



Assessment of Legislative Framework for Protecting Farmland Region of Peel, ON May, 2018

SUMMARY

Overall, the strength of the local legislative framework to protect farmland for the Region of Peel, Ontario (ON), is **somewhat strong**. As different types of provincial legislation impact different parts of the Region of Peel, this assessment notes differences that exist between agricultural land that is designated as Prime Agricultural Area by Peel and situated inside of the Greenbelt Plan (GBP) (“Protected Countryside”) and Oak Ridges Moraine Conservation Plan (ORMCP), and outside these areas. There are also extensive areas of agricultural land that are not designated as such. Protection for Prime Agricultural Land that is covered by the GBP is very strong; protection for Prime Agricultural Land that is not covered by the GBP is rated as somewhat strong; and protection for non-designated agricultural land in the GBP is rated as weak. The Growth Plan for the Greater Golden Horseshoe (GPGGH), the Niagara Escarpment Plan (NEP), the ORMCP, Lake Simcoe Protection Plan, and the Parkway Belt West Plan are provincial plans that have authority over land-use planning in areas of Peel. Refer to Table 1 (at the end of this report) for a summary of the legislative framework for protecting farmland.

Strength of Legislative Framework: Summary Assessment

	Overall Strength	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
Region of Peel – Overall	Somewhat strong	***	*****	**	***
Region of Peel – Prime i/s GBP	Very strong	****	*****	****	*****
Region of Peel – Prime o/s GBP	Strong	****	*****	**	*****
Region of Peel – non-designated i/s GBP	Moderate	*	*****	*	***

* = Very weak; ***** = Very strong

ABOUT THE SITE

The Region of Peel is a municipality comprised of approximately 1,247 km² square kilometres in the west-central portion of the Greater Toronto Area (GTA), the largest urban agglomeration in Canada and

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the second largest municipality in Ontario, following Toronto (Region of Peel Official Plan, 2016). The region includes three municipalities to the west and northwest of Toronto: the cities of Brampton and Mississauga, and the Town of Caledon. Caledon is the most agriculturally significant area of Peel. The Region of Peel is also considered a part of the Greater Golden Horseshoe area of Southern Ontario, which extends along the shore of Lake Ontario from Niagara Falls to Clarington. Peel is also a part of the Niagara Escarpment, which is a provincially significant, 725 kilometre (450 mile) long geological feature, which runs through Peel.

Peel Region has seen tremendous growth with no signs of slowing down. Consequently, there is an extremely high demand for urban development. The population of Peel has steadily increased over the past ten years, increasing by 11.8% between 2006 and 2011 and 6.5% between 2011 and 2016, growing from 1,350,000 to 1,438,000 people. According to estimates outlined in the GPGGH, the expected average annual increase in the population of Peel is 17,600. In addition, Peel Regional Council developed the Region of Peel Official Plan Measuring and Monitoring Report (2017), Peel's population will increase to 1,770,000 by 2031, and to nearly 2 million residents by 2041¹. This document works in tandem with the Peel Region Strategic Plan (2015-2035), providing a twenty-year framework for Regional Council to use and incorporate for all planning decisions, based on a vision of promoting a "Community for Life."

Peel Region has a good supply of agricultural land with high capability and supports a diversified agricultural industry. A significant amount of prime agricultural land is concentrated in the southern part of the Town of Caledon and on the east and west side of the City of Brampton, where soils maintain a Canada Land Inventory (CLI) Soil Capability for Agriculture rating of Class 1. The Town of Caledon maintains the most prime agricultural land in the region, and, according to figures generated from the Peel Agriculture Discussion Paper (2008), represents most of Peel's farms and land used for farming in Peel.

The agri-food industry provides a range of economic value for the region, supported by production and processing operations that serve both domestic and export markets. According to the 2016 Census, livestock is Peel's largest agricultural sector, with beef, dairy and equine industries accounting for 33.1% of Peel farms; 25.7% of Peel farms produce oilseed and grain crops, and 24.3% produce fresh flowers, maple syrup, honey, and fruits and vegetables from greenhouses and farms².

Unfortunately, the region is following a similar nation-wide trend of farm decline, facing an 8.9% loss in the number of farms between 2006-2011 and a 7.3% loss between 2011-2016³. This decline corresponds with a decline in the amount of farmland in Peel. Between 2006-2011, 31% of Peel Region was comprised of agricultural land; between 2011-2016, this dropped to 27%, indicating that the pressures of urbanisation are affecting the land base⁴. In 2008, Peel Region released an Agriculture Discussion Paper to help inform decisions affecting agricultural policy⁵.

