The newly proposed PPS (2023) will replace the PPS (2020) which had replaced the PPS (2014).

A quick background summary of the new proposal, from the Osler Law Firm web site - dated April 10, 2023 is *italicized* below:

*Policy refresh – Ontario government proposes key changes to provincial planning policy (PPS).*

*On April 6, 2023, the Ontario government unveiled the latest of its policy and legislative proposals as part of its Housing Supply Action Plan. The proposals include the release for comment of a new Provincial Planning Statement (PPS), which will replace the PPS and the Growth Plan. Some changes are also proposed to the Planning Act, with the introduction of Bill 97, the Helping Homebuyers, Protecting Tenants Act, 2023, which proposes legislative amendments with the goal of achieving the construction of 1.5 million new homes by 2031.*

Our request relates to the designation of Specialty Crops has been outlined and has been propagated through the past few iterations of the PPS. Our ask is to include consideration in the newly proposed PPS (2023) to provide guidance to allow for a better understanding of how Specialty Crop lands are designated, specifically with how criteria is used to formulate the designation. Also, to provide an allowance to make changes to the designation should they be appropriate. In our opinion and in the judgement of the professional agrologists documented below, the current method is vague and it appears that in some cases lands were improperly designated as Specialty Crop Lands. We would like an update to the PPS language to provide stronger guidelines that would provide tests and weighting factors for the defined criteria to allow for a clear and proper determination for Specialty Crop lands.

Documented below is an example in The Town of Grimsby where we feel there is evidence the Specialty Crop designation was applied incorrectly due to the language in the PPS:

Documented in PPS (2020) which propagated its core definition from PPS (2014):

*Specialty crop area: means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:*

*a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;*

*b) farmers skilled in the production of specialty crops; and*

*c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.*

In 2015 the Town of Grimsby submitted a Co-Ordinated Land Use Planning Review to swap 250 ha of Greenbelt lands designated as Specialty Crop in exchange for 923 ha of land outside of the Greenbelt. The requested land swap was ultimately rejected by the province with the offered 923 ha portion added into the Greenbelt without reciprocal exchange.

Prior to the province’s 10-year Co-Ordinated Land Use Planning Review in 2015, the Town of Grimsby commissioned AgPlan Limited to provide the **Agricultural Specialty Crop Greenbelt (AgPlan) Study Report** (attached in ‘Supporting documents’ of this comment) to support the land swap.

The Study Report's conclusion **(by Michael K. Hoffman of AgPlan Limited)** for the interpreted definition for **Specialty Crop Area** in thePPS that was shown above was as follows:

*The definition can be interpreted to mean that there are seven tests to be applied when designating specialty crop areas:*

* 1. *Current production of fruits and vegetables (land-based and/or in greenhouses)*

*where,*

* 1. *greater than 50% of a given area is used for that production,*
  2. *where soils are suitable (interpreted to mean have the potential for relatively high yields) for the production of those crops,*
  3. *where climate conditions allow for fruit and vegetable production (and that climate is unusual in the context of the Province),*
  4. *where the farm population has skills and experience in fruit and vegetable production, in addition to*
  5. *where there is capital investment in infrastructure related to that specialty crop production and,*
  6. *where there are facilities to produce, store or process specialty crops.*

*The PPS (2014) is mute with respect to how many of the seven tests need to be met in order to be able to designate a specialty crop area and does not provide any guidance with respect to the relative importance (weighting) of the seven characteristics. Additionally, the PPS (2014) provides no guidance with respect to a minimum size of area designated as specialty crop area.*

*7.0 CONCLUSIONS/OPINIONS*

*The findings of this study demonstrate that the lands proposed to be removed from the specialty crop area in Grimsby are relatively poor for the production of specialty crops.*

*Several of the tests for the designation of a specialty crop area are not met:*

* *specialty crop production is not predominant,*
* *soil capability and soil potential in Grimsby is not the best found in Niagara and in some areas is diminished due to non-agricultural development,*
* *fewer farms and farmers are producing fruits and vegetables within Grimsby and, as a result, there is diminishing infrastructure as well as fewer farmers skilled in the production of fruits and vegetables.*

*Given the characteristics of the lands in Grimsby proposed to be removed from the specialty crop area (areas identified within this report as one and two and located north of the Niagara Escarpment), I am of the opinion that the lands can reasonably be removed from that specialty crop area designation.*

The author of this comprehensive study report is a highly regarded professional Agrologist working in agriculture since 1971. He identifies the absence of clarity for guidance in the defined PPS when identifying lands that are in **Specialty Crop Area**- see the underlined paragraph noted from the AgPlan Study Report above.  After considering evidence-based factors, the report's author concluded they were "*of the opinion that the requested lands can reasonably be removed from that****specialty crop area****designation*".

