

# Provincial Policy Statement Primer and Review

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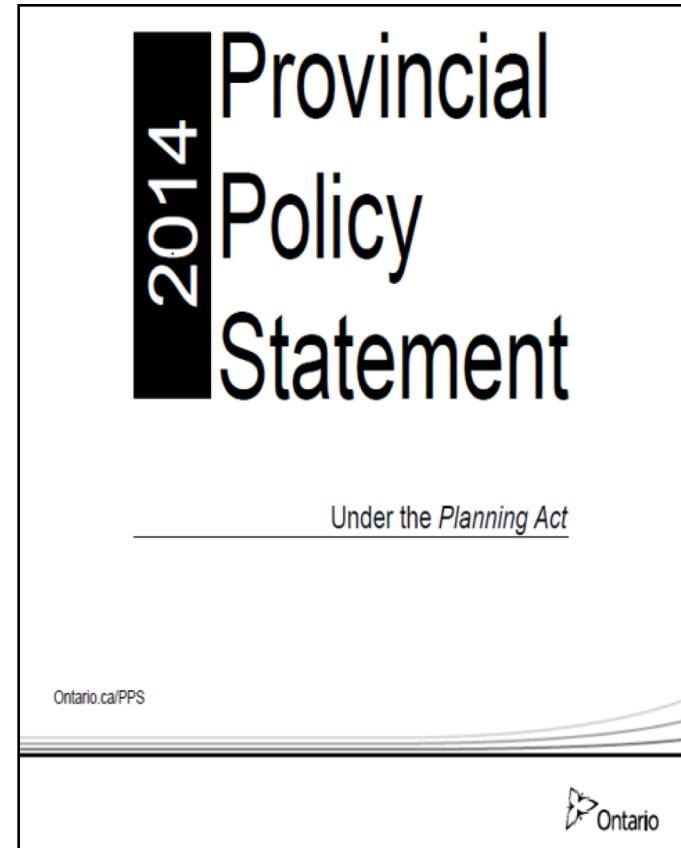
# Outline of Presentation

- The 2019 PPS Review: An Overview (RL)
- Proposed PPS Changes - Environmental Protection/Public Safety (RL)
- Proposed Changes to *Aggregate Resources Act* (RL)
- Proposed PPS Changes - Housing Supply/Mix (AL)
- Proposed PPS Changes - Reducing Barriers/Costs and Supporting Rural, Northern and Indigenous Communities (AL)
- Next steps (AL)



# What is the PPS?

- The PPS is approved by the Ontario Cabinet & issued under s.3 of the *Planning Act*
- The PPS contains policies to direct land use decisions involving matters of provincial interest, such as: building strong/healthy communities; ensuring wise use/management of resources; and protecting public health/safety



# How does the PPS get applied & by whom?

- Section 3(5) of the *Planning Act* requires that planning decisions “shall be consistent with” the PPS
- This legal standard applies to decisions of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Local Planning Appeal Tribunal (LPAT), in respect of the exercise of any authority that affects a planning matter (e.g. official plans, zoning by-laws, subdivision plans, etc.)
- For example, municipal decisions that are inconsistent with the PPS may be appealed to the LPAT (formerly the OMB)



# Implementing the PPS

- The PPS contains principles, definitions & “vision” statements that are intended to assist in the interpretation & application of PPS policies, which may be permissive, directive or prohibitory in nature
- For example, the PPS is to be read in its entirety, and all relevant policies must be applied by decision-makers in situations where two or more policies are engaged (e.g. no priority or paramountcy for protective policies aimed at safeguarding natural heritage or agricultural lands)
- PPS policies are “minimum standards”, as municipalities may go beyond them in order to address matters of local importance to the community, provided that there is no conflict with the PPS



# The 2019 PPS Review

- The PPS is periodically reviewed from time to time in order to determine whether any revisions are necessary or appropriate
- Details, supporting materials & links regarding the 2019 PPS Review have been posted on the Environmental Registry: see <https://ero.ontario.ca/notice/019-0279>
- Deadline for public comment is **October 21, 2019**
- Comments may be emailed to [planningconsultation@ontario.ca](mailto:planningconsultation@ontario.ca), sent via the Environmental Registry, or mailed to: Planning Consultation, Provincial Planning Policy Branch, Ministry of Municipal Affairs and Housing, 777 Bay Street, 13th floor, Toronto, ON, M5G 2E5



