or industrial, commercial, and/or institutional gross floor areas; location of parking spaces and site accesses for pedestrians and vehicles; any significant differences in grade and larger site works; and setbacks from cultural heritage resources and property lines;
 - 2) A site plan and elevations of the development proposal as well as any 3D models. The relationship between the proposal and the cultural heritage resource(s) must be shown;
 - 3) Any other supporting material that addresses the interaction between the development proposal and the cultural heritage resource(s), such as shadow studies, landscaped areas, exterior design, geotechnical studies, etc. The HIA cannot be prepared in isolation from other supporting documents.
- B) Where a Pre-Submission Neighbourhood Meeting is held, note the details of the meeting (time, place, etc.) and any comments that were received on the proposal with respect to the cultural heritage resource. This material will be expected to accompany the proponents' complete application



submission unless the requirement for a Pre-Submission Neighbourhood Meeting is waived by the City.

- C) Identify and assess the interactions between the development proposal and the cultural heritage resource(s). All impacts, both positive and negative, must be detailed and assessed.
- D) The HIA must be kept current with the development proposal. Where the proposal changes, the HIA must be updated to ensure the actual proposal and resultant impacts are being evaluated.
- E) Examples of positive impacts may include, but are not limited to:
 - 1) Preservation of the cultural heritage resource(s) in situ;
 - 2) Restoration of the cultural heritage resource, including repair of any damage or deterioration, and the sensitive replacement of missing heritage attributes;
 - 3) Adaptive re-use of the cultural heritage resource(s) in a way that conserves their heritage attributes and a significant portion of the integrity of the resource;
 - 4) Demonstration that the development proposal is sympathetic to the scale, appearance, or layout of the cultural heritage resources and/or the relationship(s) between cultural heritage resources and their surrounding contexts;
 - 5) Maintaining and enhancing the context in which the cultural heritage resources are situated.
- F) Negative impacts to a cultural heritage resource are context specific and will depend on the cultural heritage value or interest of the resource and the specific nature of the resource's heritage attributes. Some examples of negative impacts include, but are not limited to:
 - 1) Direct destruction or removal of all or part of a cultural heritage resource or its heritage attributes to facilitate the development proposal (e.g. complete or partial demolition of a building or landscape features);
 - 2) Indirect or unintended damage or destruction to a cultural heritage resource or its heritage attributes that could occur as a result of a development proposal (e.g. damage to the foundation or walls of a nearby building caused by pile-driving and other construction vibrations, or changes in grades that direct water to the foundation);



- 3) Alterations that reduce the degree to which the resource displays a high degree of craftsmanship or artistic merit and/or demonstrates a high degree of technical or scientific achievement (e.g. removal of mosaics or sculptures; replacement of original structural components; hiding intentionally visible structural components behind new walls);
 - 4) Neglecting to maintain or repair a cultural heritage resource or leaving a cultural heritage resource vacant during and after development concludes;
 - 5) Removal or obfuscating the historical and associative value of a cultural heritage resource (e.g. removing dedication plaques; changing heritage attributes that reflect the original use like the name of a converted school; modifying attributes that reflect the work of an architect or builder; removing attributes that yield value, or before determining they do not have the potential to yield value);
 - 6) Disrupting views and vistas from, to, or within a cultural heritage resource, or between cultural heritage resources, where the views contribute to the cultural heritage value or interest of the resource (e.g. placing a new structure in front of a historic building and blocking the view of the street-facing facades; introducing new elements that disrupt historic relationships to the Grand River);
 - 7) Introducing un-sympathetic elements to the environment or context of a cultural heritage resource (e.g. an unsympathetic renovation to a property in a historic neighbourhood);
 - 8) Isolating or fragmenting cultural heritage resources from their environment or contextual relationships (e.g. relocating a cultural heritage resource from its original location; development which interrupts the relationship of a streetscape made up of cultural heritage resources);
 - 9) Temporary or interim measures that are reversible, but would be necessary to facilitate a development proposal; and
 - 10) Any other alterations or a change in use that reduces, or has the potential to reduce, the integrity of the cultural heritage resource or its heritage attributes.
- G) It is important to recognize that conservation is a spectrum and that there are a variety of outcomes, though not all outcomes equally preserve cultural heritage resources. When a development proposal will have



negative impacts, the HIA must provide a rationale as to why the negative impact cannot be avoided or minimized.

4.5 Recommended Conservation and Mitigation Measures

- A) Following the assessment of development impacts, the Heritage Impact Assessment must recommend measures that will be taken to mitigate each negative impact and conserve the cultural heritage value or interest of the cultural heritage resource. The mitigation measures must be informed by the cultural heritage value or interest of the resource.
- B) As part of any recommendations, make sure to:
 - 1) Clearly refer to relevant standards or guidelines that will support the recommendation, such as Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*; Ontario's *Eight Guiding Principles in the Conservation of Built Heritage Properties*, and *The Ontario Heritage Toolkit*; and any relevant City of Brantford policies or design guidelines such as Heritage Conservation District studies or urban design guidelines;
 - 2) Clearly refer to any contemporary related studies (e.g. archaeological assessments; landscape plans; urban design reports; geotechnical investigations, etc.) that are considered in the formulation of the recommendations in addition to inclusion of those sources in the list of works cited;
 - 3) Clearly articulate how the recommendation conserves the cultural heritage value or interest of the cultural heritage resource.
- C) Examples of conservation and mitigation measures include, but are not limited to:
 - 1) Designation of the resource under the *Ontario Heritage Act*, or inclusion/recognition as a cultural heritage landscape through one or more *Planning Act* mechanisms;
 - 2) Demonstration that the development proposal is sympathetic to the scale, appearance, or layout of the cultural heritage resources and/or the relationship(s) between cultural heritage resources and their surrounding contexts;
 - 3) Where conditions allow, consideration of severance and separation of a property to facilitate development on one parcel while retaining



the integrity of the cultural heritage resource and its heritage attributes on the other parcel potentially under new ownership;

