Planning consultation

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**Re: ERO # 019-0279 Provincial Policy Statement Review**

Thank you for the opportunity to comment on the proposed changes to the Provincial Policy Statement (PPS).

I believe that contrary to the government’s stated intent many of the proposed changes to the PPS will diminish protections for the natural environment and farmland across Ontario. Overall, the proposed changes do not present a balanced approach to land use planning and they unduly favour aggregates extraction and development over other provincial interests, in particular natural heritage and agriculture.

I wish to express strong opposition to changes to the PPS that would undermine protections for significant and at-risk wildlife and habitats and fast-track development at nature’s expense.

Several proposed PPS policies are deeply concerning, as they are likely to move Ontario away from achieving complete, compact and climate resilient communities.

Achieving the provincial goal of enhancing the quality of life for all Ontarians (PPS Preamble, p.1) requires policy direction that will protect and restore the lands and waters that sustain us and that will direct development to suitable areas. With that goal in mind, we outline below our concerns and recommendations.

Although a new policy proposes that municipalities “may choose” to protect non-significant wetlands “in accordance with guidelines developed by the province” (see Policy 2.1.10), many wetlands remain unevaluated at the present time. In the absence of a municipality undertaking to protect them, I am concerned that the significance, values and functions of such wetlands may be degraded or impaired if left unevaluated. Given the alarming losses in wetlands over the past several decades, I conclude that the default position in the PPS should be protection for all unevaluated wetlands in areas of the province where the decline has been most dramatic.

A new policy proposes that planning authorities shall evaluate and prepare “for the impacts of a changing climate to water resource systems at the watershed level” (see Policy 2.2.1(c)). The new defined term “impacts of a changing climate” (p54) is primarily focused on **adaptation**. While this is important, the proposed PPS should also seek to plan our communities to **mitigate** climate change by reducing greenhouse gas emissions.

A new policy proposes that “outside of the Greenbelt Area, extraction [of aggregate] may be considered in the natural heritage features listed in section 2.1.5, 2.1.6 and 2.1.7, provided that the long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological functions” (see Policy 2.5.2.2). Aggregate extraction is a conflicting land use that continues to be given inappropriate priority in the PPS. Extraction activities cause permanent changes to the ecosystem and must be directed away from ecologically sensitive areas, particularly since quarry rehabilitation has often been non-existent or of poor quality throughout the province.

Further, new terms – “market-based” and “market demand” are introduced without supporting definitions or explanations, including in the description of residential types (see Policy 1.1.1), conditions for expansion of settlement area boundary, at time of comprehensive review (see Policy 1.1.3.8), description of housing options (see Policy 1.4.3), and description of long-term prosperity (see Policy 1.7.1). I am concerned that without detailed guidance on how to interpret and apply these terms, past market conditions and trends that result in sprawl will continue to be used when a new approach is needed to create complete, compact and climate resilient communities of the future.

A new policy is added that will allow for changes to settlement area boundaries outside a comprehensive review (see Policy 1.1.3.9). This proposal runs counter to the importance of designing communities in a compact manner, and risks piecemeal development that is directly counter the overall vision for land use planning in the public interest.

Significant changes are proposed to the municipal servicing “hierarchy”, which provide for much greater flexibility to use private and on-site services in planning for sewage and water services (see Policies 1.6.6.1, 1.6.6.4, and 1.6.6.5). Although it is stated that municipal services are the “preferred form of servicing” (see Policy 1.6.6.2), the ability to use other servicing when municipal services are “not available, planned or feasible” appears inconsistent with good planning.

Other PPS proposals include increasing the planning time horizon from 20 years to 25 year (see Policy 1.1.2) and the housing land supply requirement from 10 years to 12 years (see Policy 1.4.1). The underlying rationale – lack of serviced land available for development – is not supported by the empirical data in the Greater Golden Horseshoe. The total unbuilt supply of land to accommodate housing and employment to 2031 and beyond now stands at almost 125,600 hectares.

Most of that land is in the Designated Greenfield Area contiguous to existing built up urban areas, where full municipal water and wastewater servicing is available or planned.