# Focus of the 2019 PPS Review

- The current PPS Review proposes certain changes intended to: (a) encourage the development of an increased mix and supply of housing; (b) protect the environment and public safety; (c) reduce barriers and costs for development and provide greater predictability; (d) support rural, northern and Indigenous communities; and (e) support the economy and job creation
- The PPS Review also solicits feedback on key questions, such as: *Do the proposed policies effectively support goals related to increasing housing supply, creating and maintaining jobs, and red tape reduction while continuing to protect the environment, farmland, and public health and safety? Do the proposed policies strike the right balance? Why or why not?*



# Protecting the Environment and Public Safety



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# Proposed Environmental Policies

- The proposed 2019 PPS includes changes to current policies in relation to natural heritage, water, agriculture, mineral aggregate resources & hazards
- However, the resource-based policies in the PPS are left mostly unchanged, which begs the question of whether they are adequate “as is” from the public interest perspective; is the status quo sufficient?



# Rationale for Proposed Environmental Policies

The MMAH states that its proposed PPS policies would:

- (a) enhance direction to prepare for impacts of a changing climate
- (b) enhance stormwater management policies to protect water and support climate resiliency
- (c) promote the on-site local reuse of excess soil
- (d) maintain current policies related to natural and human made hazards
- (e) maintain current policies that require municipalities in southern Ontario to identify natural heritage systems, and provide flexibility as to how to achieve this outcome
- (f) maintain protections for the Greenbelt



# Change #1: Wetlands

- The proposed PPS generally maintains current policies aimed at protecting natural heritage features/areas/systems, such as: **significant** woodlands, valleylands, wildlife habitat, ANSI's, wetlands, etc. in certain ecoregions (see Policy 2.1)
- A new policy proposes that municipalities “may choose” to protect non-significant wetlands “in accordance with guidelines developed by the province” (see new Policy 2.1.10)
- Many wetlands remain unevaluated at the present time; will their significance be degraded or impaired if left unevaluated & if the municipality chooses not to take steps to protect them?



## Change #2: Water & Climate Change

- The proposed PPS generally maintains current policies aimed at protecting water quality/quantity (see Policy 2.2)
- 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 new Policy 2.2.1(c))
- The PPS adds a new definition of “**impacts of a changing climate**” (e.g. “the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability”); this phrase is found throughout the proposed PPS



## Change #3: Agriculture

- The proposed PPS generally maintains current policies regarding agriculture, including allowing certain non-agricultural uses (e.g. aggregate extraction) to occur in prime agricultural areas (see Policy 2.3)
- A new policy “encourages” planning authorities to use an “**agricultural system**” approach to maintaining and enhancing the geographic continuity of the agricultural land base and the functional and economic connections to the “**agri-food network**” (see new Policy 2.3.2)
- The PPS adds new definitions of these two terms



## Change #4: Aggregate Extraction

- The proposed PPS generally maintains current policies regarding the protection/extraction of aggregate deposits (see Policy 2.5)
  - A new policy proposes that “outside of the Greenbelt Area, extraction 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 new Policy 2.5.2.2)
  - Another new policy proposes that “where the *Aggregate Resources Act* applies, processes under the *Aggregate Resources Act* shall address the depth of extraction of new or existing mineral aggregate operations or their expansions” (see new Policy 2.5.2.4)
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## Change #5: Hazards

- The proposed PPS generally maintains current policies regarding natural/human-made hazards (see Policies 3.1 & 3.2), but states that certain policies are under “ongoing review” by Ontario’s Special Advisor on flooding & are therefore subject to change
- A new policy proposes that planning authorities “prepare for” the impacts of a changing climate that may increase the risk associated with natural hazards (see new Policy 3.1.3)
- Another new policy proposes that “planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment” (see new Policy 3.2.3)



# *Aggregate Resources Act* Review



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# *Aggregate Resources Act: Overview*

- The purpose of the ARA is to: (a) to provide for the management of the aggregate resources of Ontario; (b) to control and regulate aggregate operations on Crown and private lands; (c) to require the rehabilitation of land from which aggregate has been excavated; and (d) to minimize adverse impact on the environment in respect of aggregate operations (see s.2 of the ARA)
- When deciding whether to issue/refuse an ARA licence, the Minister (or LPAT) must have regard for the factors in s.12 (e.g. effects of the proposed pit/quarry on the environment, groundwater, surface water, agricultural resources, communities, etc.)