- 4) Recommending any assessments or investigations necessary to confirm the condition of the cultural heritage resource, and plans to ensure that damage does not occur or is repaired following completion of development. If there is a concern about archaeological resources, or the presence of burials, recommendations to undertake an archaeological assessment;
- 5) Detailing work which will be undertaken to maintain or stabilize a cultural heritage resource or its heritage attributes prior to, during, or following the development process;
- 6) Detailing heritage attributes that will be conserved during the development process and incorporated into the development proposal;
- 7) Outlining any natural processes or factors that may mitigate negative impacts (e.g. where a development may cast shadows on a garden feature, are those shadows limited to winter months where many plants are dormant? Does terrain limit the effect of a development's size or massing on a cultural heritage resource?);
- 8) Recommending any strategies to minimize the impacts of view or vista disruptions, or to minimize the extent that development disrupts relationships between cultural heritage resources and their context;
- 9) If relocation of all or part of a cultural heritage resource is proposed, detail the location and possible routes; confirm ownership of the potential receiving parcel; identify experts who will need to have input on the relocation. In these instances, it is the City's expectation that the development proponent will be responsible to oversee and ensure any relocation is successful;
- 10) Detailed photo-documentation, 3D scanning, and/or detailed architectural or design drawings of the cultural heritage resource to retain a record of the resource and its heritage attributes; and
- 11) In combination with other approaches, the preparation and implementation of commemoration strategies to help publicize and share the cultural heritage value or interest of the cultural heritage resource.



- D) Recommended conservation and mitigation strategies must take into account the development process, and consider how such strategies may be completed or scheduled, and how consistency with recommendations can be secured (e.g. subsequent complete applications; conditions of approval or agreements; etc.).
- E) Recommended conservation and mitigation strategies may be completed as part of the HIA itself, or through one or more subsequent Heritage Conservation Plans (see associated Terms of Reference for Heritage Conservation Plans) where opportunities exist within the development process.
- F) Strategies that rely on the completion of a Heritage Conservation Plan must identify any special components or Terms of Reference for the Conservation Plan.
- G) Except for matters relating to archaeological resources, recommended conservation and mitigation measures cannot include the recommendation to further evaluate a resource for cultural heritage value or interest. The analysis of impacts and recommended conservation and mitigation measures must account for all cultural heritage value or interest of a cultural heritage resource, and the evaluation must be complete and comprehensive.

4.6 Report Conclusion

- A) The Heritage Impact Assessment must conclude by:
 - 1) Clearly identifying the significance of all resources and landscapes that were evaluated;
 - 2) Summarizing the impacts of the proposed development;
 - 3) Restating the recommended conservation or mitigation measures for each negative impact; and
 - 4) Restating the proposed timing of any recommended conservation or mitigation measure.
- B) In relation to the recommendations, the Conclusion must confirm how the cultural heritage value or interest of the cultural heritage resource is, or will be, conserved.
- C) The professional who has prepared the HIA must include their signature and relevant professional accreditation.



4.7 Additional Contents and Appendices

- A) The Heritage Impact Assessment must include a list of works cited. While a specific style is not required, citations are required to be consistent throughout the document and a consistent format within the works cited.
- B) The HIA must include an appended *curriculum vitae* for the author(s).
- C) Appendices should reflect the order that they are referred to within the document.
- D) Where another study or report is referred to because it specifically informs the HIA (such as, but not limited to, a prior evaluation of the cultural heritage resource, or a building condition report), then the study or report must be appended to the HIA.
- E) Where the HIA makes reference to a study or plan that is submitted as part of the same *Planning Act* application (e.g. urban design brief, site plan drawing that is part of the same zoning by-law amendment application) or an associated *Planning Act* application, then that study or plan can be referred to in the HIA and cited in the list of works cited without being appended to the HIA.

5.0 Alternative Projects, Scopes of Work, and Terminology

The preceding sections of this Heritage Impact Assessment Terms of Reference are generally written with respect to development proposals submitted to the City under the *Planning Act*.

For Environmental Assessment projects or other studies/projects such as Cultural Heritage Landscape studies, the consideration of cultural heritage resources may sometimes occur in several separate but related reports. For example, the terminology “Cultural Heritage Screening Report”, “Cultural Heritage Evaluation Report”, or “Cultural Heritage Resource Assessment” may be used to refer to a study that generally covers the matters identified in Sections 4.1, 4.2, 4.3, but with limited consideration of impacts as contemplated in Sections 4.4 and 4.5. In such instances, these studies should clearly articulate the anticipated (or actual) sequence and relationship of reports. Where one study address Sections 4.1, 4.2, and 4.3 of these HIA Terms of Reference, it may be sufficient for the findings to be summarized in a later HIA that is prepared once a preferred option for development is selected.