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May 15, 2025

Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario
P0A 1C0

RECEIVED
MAY 15, 2025
TOWNSHIP OF ARMOUR

Subject: Peer Review of the Planning Justification Report prepared by DeLoyde Development Solutions for the proposed BESS Facility at 219 Peggs Mountain Road, Armour Township.

Attn: Charlene Watt, Municipal Clerk

Dear Charlene Watt,

TULLOCH Engineering ("TULLOCH") has been retained to conduct a peer review of the Planning Justification Report submitted by SolarBank (the "Proponent") as part of a complete application package for an Official Plan Amendment and Zoning By-law Amendment. The proposed amendments have been submitted to permit the development of a Battery Energy Storage System ("BESS") facility located at 219 Peggs Mountain Road, in the Township of Armour (the "Subject Property"). The Planning Justification Report subject to this peer review was prepared on October 3, 2024, by Leo DeLoyde (the "Author"), MCIP, RPP, Principal of DeLoyde Development Solutions.

TULLOCH understands that our cope of work is to assess whether the submitted Planning Justification Report provides an appropriate and sufficiently comprehensive planning analysis. Specifically, this letter reviews the applicable municipal and provincial policies, evaluates whether the necessary technical assessments have been identified, and determines whether relevant planning policies and requirements have been adequately addressed. The purpose of this review is not to dispute the professional opinion of the report's author, but to identify any potential gaps in the report and request clarification where necessary.

POLICY DOCUMENTS APPLICABLE TO THIS REVIEW

When evaluating an Official Plan Amendment, it must be demonstrated that the amendment is consistent with the Provincial Planning Statement (PPS) issued under the *Planning Act* and in conformity with any applicable provincial plans. When evaluating a Zoning By-law Amendment, the proposal must be reviewed for consistency with the PPS, conformity with any relevant provincial plans, and also for conformity with the Official Plan.

In TULLOCH's opinion, the planning policies applicable to this review are:

- [Provincial Planning Statement \(2024\) \(PPS\)](#)
- [Growth Plan for Northern Ontario \(GPNO\)](#)
- [Township of Armour Official Plan \(OP\)](#)
- [Township of Armour Zoning By-Law No. 23-2010 \(ZBL\)](#)

REVIEW COMMENTS

TULLOCH makes the following comments for consideration in respect of the presented Planning Justification Report:

- In **Section 3.2** of DeLoyde's report, which provides Property Boundary and Site Characteristics, it is stated that:

"There is no significant tree cover on the subject lands."

RECOMMENDATION: That the author clarify the meaning of "significant tree cover" and explain the basis for concluding that no such cover exists on the subject lands.

- In **Section 3.2**, the author also states that:

"The existing solar array is virtually invisible from either Highway 11 or Peggs Mountain Road during summer conditions."

RECOMMENDATION: That the author clarify whether the existing solar array, and by extension, the remainder of the proposed development site is visible from Highway 11 or Peggs Mountain Road during the winter months. It appears, based on Google Maps Street View, that the trees screening the site from Peggs Mountain Road are primarily deciduous. This information is important for assessing land use compatibility.

- **Section 5** of the report speaks to Pre-consultation and Supporting Studies. In **Section 5.2**, the author states that:

"No identified natural heritage or wildlife habitat features will be impacted by the development of the proposed BESS plant."

RECOMMENDATION: That further clarification be provided to understand how the author arrived at the above conclusion. We note that an Environmental Impact Assessment (EIS) was required through pre-consultation and would be the appropriate means to support such conclusion.

- **Section 6** of the report provides various Planning Considerations. **Section 6.1** speaks to Land Use Compatibility. The author states that:

"The proposed BESS facility is situated in a rural location, adjoining an existing solar farm. We are of the opinion that the proposed BESS operation is compatible with surrounding"

land uses including future houses being contemplated by the landowner fronting onto Peggs Mountain Road north of the BESS.”

RECOMMENDATION: That this section be expanded to include a planning analysis to support the assertion that the proposed BESS use is compatible with surrounding land uses. Such an analysis would benefit from considering applicable policy, and guidelines, referring to technical studies and plans (e.g., noise or vibration assessments), and addressing factors such as setbacks, visual impacts and vegetative buffers, or other screening and mitigation measures.

- **Section 6.2** speaks to Natural Heritage considerations, and the author states, that:

“The subject lands do not contain any identified natural heritage features or special habitat features. The proposed BESS operation is therefore acceptable from an environmental policy point of view. A Geotechnical Field Study of the new location is underway, a Phase One Environmental Site Assessment (ESA), and a Noise Study have been completed to support the BESS from an environmental standpoint. All studies confirm that the proposed BESS location is suitable for a BESS.”

RECOMMENDATION: That the analysis provided be based on an Environmental Impact Study prepared in alignment with Section 5.1.2(f) of the Official Plan (Site Assessment and/or Environmental Impact Study).

It is important to note that this recommendation does not constitute a review of the submitted Phase One ESA against O.Reg. 153/04 (the standard of a Phase One ESA). Rather, we find that this study is not appropriate for drawing conclusions regarding Natural Heritage or environmental constraints in line with applicable Provincial and Official Plan policies. Specifically, the *219 Peggs Mountain Road, Burk’s Falls, Ontario: Phase One Environmental Site Assessment* report appears to be a Phase One ESA, which differs in both objective and scope from an Environmental Impact Study (EIS).

We support TULLOCH’s environmental peer review, completed on April 28th, which may have implications for the conclusions made in DeLoyde’s Planning Justification Report.