**Recommendations:**

**-Aggregrates extraction should not override protections for significant natural heritage and prime agricultural land.**

The PPS has long been faulted for giving preference to aggregates extraction over protection of water resources, wetlands, woodlands, wildlife habitat and prime farmland. Unfortunately, the proposed revisions include a significant change that would further prejudice other values and offer even more preferential treatment to aggregates extraction. This would occur through circumvention of the current protections offered in policies 2.1.5, 2.1.6 and 2.17.

In light of the evidence, the premise upon which the proposal rests, that “long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological functions,” has no merit. There is no fixed term to aggregates licences. They are open-ended, so that pits and quarries often remain open for decades. Consequently, rehabilitation may not occur for many, many years– if it ever occurs. The loss of natural heritage features and prime farmland would be long-term, and likely permanent. In fact, there are thousands of abandoned pits and quarries in Ontario that have yet to be rehabilitated. The time lag allowed for rehabilitation and before the need to demonstrate “no negative impacts” means in effect that new aggregate operations would be permitted to occur in sensitive sites despite lack of proof of future rehabilitation success.

**-Remove proposed new policy 2.5.2.2 which would allow aggregates extraction to override the protection of the significant and at-risk natural heritage features.**

The current PPS already allows for aggregates extraction in prime agricultural areas on the premise of future rehabilitation. For the reasons listed above (rehabilitation seldom occurs; land is rarely returned to its original form; inspection and enforcement are inadequate; removal of large quantities of rock and gravel changes the conditions (hydrology, soils) that support crops, plants and wildlife) the premise is without merit. We concur with [agricultural organizations] that this section should be removed.

**-Remove current policy 2.4.4.1 which allows aggregates extraction to override protections for prime agricultural land on the faulty premise of future rehabilitation.**

**-Current requirements for compact development, efficient use of infrastructure, integrated land use planning and achieving intensification and redevelopment targets should be retained.**

Several proposed changes to the PPS would remove requirements intended to curb urban sprawl and support well-planned, efficient land use. In each of the following cases, the government is proposing to remove the word “shall” and replace it with “should” (change underlined) eliminating any obligation for municipalities to implement the policy:

Finally, the proposed amendments would remove the following requirements to apply the policies of Section 2 (Wise Use and Management of Resources) and Section 3 (Protecting Public Health and Safety) when directing intensification and redevelopment and expanding settlement boundaries:

1.1.3.3 (last paragraph) Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.3.8 (last paragraph) In determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a settlement area by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

All of these current requirements support a consistent, province-wide approach to land use planning that prioritizes liveability, efficiency, affordability and environmental protection. They are crucial to “directing development to suitable areas” (proposed amendment, Preamble), i.e., away from natural areas and farmland. Removing them opens the door to poorly planned, inefficient development, and thus runs contrary to the following key elements of the Vision (p. 7):

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities

Taking action to conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.

Long-term prosperity, human and environmental health and social wellbeing should take precedence over short-term considerations.

**-Retain the requirements in policies 1.1.3.3, 1.1.3.6, 1.1.3.7, 1.1.3.8, 1.6.7.2 and 1.6.7.5 that support compact development, the achievement of intensification and redevelopment targets, the efficient use of existing and planned infrastructure and integrated land use planning**.

To the same end, i.e., to direct development to suitable areas and support efficiency and environmental protection, we support the addition of the proposed new policy 1.6.8.5: “The co-location of linear infrastructure should be promoted, where appropriate.” However, given the importance of this planning approach, it should be made a clear requirement by changing the wording “should” to “shall.”

**-Proceed with the inclusion of the new policy 1.6.8.5, but make it a clear directive by changing “should” to “shall” so that it reads: “The co-location of linear infrastructure shall be promoted, where appropriate.”**

**-Settlement area boundary adjustments should only be permitted as part of a Municipal Comprehensive Review.**

Proposed policy 1.1.3.9 would allow municipalities to permit adjustments to settlement boundaries outside the Municipal Comprehensive Review. We strongly oppose this proposal as it undermines long-term planning and reverts to an ad hoc approach to planning whereby municipalities are forced to respond quickly and inconsistently to specific development proposals as they arise rather than basing these key decisions on comprehensive reviews that include accurate population and employment projections.