Further to the evidence provided in the AgPlan Study Report there was an Agricultural Impact Assessment - AIA Study (attached in ‘Supporting documents’ of this comment) prepared for west Grimsby on March 25, 2022 by Dave Hodgson, P. Ag President of DBH Soil Services Inc. The Study Area and Secondary Study Area further substantiate the findings in the AgPlan Study as follows:

*Given the geographical location, condition of the lands and present-day land use onsite and*

*within the Secondary Study Area, it is the conclusion of this study that the proposed change in*

*land use designation of the Study Area from Specialty Crop to Rural would have no impact on*

*the activities within the Study Area (as there are no agricultural activities in the Study Area), or*

*the surrounding agricultural uses in the Secondary Study Area.*

On February 27, 2017 then Grimsby Mayor Bob Bentley submitted a letter of objection to the Greenbelt Site Specific Panel’s decision with the following excerpt:

“ln the absence of criteria being provided by the province to determine which lands are suitable

for Specialty Crop/Tender Fruit and Good Grape Agriculture, the Town of Grimsby

commissioned an independent and wholly unbiased study of agricultural viability in Grimsby's

west end by a reputable and experienced agricultural consultant. The study was completed by

Michael Hoffman, of AgPlan Limited, an expert in the field of agricultural viability Analysis. Mr.

Hoffman's study concurred with the assumptions of the Town. The AgPlan report was included

with the Town's submission to the Province in October 2016 and was handed personally to the

Ministry of Agriculture. The Province had provided no evidence to contradict the conclusions

contained in this Report, particularly in relation to the lands we have prioritized in this letter for

redesignation. I am resubmitting this study with this letter for your perusal”.

At the end of The Town of Grimsby’s 2016 Co-Ordinated Land Use Planning Review process and decision, the panel:

* Did not make a response or changes after the Town of Grimsby Mayor’s mailed objection letter and resubmission of the study.
* Did not remove any of the requested 250 ha of land tabled for consideration to be swapped out of Specialty Crop designation in west Grimsby.
* Did not return the any of the 923 ha of land offered by Grimsby in the land swap. These lands were first brought into the Ontario Greenbelt Specialty Crop designation only after the 10-year review process was conducted in 2015 and despite the identified failure in the PPS designation process for Specialty Crop Lands.

As stated earlier above, our ask is to update the proposed PPS (2023) to strengthen the guidance issue for designating Specialty Crop lands that is clearly described in the AgPlan Limited Study Report. Also, to provide a mechanism to make changes to the designation when appropriate.

A review of the PowerPoint document **Presentation - Grimsby31AcrePMTSAGreenbeltRemovalV1.1.pptx**,which can be found in the attached as a PDF file in the ‘Supporting documents’ in this ERO 019-6813 comment, it provides a clear example for the need to update to the PPS (2023) as described.

The presentation provides a comprehensive description for a strategic 31-acre parcel of land that is within the defined 800-meter range of a Major Transit Station Area (MTSA) of the future Grimsby GO Train Station.

The 31-acre Subject Lands we propose to be removed from Specialty Crop Lands are included in both the AgPlan Study Report and DBH AIA Study that support the change for the requested designation for the area.

It is designated as Specialty Crop land despite:

1. Having 2 scientific land study reports by reputable agrologists that document the soil conditions as poor.
2. Abuts directly to lands already mapped in the Niagara Official Plan defined as:
   1. Being in **Urban Area Designations** as a **Delineated Built-Up Area.**
   2. Being in **Strategic Growth Areas** as a **Protected Major Transit Area** (i.e., a PMTSA for the future Grimsby GO Train Station and for Transit Oriented Community TOC development).
   3. Being in **Employment Areas.**

Note: The Region of Niagara Official Plan has been submitted to the Gov ON where a decision was made on November 4, 2022 to *approve, with modifications* in ERO 019-5717.

The PowerPoint presentation shows a detailed mapping for the area of the 31-acre Subject Lands and the abutting areas noted in items 2. a. b. and c. above (as shown and described by the province in ERO 019-5717 Appendix 4 - Modification 42).