The legislative framework for protecting farmland in Ontario differs depending on which legislation covers the agricultural land base. The *Planning Act* provides the foundation for protecting farmland, including a Provincial Policy Statement (PPS) that protects prime agricultural lands and specialty crop areas for long-term use for agriculture. In most parts of the province, which are covered by only the PPS, the framework is strong. Where a package of additional legislation applies, including the *Greenbelt Act*, *Niagara Escarpment Planning and Development Act*, and *Places to Grow*

¹ <https://www.mississauga.com/news-story/8122401-peel-planning-for-population-growth/>

² <https://www.peelregion.ca/planning-maps/censusbulletins/2016-agriculture-bulletin.pdf>

³ <https://www.peelregion.ca/planning-maps/censusbulletins/2016-agriculture-bulletin.pdf>

⁴ <https://www.peelregion.ca/planning-maps/censusbulletins/2016-agriculture-bulletin.pdf>

⁵ <http://www.peelregion.ca/planning/officialplan/agriculture.htm>

Assessment of Legislative Framework: Region of Peel, ON

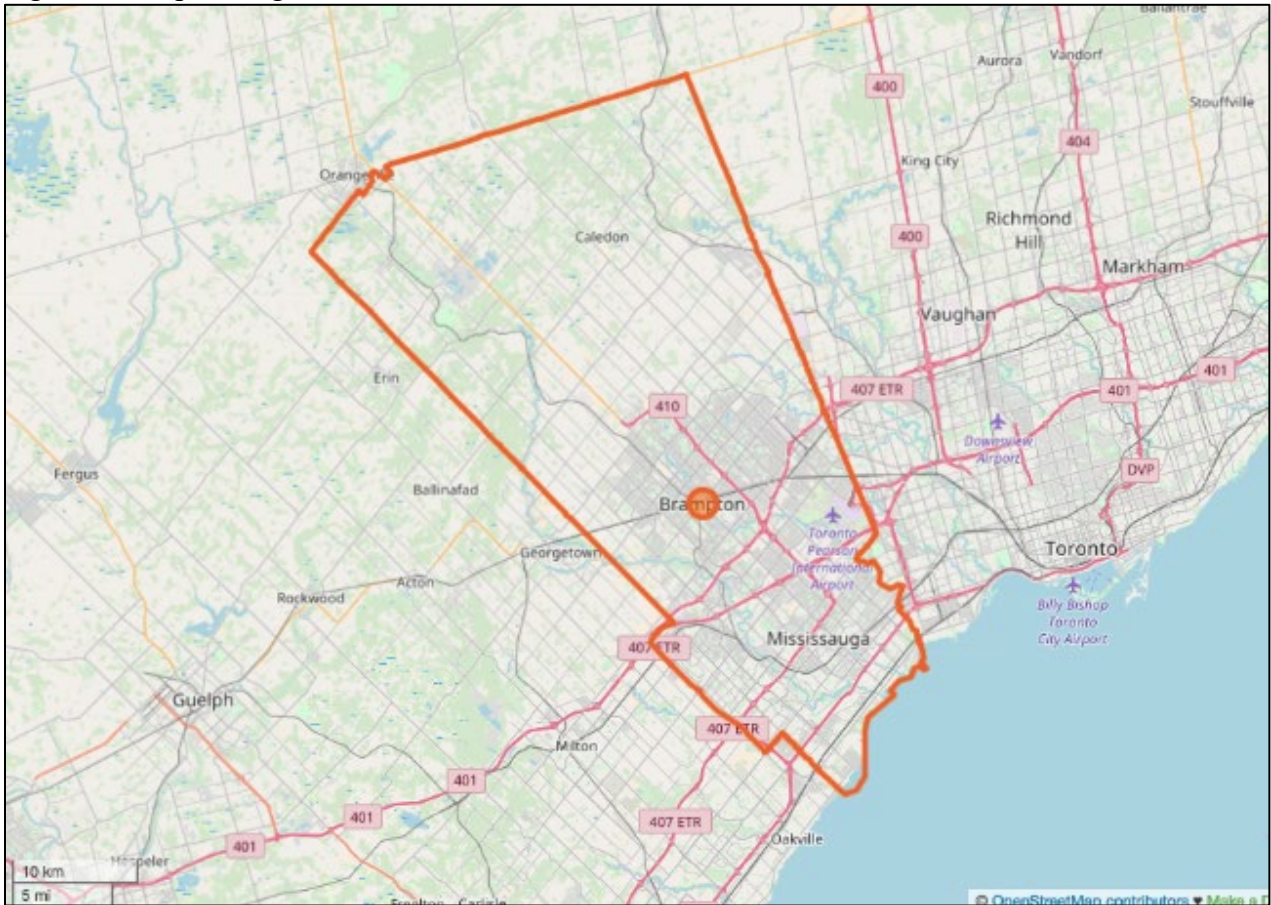
Act, the legislative framework for protecting farmland is very strong, which covers the Greater Golden Horseshoe area that surrounds Toronto and Niagara Escarpment.

