AgPlan ASSESSMENT TOOLKIT
Strengthening Farmland Protection

Summary Assessment of Provincial Legislative Framework
NEW BRUNSWICK

(February, 2026)

Overall, the strength of New Brunswick's legislative framework for protecting farmland is **moderate**. The strongest aspect of the framework is its ability to integrate priorities across jurisdictions, primarily through the use of Regional Service Commissions, which increase the capacity for regional planning, while at the same time help to minimise uncertainty through better planning efforts. A profile of the provincial legislative framework is provided at the end.

The legislative framework for local governance and land use planning is presently under review[1]. As well, the Department of Agriculture, Aquaculture and Fisheries (DAAF) is holding public consultation sessions to seek and engage the public on the development of an Agricultural Land Policy.[2] See note below.

Strength of Provincial Legislative Framework: Summary Assessment

	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
New Brunswick	****	****	***	**

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

Maximise stability

In 2023, New Brunswick adopted the Statement of Public Interest Regulation (2023-53). This regulation includes a statement (s.4.1) to promote agriculture and the production of food in the province and a policy s. 4.2(a) to identify prime agricultural areas and prioritise them for agricultural uses and other compatible uses. Notably, the statement does not use the term "to protect" agricultural land, which is a stronger term. In this regulation, "prime" is defined broadly: Canada Land Inventory (CLI) Classes 2, 3, and 4, as well as Classes 5, 6, and7 that are located near actively farmed or land or land cleared for farming. This definition also includes the following: land prepared to be used for or has been identified for the future development of maple sugaries or the production of wild blueberries or cranberries; an existing woodlot that is associated with an agricultural operation. This regulation adds to the province-wide Agricultural Land Policy adopted in 2017 and intended to protect and preserve agricultural land. This Policy makes a clear direct statement to prioritise agricultural land as a critical component to support a thriving agricultural sector. Policy Statement #1 is for the Protection and Preservation of Agricultural Land. A stated expected outcome of the Agricultural Land Policy is the protection of agricultural land from un-restricted losses to development, encroachment, and topsoil stripping.

[1] Action Plan for a New Local Governance System, http://www2.gnb.ca/content/gnb/en/departments/elg/local_government/content/promos/action_plan_local_governance.html
[2] Agricultural Land Policy Consultation, http://www2.gnb.ca/content/gnb/en/departments/10/agriculture/content/agricultural-land-policy-consultation.html#

The *Community Planning Act* (CPA) sets the requirements for planning efforts and statutory plans of local governments and planning authorities, for which a Regional Plan (s.17), Municipal Plan (s.23), Rural Plan (s.27.(2)), Basic Planning Statements (s.29; in existence, but no longer used), and Zoning Bylaws (s.34) are the primary tools.

In addition to the 107 municipalities, there are 267 local service districts (LSD) that are administered under the Department of Environment and Local Government (DELG). Twelve Regional Service Commissions (RSCs)[3] that are service delivery agents, not a governance mechanism. RSCs are established in legislation that sets out the mandate, structure, and key operating guidelines for each Commission. Among other duties, RSCs provide planning services to LSDs and municipalities.

The *Agricultural Land Protection and Development Act* (ALPDA) (1997) contributes to the stability of the legislative framework. The ALPDA establishes agricultural land owner associations. However, the full effect of the ALPDA was not realised when three critical sections (10, 21, and 22) were omitted from proclamation, thereby weakening the Act. Section 10 enabled agricultural lands to be "registered" and have corresponding regulations established through statutory plans. Sections 21 and 22 deal with the consequential amendments to the CPA that would have provided the enabling legislation to bring the benefits of having registered agricultural lands into full force. These omissions removed important planning tools that would have helped to protect agricultural lands and control setbacks from residences and other non-farm developments.

Integrate public priorities across jurisdictions

The combined elements of the CPA, the Statement of Public Interests Regulation, and the provincial Agricultural Land Policy serve to ensure that the provincial interest in protecting agricultural land is integrated across jurisdictions. The CPA (s.14) requires that the activities of the Province shall be consistent with a statement of public interest. Section 15(1) requires that a regional land use plan, municipal plan, rural plan, by-law or regulation "shall be consistent with the statement of public interest." Such plans and bylaws have no effect to the extent of the inconsistency (s.15(2)).

