**Response to Proposed Changes to PPS 2019**

**Position statement**

The proposed changes to the PPS focus on economic growth and housing above most other considerations. Although we understand the importance of growth in supporting the livelihoods of Ontarians, we believe the plan does not adequately address nor acknowledge pressing issues regarding climate change, the sustainability of food systems, farmland preservation, and Indigenous governance of traditional lands and water. In our opinion, it does not balance stakeholder needs, favouring short term gain over long term considerations while not providing adequate resources to implement many of the proposed changes such as increased Indigenous and rural community engagement in the land use planning process.

Fundamentally, the proposed plan seems to favour the downloading of responsibilities as a means to achieve its financial objectives. The implementation section has been simply removed for the most part favouring a patchwork of municipal plans and zoning. At the same time, the proposed changes erode environmental regulations by removing, for instance, strong language regarding impact assessment, negatively impacting individual rights and responsibilities regarding social and environmental health for present and future generations. This is achieved by limiting consultation with stakeholder groups such as the Niagara Escarpment Commission and other planning authorities in the name of ‘streamlining’ and ridding our planning system of ‘red tape’. This also includes systemic underfunding for Conservation Authorities and any other body that may impede this process of development, focused mostly on housing.

In this response, we focus upon point 4- ***Supporting Rural, Northern and Indigenous Communities*** proposals 2 and 3, which we believe are particularly relevant in achieving a more balanced and sustainable planning and development framework for the Province.

A. *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.*

Our review found that the proposed changes will not achieve this objective for the following reasons:

1. There is limited capacity and resources for engagement within First Nations to respond to multiple municipal requests. Importantly resources need to be allocated to encourage this process from both a municipal and First Nation community perspective. The proposed downloading of ‘engagement’ responsibility puts both municipalities and First Nations at a disadvantage because of limited local capacity to deal with the number of requests.
2. Given the legal and jurisdictional relationship between First Nations and the Province, it is not clear if Indigenous communities were actually consulted and accommodated in developing the proposed changes. How will this objective be implemented? It is also not clear how Indigenous rights to Free Prior and Informed Consent on development projects are considered in this new policy framework. There also needs to be clear acknowledgement that the downloading of responsibilities does not release the Federal Crown of fiduciary responsibilities to Indigenous Peoples of Canada.
3. The engagement process with FNs is not defined. How will this plan move beyond the status quo and create an environment where nation building can occur and true partnerships can emerge with the provincial government beyond tokenism and rhetoric.
4. PPS should acknowledge indigenous self determination, sovereignty and treaty rights
5. **2.6.5**: Cultural, heritage and archeological resources should be defined, for example: sacred, medicinal, sustenance spaces should be clearly acknowledged within this section.
6. The PPS strengthens colonial relations to the land by claiming that Ontario’s natural resources are *ours* to benefit from and exploit as a society. Beyond the fact that we should be caring for resources not exploiting them, the PPS should acknowledge that all the land and resources are held within Indigenous traditional territories and as such, are governed by their (our) values and traditions and ‘contributed by’ these Nations to Ontarians. The PPS provides little to no indication of how Indigenous communities will benefit from the extraction of these resources. It also provides little guidance regarding duties to consult and accommodate by various actors in achieving development targets.

B. *Enhance agricultural protections to support critical food production and the agricultural sector as a significant economic driver.*

Our review found that the proposed changes will not achieve this objective for the following reasons:

1. **2.3.2.** “Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.”
   * We believe the term “encouraged” is problematic. From what we understand, using an agricultural systems approach is valued, yet only optional. Why include this language within the PPS if it has no realistic, long-term impact? This policy has no “teeth”, so to speak. If the PPS is to achieve this objective, it should replace *encouraged* with *must* and provide a clear pathway including an implementation plan to achieve this end.

2.3.3.1. In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

- the definition on-farm diversified uses has been adjusted to include: “Ground-mounted solar facilities are permitted in *prime agricultural areas* and *specialty crop areas* only as *on-farm diversified uses.”, this addition to the definition promotes solar development on speciality crop areas which weakens the strength of section 2.3.1. which states that speciality crop areas are to be given the highest priority for protection. If speciality crop areas are to be given the highest priority of protection this level of protection should be apparent in the PPS instead it is contradicted.*

1. **2.3.6.1**: This section concerns non-agricultural uses in prime agricultural lands. The suggested changes to the PPS are supposed to enhance agricultural protections, and yet the policy changes in this section only act to remove red tape and make non-agricultural use changes easier to achieve. The PPS should address the following questions:
   * Subsection A states that planning authorities may permit non-agricultural uses in prime agriculture areas for extraction of mineral aggregate resources
     1. This subsection does not provide clear direction for planners on when planning authorities should permit extraction of mineral aggregate resources. A standard or baseline of when aggregate extraction can occur on prime agricultural land should be included.
   * Subsection B states that planning authorities may permit non-agricultural uses in prime agriculture areas for limited non-residential uses, provided that the land does not comprise of a speciality crop, there is an identified need within the planning horizon provided and alternative locations were evaluated but no reasonable alternative locations were available outside of prime agricultural areas or within prime agricultural areas with lower priority
     1. What is a reasonable alternative location? This will vary depending on the context and is flawed as a result.
     2. How are evaluations being done? How do we know that this is adequately being done?
     3. Speciality crop area should be defined within the PPS
     4. The definition of on-farm diversified uses directly references that speciality crop areas can be used for ground mounted solar development. Does 2.3.6.1 B not apply at all for solar development or is 2.3.6.1 B 1. irrelevant in the cause of solar development?
2. Section 2.3.6.2: We believe that the addition of the term *avoidance* before *mitigation* is a positive step in achieve the aforementioned objective. However, its addition to the PPS contradicts other statements which should all align. For instance, in previous sections “reasonable alternatives” are mentioned as a strategy to protect farmland and the agricultural sector. By providing this pathway to planners, we believe the PPS is sending the message that other uses can be supported on agricultural lands as long as they are reasonable. Providing clarity regarding the term ‘reasonable’ would be a good first step in addressing our concerns.
3. **2.5.2.2**. “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.”
   * Changes to the PPS are clearly in line with conservative values of smaller government and removing red tape. As long as developers can prove that their project can demonstrate *no negative impacts* on natural features, development can move forward. We believe that such changes serve short-term gain over long term interest. These statements weaken the protection of Ontario’s natural heritage and agricultural lands which are critical to providing clean water and air for current and future generations. They are also critical to mitigating the effects of climate change.
4. **2.3.3.3.** “New land uses, in prime agricultural areas, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.”

* The use of the term ‘prime agriculture’ is concerning, not the suggested policy in itself. This term is used throughout the PPS. Although Ontario contains a significant proportion of Canada’s prime Class 1 agricultural land – land that needs to be protected as a result of its productiveness and value to the Canadian economy, the continued use of this term implies that other agricultural land classes are not worth protecting. Do these policies only apply to prime agricultural land? What about other green spaces, those of which have value that is not equivalent to a price tag? Do those spaces not deserve some sort of protection too? We suggest clearer language reflecting the value of other classes of agricultural land.

We hope you will consider our comments in supporting a sustainable equitable future in Ontario where all can thrive while protecting the environmental systems that allow us to breath, eat, work and play.