- **Section 7** of the report provides the Planning Policy Framework and Analysis with **Section 7.1** providing a review of Section 3.8 of the Provincial Planning Statement.

RECOMMENDATION: That the following sections of the Provincial Planning Statement (PPS) be reviewed, and an analysis provided where applicable:

- Section 2.5: Rural Areas in Municipalities
- Section 2.6: Rural Lands
- Section 3.5: Land Use Compatibility
 - The analysis should include a discussion on whether the proposed use qualifies as a "major facility." If it does, the relevant policies within this section should be addressed accordingly.
- Section 4.1: Natural Heritage
- Section 5.2: Natural Hazards

- Specifically, Section 5.2.9 should be addressed, which speaks to hazardous forest types related to wildland fire, as a portion of the site is identified with a “High” Potential Wildland Fire Hazard Classification on Official Plan Appendix A.
- **Section 7.2** of the report provides a review of the Township of Armour Official Plan. The report does not clearly explain why an Official Plan Amendment is required.

RECOMMENDATION: Throughout the report, the use of the BESS facility—as commercial, industrial, or otherwise—could be better clarified. The report should explain why an Official Plan Amendment is required.

- **Section 7.2** of the report provides a main goal of the OP (Section 1.3(c)), which is to “*guide the Township toward its fullest economic potential by striving to obtain a wider commercial/industrial assessment base and to increase employment opportunities while ensuring a high level of environmental and servicing standards while ensuring that new development or redevelopment is compatible with and appropriately separated from surrounding uses;*”

The author then provides the following:

“The proposed BESS operation represents a contemporary green energy supportive land use in a relatively isolated location that is compatible with surrounding land uses.”

RECOMMENDATION: That the type of use of the BESS facility be clarified, and that a planning analysis be provided that speaks to the compatibility of the proposed use with surrounding land uses. This goal considers commercial and industrial uses in the context of assessment base and employment opportunities. However, the Planning Justification Report does not address whether the use will contribute to assessment base or employment opportunities, which is the underlying intent of the goal. Furthermore, as noted earlier in this review, a planning analysis should be provided to justify the compatibility of the proposed use with surrounding land uses.

- **Section 7.2** of the report provides Official Plan Section 3.5, which applies to Utility Corridors, and Section 3.9, which applies to Public Uses. It is our understanding that the BESS facility will be privately owned and operated.

RECOMMENDATION: That a rationale be provided for the inclusion of these sections in the analysis, to clarify its relevance to the proposal.

- In **Section 7.2** the policies of Section 4.4 of the OP are provided, which pertain to Energy Conservation and Climate Change. The policies in this section are provided without any accompanying planning analysis related to the proposed development.

RECOMMENDATION: That a rationale be provided for the inclusion of this section in the analysis, to clarify its relevance to the proposal.

- It is TULLOCH's opinion that the planning analysis should address additional sections of the Township of Armour Official Plan;

RECOMMENDATION: If applicable, a planning analysis of the following sections should be provided:

- Section 2.1.3.c – Industrial Uses
 - Section 2.4 – Environmental Constraint Areas
 - 2.4.3(g) which provides policy for Wildland Fire Hazard Area, as a portion of the lands, which appears to be where the BESS is proposed, are identified as having “High” potential for wildland fire hazard as per Official Plan Appendix A.
 - Note: Additional policies within Section 2.4 may apply to the applications, depending on the findings of an Environmental Impact Study.
 - Section 4.5 – Buffering Between Incompatible Uses
 - Section 4.7 – Dark Sky Policy
- **Section 9.0** of the report provides the author's conclusion and recommendation. In this Section, the author states the following:

“The proposed BESS and zoning regulations will not impinge on the landowner's desire to make application to create additional lots on the subject lands, north of the solar array. A 150 m BESS setback from Pegg's Mountain Road is being proposed in the Zoning By-law Amendment to ensure sufficient separation distance between existing and future rural residential lots.”

RECOMMENDATION: That the proposed setback be shown on the site plan and that additional information be provided regarding the setback. Based on the current site plan, if a 150-metre BESS setback from Pegg's Mountain Road is implemented, the facility could potentially be situated closer to the front of the property than currently proposed (>300 m as per the submitted site plan). We note that a proposed setback from the road does not necessarily determine the separation between adjacent existing and proposed residential land uses. Further clarification is recommended regarding the rationale for this separation distance and references to conclusions and/or mitigation measures in the technical studies should be included. If this separation distance is proposed, it may be helpful for the Township if the author provides distances to each of the surrounding sensitive receptors. Further, the implementation of a separation distance should be added to Section 8.3 (Recommended Zoning Amendment).

- In **Section 9.0** of the report, the author also concludes that:

“We are of the opinion that the proposed BESS plant operation represents good land use planning, is in the public interest, and is fully compliant with the new Provincial Planning Statement energy planning policies.”

RECOMMENDATION: We note that the test for the Provincial Planning Statement, 2024 is consistency, not compliance.

- The Planning Justification Report does not include a review of the Growth Plan for Northern Ontario.

RECOMMENDATION: That a planning analysis be provided to demonstrate whether the applications conform with the Growth Plan for Northern Ontario.

CLOSING

TULLOCH is pleased to provide this letter as a record of our review and comments. Please contact the undersigned should you have any questions or require any clarifications.

Sincerely yours,

MacKenzie Van Horn

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Planner | Project Manager

Sam Soja

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