Figure 1. Regional map of agricultural land in southern Ontario



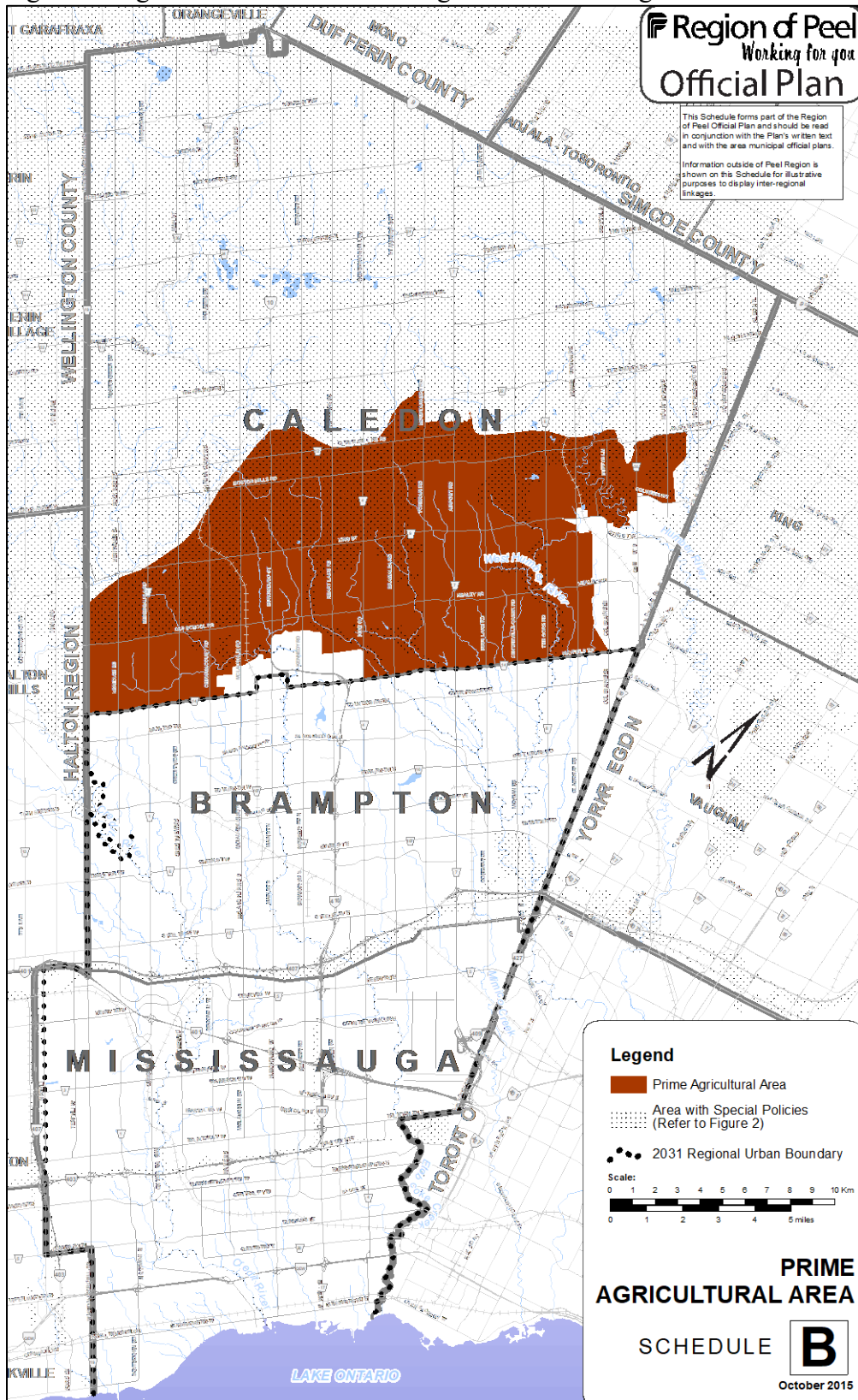
Source: www.mah.gov.on.ca

Figure 2. Map of Region of Peel



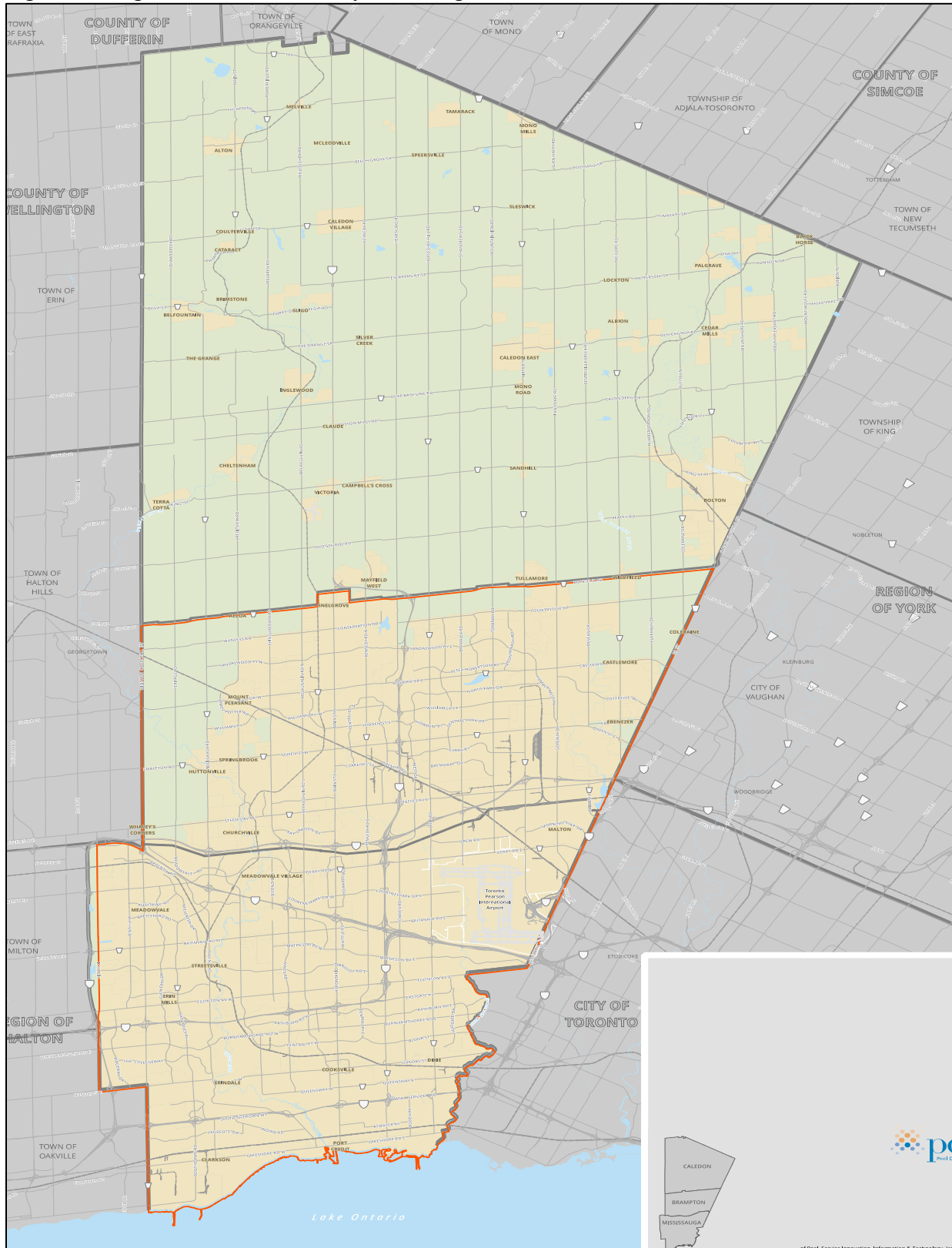