**-Remove proposed policy 1.1.3.9 which would allow settlement boundary adjustments outside the Municipal Comprehensive Review.**

For similar reasons, we oppose the proposed policy 1.3.2.5 which would allow designated employment areas to be converted to a designation that permits other uses outside a Municipal Comprehensive Review. This proposal again undermines long-term planning based on comprehensive reviews of population and employment projections and paves the way for ad hoc sprawl development.

**-Remove proposed policy 1.3.2.5 which would allow the conversion of employment lands to a designation that permits non-employment uses outside the Municipal Comprehensive Review.**

**-Protections for wetlands must be retained or enhanced.**

Wetlands are vital to maintaining water supply and water quality and to enhancing landscape resilience in an era of climate change. They play a critical role in flood attenuation and contribute to climate change resiliency and mitigation. They also provide habitat for many of the province’s most imperiled plants and animals

South and east of the Canadian Shield (Ecoregions 6E and 7E), at least 72% of wetlands have been lost to development - with losses exceeding 90% in some areas. I am therefore very concerned about the new proposed policy 2.1.10, which is permissively and vaguely worded and invites an ad hoc approach to wetland management across the province:

2.1.10 Municipalities may choose to manage wetlands not subject to policy 2.1.4 and 2.1.5, in accordance with guidelines developed by the Province.

The PPS should provide clear direction regarding the protection and restoration of wetlands, in keeping with the Government of Ontario’s stated intent to halt wetland loss and achieve a net gain in wetland area and function where wetland loss has been greatest

**Recommendation 7: Either remove proposed policy 2.1.10 or clearly state that the purpose is to maintain, restore and where possible enhance wetlands, and include clear requirements to:**

* • Achieve net gain in wetland area, quality and function;
* • **Set clear limits to offsetting, taking into account the type, location, vulnerability and irreplaceability of wetlands as well as their cultural significance to Indigenous peoples;**
* • **Implement the mitigation sequence, which positions offsetting as a last resort after first avoiding and then minimizing negative impacts.**

It should be noted that proposed policy 2.1.10 would apply to most wetlands in Ontario, as the majority of wetlands have not yet been evaluated for significance. (Even in southern Ontario, where wetland loss has been greatest, only about 60% of wetlands have been evaluated.) Wetlands that have not yet been evaluated should not be open to offsetting. Rather, in the absence of an assessment of significance having been made, the highest level of protection should apply, i.e., unevaluated wetlands should be off limits to development and offsetting.

**-Either remove proposed policy 2.1.10 or clearly state that in the absence of an evaluation of significance, all unevaluated wetlands will be deemed to be significant and therefore off limits to development and offsetting.**

**-Address implementation of proposed climate change directives.**

I fully support the proposed amendments that recognize the need to adapt and respond to the impacts of climate change (Part IV, Vision, fifth paragraph; Part V, 1.1.1 i) and that require municipalities to prepare for these impacts with respect to: infrastructure and public service facilities (section 1.6.1); sewage and water services (section 1.6.6.1 b); stormwater management (section 1.6.6.7 c); regarding water resource systems (section 2.2.1 c); and natural hazards (section 3.1.3)

-**Proceed with amendments to the Vision and proposed policies 1.1.1 i), 1.6.1, 1.6.6.1 b) and c), 2.2.1 c) and 3.1.3 which acknowledge the urgency of and direct municipalities to prepare for the impacts of climate change.**

The PPS should be further amended, however, to support implementation of these proposed changes. To begin, protections for wetlands and other natural heritage features should be enhanced, given their significant role in attenuating the impacts of climate change, including flooding.

**-Recognizing the critical role of natural features and systems in attenuating the impacts of climate change, amend policies 2.1.2, 2.1.4 and 2.1.5 to enhance the protection of wetlands, woodlands and natural heritage systems as follows:**

**Protect all coastal wetlands and all provincially significant wetlands province-wide by amending section 2.1.5 a) and f) to include all significant wetlands and coastal wetlands.**

**Protect all provincially significant woodlands in Ecoregions 6E and 7E by adding them to the list of features in section 2.1.4 which strictly prohibits development and site alteration.**

**Require municipalities to maintain, restore or improve the diversity, connectivity and ecological function of natural features and systems by replacing the word “should” with “shall” in section 2.1.2 so that it reads:**

**2.1.2 The diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity of natural heritage and water resource systems, shall be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.**

Further, fast-tracking of development applications should be allowed only for projects not situated on hazardous lands and which meet floodproofing standards and are designed to support the achievement of greenhouse gas emissions targets.

