

**BRIEFING NOTE:
PROVINCIAL POLICY STATEMENT REVIEW 2019**

**Prepared by
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Purpose

This briefing note provides a high-level background to, and general overview of, the ongoing review of Ontario's Provincial Policy Statement (PPS), and highlights some of the key observations that Canadian Environmental Law Association (CELA) has made to date. CELA will be providing a more detailed submission on the proposed PPS to the provincial government in due course.

Background

The PPS is approved by the Lieutenant Governor in Council (aka Cabinet) and issued under section 3 of the *Planning Act*. The PPS contains policies to direct land use decisions involving matters of provincial interest, including: building strong and healthy communities; ensuring wise use and management of resources; and protecting public health and safety. Subsection 3(5) of the *Planning Act* requires that planning decisions "shall be consistent with" the PPS. This legal standard applies to a variety of land use planning decision-makers, such as municipal councils, local boards, provincial ministers, and the Local Planning Appeal Tribunal (LPAT), when they are exercising their authority regarding planning matters (e.g. official plans, zoning by-laws, subdivision plans, etc.). Municipal decisions that are inconsistent with the PPS can be appealed to the LPAT.

The PPS is subject to regular legislated review. On July 22, 2019, Ontario's Ministry of Municipal Affairs and Housing (MMAH) gave notice of proposed changes to the PPS ([ERO Number: 019-0279](#)). **The deadline for public comments on the proposed PPS changes is October 21, 2019**, and there are three ways for the public to participate (remember to include reference to the ERO Number: 019-0279):

- email to planningconsultation@ontario.ca;
- directly via Environment Registry of Ontario (<https://ero.ontario.ca/notice/019-0279>); or
- mail to Planning Consultation, Provincial Planning Policy Branch, Ministry of Municipal Affairs and Housing, 777 Bay Street, 13th floor, Toronto, ON, M5G 2E5

Preliminary Assessment

In the Environmental Registry of Ontario (ERO) notice, the MMAH states that PPS changes are being proposed in order 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;

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- (d) support rural, northern and Indigenous communities; and
- (e) support the economy and job creation.

CELA's preliminary assessment suggests that the proposed changes are unlikely to achieve the intended outcomes.

The current vision for the PPS (which remains unchanged in the proposal) is:

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

It is unclear, without setting indicators, gathering data and reporting on progress, whether the current PPS policies (let alone any proposed changes) are achieving this vision.

To the contrary, several proposed PPS policies are deeply concerning, as they are likely to move Ontario away from achieving complete, compact and climate resilient communities. A preliminary set of concerns is outlined below.

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, CELA remains 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, CELA concludes 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.

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; specifically, as [concluded by the Neptis Foundation in 2017](#):

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.

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). CELA is 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.

October 15, 2019