Source: openstreetmap.org

Figure 3. Agricultural land in Peel designated as Prime Agricultural Area



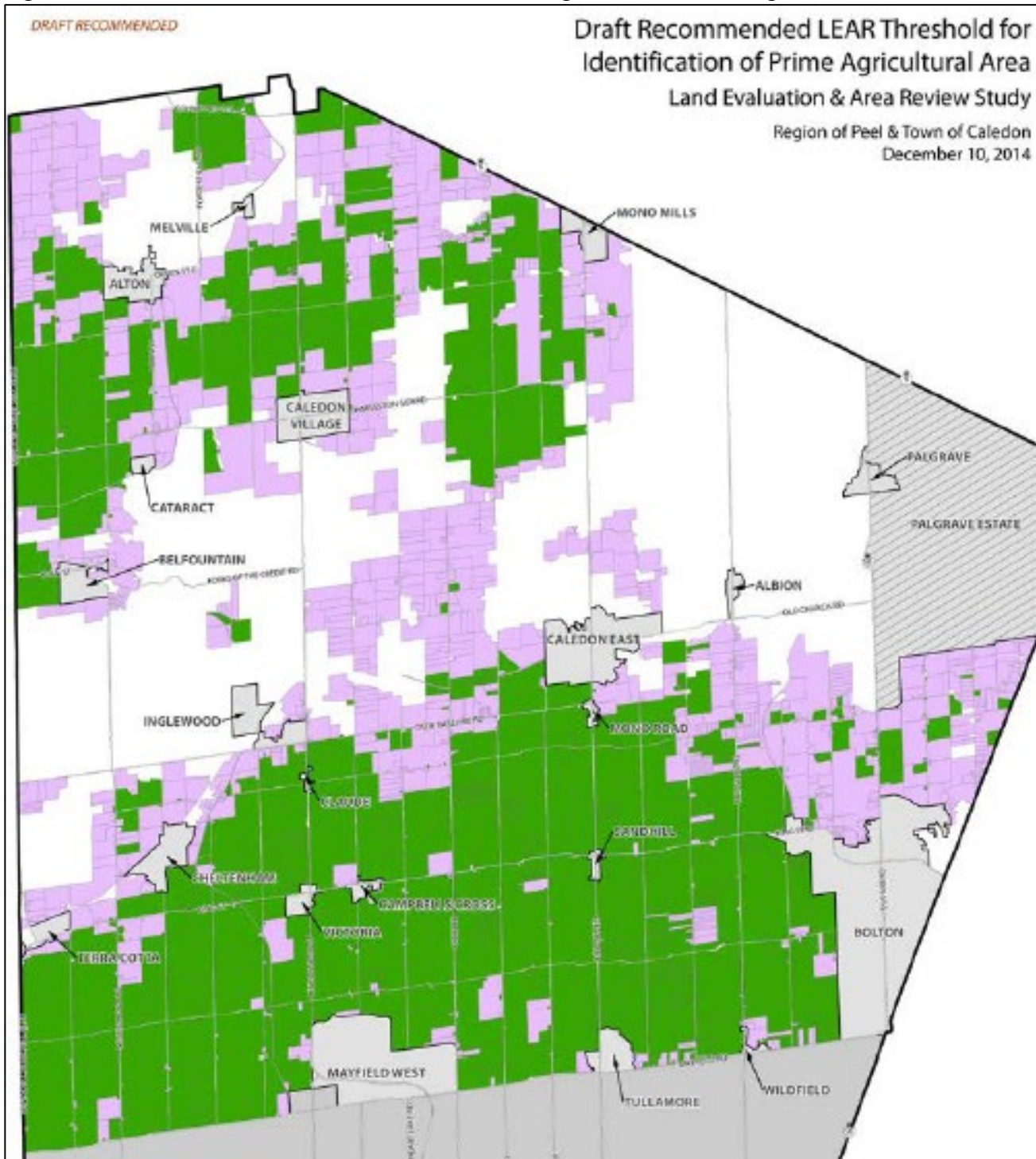
Source: Peel Region Official Plan – Schedule B