# The 2019 ARA Review

- Details, supporting materials & links regarding the current ARA Review have been posted on the Environmental Registry: <https://ero.ontario.ca/notice/019-0556>
- Deadline for public comment is **November 4, 2019**
- Comments may be emailed to [aggregates@ontario.ca](mailto:aggregates@ontario.ca), sent via the Environmental Registry, or mailed to: Andrew MacDonald, Natural Resources Conservation Policy Branch, Ministry of Natural Resources and Forestry, 300 Water Street, Peterborough, ON K9J 8M5
- The proposed ARA changes are intended “to reduce burdens for business while maintaining strong protection for the environment and managing impacts to communities”



# Scope of the 2019 ARA Review

- The MNRF is proposing both statutory and regulatory changes during the ARA Review, but no actual text has been provided for public review/comment
- The proposed changes appear to be largely based on comments made by industry & other stakeholders at the MNRF's "Aggregate Summit" held in early 2019



# Change #1: Extraction Below Water Table

The MNR is proposing amendments that are intended to:

- (a) “strengthen protection of water resources by creating a more robust application process for existing operators that want to expand to extract aggregate within the water table, allowing for increased public engagement on applications that may impact water resources”
- (b) “clarify that depth of extraction of pits and quarries is managed under the *Aggregate Resources Act*, and that duplicative municipal zoning by-laws relating to the depth of aggregate extraction would not apply”



## Change #2: Haul Routes/Access

The MNRF is proposing amendments that are intended to:

- (a) clarify how haul routes are considered under the ARA so that the Minister (or LPAT) cannot impose conditions requiring agreements between municipalities and aggregate producers regarding aggregate haulage [Note: this change will apply to all pending ARA applications, but does not prevent voluntary agreements between municipalities & proponents]
- (b) improve access to aggregates in adjacent municipal road allowances through a simpler application process (i.e. amendment vs a new application) for an existing license holder, if supported by the municipality



# Change #3: Regulatory Amendments

MNRF is considering changes to O.Reg. 244/97, including:

- (a) enhance reporting by operators on rehabilitation activities
- (b) allow operators to self-file changes to existing site plans for some routine activities, subject to conditions set out in regulation
- (c) allow some low-risk activities to occur without a licence if conditions specified in regulation are followed
- (d) clarify requirements for site plan amendment applications
- (e) streamline compliance reporting requirements

No changes to aggregate fees are being proposed at this time

# Questions?



# Increasing Housing Supply and Mix



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# MMAH's Rationale: Proposed Housing Supply/mix Policies

- Increase land supply requirements municipalities must meet:
  - Increase planning horizon from 20 to 25 years
  - Increase housing land supply from 10 to 12 years
  - Allow higher minimum requirement for serviced residential land (5 years) for upper- and single-tier municipalities
- Update provincial guidance to support land budgeting (i.e. Projection Methodology)
- Increase flexibility for municipalities related to the phasing of development and compact form
- Add flexibility to the process for settlement area boundary expansions (e.g. allow minor adjustments subject to specific tests, highlight that study requirements should be proportionate to the size/scale of development)
- Require transit-supportive development and prioritize intensification, including potential air rights development, in proximity to transit, including corridors and stations
- Support the development of housing to meet current and future housing needs, and add reference to housing options
- Support municipalities in achieving affordable housing targets by requiring alignment with Housing and Homelessness Plans
- Broaden PPS policies to enhance support for development of long-term care homes



# Change #1: Time Horizon Increased by 20%

- Planning time horizon proposed to increase from 20 years to 25 year (Policy 1.1.2)
- Housing land supply requirement increased from 10 years to 12 years (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; 2017 Neptis Foundation report found:
  - ... 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.