**Either remove policy 4.7 or revise it so that it reads:**

**4.7 Planning authorities shall take action to support increased housing supply and facilitate a timely and streamlined process for development projects not situated on hazardous lands which meet floodproofing standards and support achievement of greenhouse gas emissions targets by:**

**a) identifying and fast-tracking priority applications which support housing and job-related growth and development; and**

**b) reduce the time needed to process residential and priority applications to the extent practical.**

Finally, in recognition of the urgency of preparing for and addressing climate change impacts, clearly establish the primacy of policies that protect human health and the environment in Part III of the PPS.

**-Add the following statement (underlined) to paragraph 2, Part III, How to Read the Provincial Policy Statement, so that it reads:**

**The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented. In situations where there is a conflict with respect to a matter relating to the natural environment or human health, the policy that provides more protection to the natural environment and/or human health prevails.**

**Retain key sections guiding implementation and interpretation in Section 4.**

There are many proposed amendments to Section 4, Implementation and Interpretation, that would remove substantive polices and procedural directives, in some cases moving them to the Preamble or Section III (How to Read). These include:

4.9 The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.

4.10 A wide range of legislation, regulations, policies, and plans may apply to decisions with respect to Planning Act applications. In some cases, a Planning Act proposal may also require approval under other legislation or regulation, and policies and plans issued under other legislation may also apply.

4.11 In addition to land use approvals under the Planning Act, infrastructure may also require approval under other legislation and regulations. An environmental assessment process may be applied to new infrastructure and modifications to existing infrastructure under applicable legislation. There may be circumstances where land use approvals under the Planning Act may be integrated with approvals under other legislation, for example, integrating the planning processes and approvals under the Environmental Assessment Act and the Planning Act, provided the intent and requirements of both Acts are met.

4.12 Provincial plans shall be read in conjunction with this Provincial Policy Statement and take precedence over policies in this Provincial Policy Statement to the extent of any conflict, except where legislation establishing provincial plans provides otherwise. Examples of these are plans created under the Niagara Escarpment Planning and Development Act, the Ontario Planning and Development Act, 1994, the Oak Ridges Moraine Conservation Act, 2001, the Greenbelt Act, 2005 and the Places to Grow Act, 2005.

4.13 Within the Great Lakes - St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes - St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario, Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.

I question the proposal to move these policies to other sections of the PPS, as in so doing it may send the wrong signal to municipal decision-makers who will be implementing the PPS and may believe that these policies have been downgraded in status and importance. The Preamble, for example, may be considered only to provide colour or context to the policies and may not be taken seriously or complied with.

**Retain current policies 4.9 – 4.13 in Section 4, where they are clearly understood to provide direction on implementation and key municipal duties**.

**Aggregates companies should be required to demonstrate need.**

As noted above, the PPS is already heavily weighted in favour of the aggregates industry: it requires municipalities to protect aggregates resources for long-term use and explicitly prevents them from requiring companies to demonstrate a need for their products. Given the challenge of balancing provincial priorities, the explicit rejection of any requirement to assess or demonstrate need when considering pit and quarry applications (2.5.2.1) is unacceptable.

**Remove this statement in its entirety from policy 2.5.2.1 : “Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.” Instead, require that a demand/supply analysis be undertaken to provide satisfactory evidence that there is a demonstrable public need for the proposed extraction.**

**In conclusion**

All amendments to the PPS must be evaluated in light of the urgent need to respond effectively to climate change and the ongoing and accelerating loss of biodiversity9 here and around the world. As noted in the PPS Vision statement (Part IV), the long-term prosperity and well-being of Ontarians requires planning for sustainability and resilience. Impact studies and policies which protect the natural areas and farmland upon which we all depend are integral to achieving the Vision.

Thank you for attention. I trust that these comments and recommendations will be carefully considered in finalizing amendments to the PPS.

Yours sincerely,