Figure 4. Regional Urban Boundary, Peel Region



Source: <http://opendata.peelregion.ca/data-categories/regional-geography/2031-regional-urban-boundary.aspx>

Figure 5. Recommended LEAR Threshold of Prime Agricultural Land, Region of Peel



Source: Region of Peel and Town of Caledon, Land Evaluation & Area Review (LEAR) Report

RESULTS

Maximise stability

A stable legislative framework for protecting farmland is one that is not easily changed at the whim of shifting political interests; it is well-entrenched in acts of legislation, policy, and governance structures that are based on clear, concise language, and can hold up to court challenge. A key element of stability is a clear statement of purpose regarding farmland protection among the primary goals and objectives within each enforceable document. Thus, stability is a critical measure of the strength of an agricultural land-use planning framework.

The legislative framework for protecting agricultural land in Peel Region is, overall, moderate in stability. It is also important to note that agriculture is not mentioned in the purpose statement (1.1.1), principles (1.3.2.), themes (1.3.5.) or goals (1.3.6.) of the PROP, thus undermining the stability of the PROP's policy focus for protecting agricultural land. Further, commitments to protecting agricultural land do not apply equally to all agricultural land and could be stated more consistently throughout the Peel Region Official Plan (PROP). Given that agricultural land is addressed differently within the regional legislative framework, we rated stability from strong to very weak, for agricultural land designated by Peel as a Prime Agricultural Area within the GBP, and as very weak for non-designated agricultural land.

The presence of extensive agricultural goals and policies to protect designated agricultural land contributes to stability for the region's agricultural industry and land-base. The focus in the Official Plan on protecting the Prime Agricultural Area is evident. The section for Agriculture (3.2.1.) states,

- 3.2.1.1 To protect the Prime Agricultural Area for long-term use for agriculture as a natural resource of major importance to the economic viability of the Region, and to support Peel's farmers and agricultural organizations as valuable contributors to the community and the economy of Peel. ^[1]_[SEP]
- 3.2.1.2 To protect agricultural uses in the Prime Agricultural Area from incompatible activities and land uses which would limit agricultural productivity or efficiency or result in the loss and fragmentation of the agricultural land base. ^[1]_[SEP]
- 3.2.1.3 To support a diversified healthy and productive agricultural industry as an important component of Peel's economic base and heritage. ^[1]_[SEP]
- 3.2.1.4 To work in cooperation with the Town of Caledon to increase and support diversification in local farming as a source of local food supply.

These objectives are followed with policies that foster long-term support and sustainability for the agricultural sector in Peel. Consistently, these policies incorporate strong language, e.g., "protect the prime agricultural area for agriculture as shown on Schedule B" (see Figure 3); "promote and protect agricultural operations and normal farm practices in the Prime Agricultural Area," and will "support the identification and protection in localized prime agricultural areas in the area municipal plans." Many other policies address farm renewal strategies and diversification for the industry. Resource specific policies also serve to outline this measure. For example, under Regional Planning Initiative (7.6.2.1.7), the PROP states,

Undertake jointly with the Town of Caledon, a Land Evaluation Area Review (LEAR) to review the identification of prime agricultural areas and to help ensure the protection of the Prime Agricultural Area for long-term use for agriculture and to undertake research with the Town to review and assess the application of the minimum distance separation (MDS) formulae in Peel.