# Change #2: New Terms “market-based” and “market demand”

- These terms, without support definition or explanation, are proposed in various policies
  - description of residential types (Policy 1.1.1)
  - conditions for expansion of settlement area boundary, at time of comprehensive review (Policy 1.1.3.8)
  - description of housing options (Policy 1.4.3)
  - description of long-term prosperity (Policy 1.7.1)
- Does casting back to what the market was or is set us up for designing the future of our communities to be compact, efficient and climate resilient?



## Change #3: Expansion of Settlement Area Boundaries

- Removed this directive (Policy 1.1.3.8, as well as Policy 1.1.3.3):  
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 3.0: Protecting Public Health and Safety.
- Added flexibility in undertaking comprehensive review: “level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal” (Policy 1.1.3.8)
- Added “Notwithstanding...” policy for permitting changes to settlement area boundaries outside comprehensive review (Policy 1.1.3.9)



# Change #4: Compact Form

- Permissive “should have a compact form” (change from “shall have a compact form”) for new development in designated growth areas (Policy 1.1.3.6)



Photo Credit: Lynn Reist



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# Reducing Barriers and Costs



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# MMAH's Rationale: Proposed Barriers/Costs Reduction Policies

- Require municipalities to take action to fast-track development applications for certain proposals (e.g. housing)
- Allow mineral aggregate operations to use rehabilitation plans to demonstrate that extraction will have no negative impacts
- Align policies and definition of cultural heritage with recent changes to the *Ontario Heritage Act*
- Refocus PPS energy policies to support a broad range of energy types and opportunities for increased energy supply
- Direct large ground-mounted solar facilities away from prime agricultural and specialty crop areas
- Make minor changes to streamline development approvals and support burden reduction



# Change #1: Altered Definition - “on-farm diversified uses”

- Includes the following: “Ground-mounted solar facilities are permitted in *prime agricultural areas* and *specialty crop areas* only as *on-farm diversified uses*.” (p58)





# Supporting Rural, Northern and Indigenous Communities



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# MMAH's Rationale: Proposed Rural/Northern/Indigenous Communities Policies

- Allow flexibility for communities by clarifying perceived barriers to sewage and water servicing policies for lot creation and development in rural settlement areas
- Enhance municipal engagement with Indigenous communities on land use planning to help inform decision-making, build relationships and address issues upfront in the approvals process
- Enhance agricultural protections to support critical food production and the agricultural sector as a significant economic driver



# Change #1: Indigenous Communities

- New proposed paragraph in Part IV: Vision, describing relationship between Indigenous communities and the land and recognizing section 35 rights (p6)
- Change from “encourage to coordinate with” to “shall engage with” in coordination policies (Policy 1.2.2)



# Change #2: Stormwater (Policy 1.6.6.7)

- Stormwater management planning to
  - be integrated with sewage and water services
  - be responsive to “impacts of a changing climate”
  - include “water conservation and efficiency”
- Proposed change from “not increase” to “mitigate” risks



# Change #3: Municipal Servicing “hierarchy”

- Proposed major changes to planning for sewage and water services, providing great flexibility to use private and on-site services (see Policies 1.6.6.1, 1.6.6.4, and 1.6.6.5)



Photo Credit: Dominic Ali



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# Questions?



# Next Steps

- Send CELA your feedback
  - about webinar (survey link?)
  - thoughts, ideas, concerns about the PPS: [anastasia@cela.ca](mailto:anastasia@cela.ca)
- Stay tuned
  - CELA will, in due course, make recording of webinar, summary document, and final submission available on our website
- Participate!
  - PPS Review by email [planningconsultation@ontario.ca](mailto:planningconsultation@ontario.ca), via ERO <https://ero.ontario.ca/notice/019-0279>, or mail (deadline: Oct 21)
  - ARA Review by email [aggregates@ontario.ca](mailto:aggregates@ontario.ca), via ERO <https://ero.ontario.ca/notice/019-0556>, or mail (deadline: Nov 4)