That agricultural land in Peel is not treated equally weakens the stability of Peel's legislative framework. The only designated agricultural land in Peel is the Prime Agricultural Area (Figure 3). The Prime Agricultural Area generally coincides with a relatively large contiguous area of high capability agricultural lands (Canada Land Inventory Classes 1, 2, and 3) in the southern part of Caledon, of which a significant portion coincides with the area designated for a transportation corridor. While Prime land is well protected, other agricultural lands are not addressed directly. Rather, the PROP refers to provincial plans, such as the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, that include commitments to protecting prime agricultural areas.

The results of the Land Evaluation and Area Review (LEAR) technical report (also noted above) help to illustrate this point (see Figure 5, above). Not all of the recommended potential prime land in the LEAR report is designated as Prime Agricultural Area. Based on a visual analysis, it appears that a significant amount of agricultural land is situated outside of the prime agricultural land designation.

Integrate public priorities across jurisdictions

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. One can also think of integration as a formal "linkage" that provides consistency among them. In order to successfully integrate policies across jurisdictions there must be sufficient details about the legislative context that guides and constrains local government plans and strategies.

Peel Region's ability to integrate across jurisdictions is very strong. As upper-tier (county or regional) and lower-tier (local) municipalities are required to be consistent with the Ontario Provincial Policy Statement on Agriculture, the Official Plan includes designated sections (in particular, Chapters 2 and 7) and statements that provide clear descriptions and specified principles to ensure synthesis with both the province and lower-tier municipalities. Policy 1.3.1 Application of Provincial Policy states:

The Regional Official Plan is designed to clarify the roles and responsibilities of the Region and the area municipalities by providing regional leadership where value is added and by clearly assigning certain roles to the area municipalities through strong, directive policy language. An underlying premise of this Plan is that provincial policy will be implemented jointly through both the Regional Plan and the area municipal plans. Area municipal plans will contain more detailed policies.

The requirements continue through explicit reference to integration with area municipal plans:

7.3.3 Conformity of Area Municipal Official Plans

On approval of this Plan by the Province, the Planning Act requires that the official plans of the area municipalities be amended to conform with this Plan.

7.3.3.1 Objective

To bring the area municipal official plans into conformity with this Plan.

7.3.3.2 Policy

It is the policy of Regional Council to require that the area municipal official plans be amended to conform with this Plan forthwith after the approval of this Plan, in part or in whole, by the Minister of Municipal Affairs and Housing.

Chapter 2 of the PROP addresses each provincial legislation impacting Peel Region, detailing how they are integrated in regional policy and the authority each has in tandem with other relevant components of the region's legislative framework. In some cases, specific land-use designations that are uniquely affiliated to these pieces of legislation are referenced as well, such as for the Oak Ridges

Moraine Conservation Plan (2.2.9.3.7) and the Greenbelt Plan (2.2.10). While certain notable pieces of legislation, such as the Provincial Policy Statement and the Places to Grow Act, are absent from this section, they are referenced in the PROP. Enhancing the strength of integration, the PROP uses the terms of relevant provincial legislation, such as normal farm practices, prime agricultural areas, rural areas, agricultural, and agriculture-related.

Minimise uncertainty

The presence of uncertainty, typically introduced via ambiguous language, exceptions, or gaps, is a critical measure of the weakness of an agricultural land use-planning framework. Thus, in addition to maximising the stability of a legislative framework through enforceable policies, people want to know they can rely on these rules and regulations to be applied consistently under different circumstances.

Peel Region's overall legislative framework is rated as moderate for minimising uncertainty, but ranges from strong to very weak for different agricultural land areas. Overall, the PROP is generally effective in outlining protection measures that exist for land outside of the Greenbelt and provides detail about all plans related to growth management and boundary expansion, with particular sensitivity and acknowledgment of Peel's agricultural sector. The Region's approach to managing growth is most clearly outlined in under section 5.2, which addresses the regional urban boundary (RUB), as shown in Figure 4. According to Peel Regional Council, "In order to provide certainty as to which lands are being proposed for urban purposes and which lands will remain agricultural or rural within the timeframe of the Region of Peel Official Plan, a Regional Urban Boundary was established, within which urban growth will be planned to occur in a phased manner until 2031."⁶ The PROP (5.2) states:

Development and redevelopment within this 2031 Regional Urban Boundary will take place in a timely, orderly and sequential manner, making the most efficient use of available services, and prolonging existing agricultural uses.

All content related to the RUB makes consistent reference to agriculture, which reduces the threat of non-farm development. The objectives of the RUB help to reduce uncertainty by explicitly noting that the RUB will provide "long-term certainty...to the agricultural industry." The stated objectives of the RUB are as follows:

- 5.2.1.1 To provide for an appropriate amount of land to accommodate urban growth to 2031.
- 5.2.1.2 To maintain a firm Regional Urban Boundary to provide long-term certainty to the development industry, the agricultural industry and Peel residents.
- 5.2.1.3 To phase urban development within the 2031 Regional Urban Boundary to ensure development occurs in a well-planned and cost-effective manner and contributes to achieving the goals, objectives and targets of this Plan.
- 5.2.1.4 To maintain and enhance the Rural System outside of the 2031 Regional Urban Boundary.

The growth management policies for the Urban System (5.3) further reduce uncertainty regarding the potential of non-farm development in the Prime Agricultural Area.

- 5.3.2.2 Direct urban development and redevelopment to the Urban System within the 2031 Regional Urban Boundary, as shown on Schedule D, consistent with the policies in this Plan and the area municipal official plans.
- 5.4.2.2. Direct growth within the Rural System generally to the three Rural Service Centres and the Palgrave Estate Residential Community, as shown on Schedule D, and to other

⁶ <http://opendata.peelregion.ca/data-categories/regional-geography/2031-regional-urban-boundary.aspx>

rural settlements as designated in the applicable area municipal official plans, the Niagara Escarpment Plan and the Greenbelt Plan.

5.4.6.2.1 Direct the Town of Caledon and the City of Brampton to:

- d) include policies in its Official Plan to protect agricultural operations in the rural area by requiring all uses to comply with the minimum distance separation formulae;
- e) permit, as deemed appropriate, limited growth in the rural area while ensuring that the land continues to be devoted predominantly to agricultural, forestry, recreation and conservation uses; and

In addition, Peel legislative framework clarifies that settlement areas that are not part of the Greenbelt's 'Protected Countryside' cannot encroach on land in the Greenbelt. As Policy 2.2.10.4.31 states, "Prohibit settlement areas outside the Greenbelt from expanding into the Greenbelt."

Nonetheless, ambiguity exists within the legislative framework, particularly with regard to the protection of the non-designated agricultural land situated outside of the Prime Agricultural Area. These agricultural lands are designated as Rural Area. The limited policies to protect these agricultural lands from non-farm interests leaves them vulnerable to non-farm development and contributes to uncertainty about the future of this agricultural land base. The policy of the Rural Area (5.4.6.2.1) directs the Town of Caledon and the City of Brampton to:

- d) include policies in its Official Plan to protect agricultural operations in the rural area by requiring all uses to comply with the minimum distance separation formulae;
- e) permit, as deemed appropriate, limited growth in the rural area while ensuring that the land continues to be devoted predominantly to agricultural, forestry, recreation and conservation uses; and
- f) review development proposals in the rural area based on:
 - the need and demand for the type and scale of the development proposed;
 - the protection of the natural environment and resources;
 - impact on the existing rural character and landscape of the rural area;
 - the potential impact on the character and heritage of the rural area;
 - the long-term suitability of the site(s) for public communal services or individual on-site systems.

These policies recognise the presence of agricultural uses, but leave agricultural land exposed to non-farm development.

The future development of agricultural lands within designated settlement areas is addressed, which helps to minimise uncertainty by making the Region's intentions explicit. Section 3.2.2.4 states, Encourage, where appropriate, the phasing of development in accordance with the area municipal plans so that agricultural activities and related uses continue for as long as practical in the area that lies within the 2031 Regional Urban Boundary but outside the Greenbelt in the City of Brampton, and within the approved boundaries of the Rural Service Centres in the Town of Caledon.

Nevertheless, the language included in this policy (e.g., "for as long as practical") is ambiguous.

The level of uncertainty in Peel is also impacted by the presence of the Parkway Belt West Plan, a provincial plan that outlines development plans to designate and protect land needed for linear regional

infrastructure such as transit, utility and electric power facility corridors⁷. The PROP does not discuss how this Plan might impact the agricultural land base or sector.

Accommodate flexibility

Creating an effective legislative framework is an act of balance, without being too stable so that it cannot be changed when needed or too strict so that it cannot be applied in a range of circumstances. Thus, flexibility is necessary in order to moderate the restrictive effects of maximizing stability and minimizing uncertainty. The means to accommodate flexibility is typically done through itemized considerations when evaluating exceptions and governance mechanisms that reflect local agricultural interests and priorities in the decision-making process.

Peel Region's legislative framework for accommodating flexibility is moderate overall. The diverse needs of land use planning in Peel are clearly a priority of the Regional Council and detailed differentiation is outlined in the PROP, indicating types of land areas, associated policies, principles and permitted uses. Peel's interest in accommodating both farm and non-farm development is most explicitly demonstrated in the following policies related to the Greenbelt Plan:

- 2.2.10.5 General Policies for the Protected Countryside - Non-Agricultural Uses:
The rural areas of the Protected Countryside are intended to continue to accommodate commercial, industrial and institutional uses serving the rural resource and agricultural sectors, and support a range of recreation and tourism uses such as trails, parks, golf courses, bed and breakfasts and other tourism based accommodation, serviced playing fields and campgrounds, ski hills and resorts. It is the policy of Regional Council to:
- 2.2.10.5.1 Direct the Town of Caledon to prohibit non-agricultural uses within prime agricultural areas of the Protected Countryside, with the exception of those uses permitted by the general policies of the Greenbelt Plan, and subject to the Natural Heritage System policies of this Plan.
- 2.2.10.5.2 Direct the Town of Caledon and the City of Brampton to require that proponents for proposals for non-agricultural uses in the rural areas of the Protected Countryside demonstrate that:
- a) the use is appropriate for location in a rural area;
 - b) the type of water and sewage servicing proposed is appropriate for the type of use;
 - c) there are no negative impacts on key natural heritage features and/or key hydrologic features or their functions; and
 - d) there are no negative impacts on the biodiversity or connectivity of the Natural Heritage System.

These policies, though specific to the Greenbelt, help to outline the distinctions between farm and non-farm development, with specific prohibitions against development on prime agricultural land.

Additional policies are designed to accommodate flexibility for specific purposes. One of these relates to the expansion of urban boundaries. As Policy 7.9.2.12 states, explicit reference is made to reduce impacts on agricultural land in the Prime Agricultural Area:

⁷ <http://www.mah.gov.on.ca/Page5667.aspx>

Consider an expansion to the 2031 Urban Boundary, 2021 or 2031 Rural Service Centre boundary only through a Regional Official Plan Amendment which is based on municipal comprehensive review which demonstrates the following:

- g) that there are no reasonable alternative locations which avoid the Prime Agricultural Areas;
- i) within the Prime Agricultural Area there are no reasonable alternative locations on lower priority agricultural lands;

These statements would benefit from clarification on what constitutes a “reasonable alternative.” This term could be supported by a requirement for an Agricultural Impact Assessment (AIA).

Similarly, there are exceptions for redesignating prime agricultural land. As s. 2.2.10.4.3 states that redesignation of prime agricultural areas for non-agricultural uses is prohibited except for:

- a) minor refinements to the prime agricultural and rural areas designations, the rationalization of which shall be based on the Land Evaluation and Area Review (LEAR) to be completed by the Region in accordance with policy 7.6.2.17 of this Plan and implemented subject to the criteria identified in the municipal implementation policies of Section 5.3 of the Greenbelt Plan; or
- b) settlement area expansions subject to the settlement area policies of Section 2.2.10.4 of this Plan and Section 3.4 of the Greenbelt Plan.

In terms of governance, the Peel Agricultural Advisory Working Group (PAAWG) supports agricultural matters in Peel, which is an external committee that advises Regional Council on matters implicating Peel’s agricultural sector. This group meets at least four times a year and provides a yearly report to Regional Council.⁸ This committee is not referenced in the PROP. The region is also affiliated with the Greater Toronto Area Agricultural Action Committee and the Golden Horseshoe Food and Farming Alliance, two organisations that “support broader collaboration among regional agricultural interests.”⁹

⁸ According to the website archive, this report was not provided in 2017. <http://www.peelregion.ca/planning/paawg/>

⁹ <http://www.peelregion.ca/council/agendas/pdf/agenda-item-r-40-2017-3237.pdf>

Assessment of Legislative Framework: Region of Peel, ON

Table 1. Legislative Framework for Ontario

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL	<p>Provincial Policy Statement (2014)</p> <p>Niagara Escarpment Plan</p> <p>Protected Countryside (Greenbelt Plan)</p> <p>Oak Ridges Moraine Conservation Plan</p>	<p><i>Planning Act</i></p> <p><i>Places to Grow Act</i></p> <p><i>Greenbelt Act</i></p> <p><i>Niagara Escarpment Planning and Development Act</i></p>	<p>Local Planning Appeal Tribunal</p> <p>Niagara Escarpment Commission</p>
REQUIRED INTEGRATION	<p><i>Planning Act</i> s. 1.1(c) to integrate matters of provincial interest in provincial and municipal planning decisions</p> <p><i>Planning Act</i> s. 5 Decisions shall be consistent with provincial policy statements and shall conform, or shall not conflict, with provincial plans, as the case may be.</p> <p><i>Planning Act</i> s. 6 (2) Ministries shall have regard for municipal planning policies.</p> <p><i>Planning Act</i> s. 2 planning authorities shall have regard for provincial interest (e.g. protection of agricultural resources).</p> <p><i>Planning Act</i> s. 27(1) amendments to lower-tier OPs shall conform to upper-tier OPs.</p> <p><i>Greenbelt Act</i> s. 6(2)(e) the Greenbelt Plan may set out policies with respect areas designated as Protected Countryside, including policies prohibiting official plans and zoning by-laws containing provisions that relate to specific matters and are more restrictive than those provisions relating to such matters in the Greenbelt Plan.</p> <p><i>Greenbelt Act</i> s. 7(1) decisions made under the <i>Planning Act</i> shall conform to with the Greenbelt Plan.</p>		
REGIONAL	<p>Land Evaluation and Area Review: Technical Study (2016)</p> <p>Edge Planning report (2015)</p> <p>The Peel Food Charter (2017)</p> <p>Peel Region Agriculture Discussion Paper (2008)</p> <p>GTA Agricultural Action Plan (2005)</p>	<p><i>County Official Plan</i></p>	<p>Peel Agricultural Advisory Working Group</p> <p>GTA Agricultural Action Committee</p>