Section 4.1(1) of the CPA enables the Province to establish a provincial land use policy to guide local planning and development, which would include principles, goals and priorities, and policy statements of provincial interest. The province adopted the Agricultural Land Policy in 2017. This Policy is integrated into local planning through s.4.1(3), which requires that a regional plan, municipal plan, rural plan, basic planning statement, or a bylaw or regulation "shall conform with the provincial planning policy." In the case of a conflict, the provincial planning policy prevails. The CPA (s2(d)) requires integration between regional and lower-level plans, whereby municipal plans and basic planning statements by municipalities must be adopted "within the context of a regional plan." The Agricultural Land Policy (Policy Statement #3) requires that land use planning in the province adhere to the policy.

Minimise uncertainty

The existence of the statements of provincial interest and the provincial land use policy to protect agricultural land helps to minimise uncertainty within the framework. Section 16(1) of the CPA establishes how the provincial interests will be enforced. Namely, the Minister has authority to ensure consistency of local government plans with a statement of public interest. The Statement of Public

[3] Structure of the new Regional Service Commissions, http://www2.gnb.ca/content/gnb/en/departments/elg/local_government/content/promos/action_plan_local_governance/structure.html

Interest Regulation helps to reduce uncertainty by providing clear definitions for what agricultural lands will be preserved and protected under the legislation. Both "agricultural use" and "prime agricultural area" are defined. The Agricultural Land Policy (Policy Statement #1) explicitly identifies the need to protect agricultural land from non-agricultural development, topsoil stripping, encroachment. and other non-compatible activities.

The use of RSCs to support lower-level planning efforts also helps to minimise uncertainty by increasing the capacity for land use planning through expertise and a higher level of co-ordination among local planning authorities.

One element of the Agricultural Land Policy that contributes to uncertainty is the statement under Expected Outcomes that the need to protect and preserve agricultural land will be "balanced with respect to individual rights and societal needs." Further, this Policy "addresses issues that pertain to private land only."

Accommodate flexibility

The structure of the RSCs increases the ability to accommodate flexibility within the framework. First, the direction is set and decisions are made by a Board that has community representation, which is accountable to their member municipal and rural councils. The mandate for each RSC is established separately, thereby providing an opportunity to establish its structure and operating guidelines in accordance with regional needs.

A local planning advisory committee is another governance mechanism enabled through the CPA (s.12-15). These committees advise and make recommendations to council and give views to proposed bylaws. This governance mechanism may help to accommodate flexibility.

In spite of its lack of direction for protecting farmland, the legislative framework accommodates flexibility through its decentralised approach, in that any local planning authority can integrate farmland protection policies into its statutory plans and regulations. The South Central Carleton County Rural Plan[4] provides an example, whereby its plan includes a policy (Part B(f)) for Agricultural Uses. The policy includes the following statements:

- It is a policy to promote the protection of prime agricultural lands in the interest of safeguarding local food production for future generations.
- It is a policy to accommodate value added and supplemental activities that can increase farm income by permitting a mix of compatible uses on land where agriculture is a primary permitted use.
- It is a policy to minimize land use conflicts that could arise from non-farm development near existing agricultural land uses, and conversely, from the development of agricultural facilities near existing non-farm uses.

[4] http://rsc12.ca/scccplan.pdf

Legislative Framework for New Brunswick

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL	Agricultural Land Policy Agriculture Strategy	*Community Planning Act* **Statement of Public Interest Regulation** *Agricultural Land Protection and Development Act* *Agricultural Operation Practices Act*	Assessment and Planning Appeal Board
REQUIRED INTEGRATION	CPA 4.1(3) A regional plan, municipal plan, rural plan, basic planning statement or a by-law or regulation under this Act that is enacted or adopted after the coming into force of the provincial planning policy shall conform with the provincial planning policy, and in the case of a conflict, the provincial planning policy prevails.		
REGIONAL		*Regional Plan*	
LOCAL		*Municipal Plan* *Rural Plan* **Zoning Bylaw**	Planning Advisory Committee Local Service District Advisory Committee Agricultural Land Owners Association

Acts (provincial laws), bylaws (local government laws, e.g., official municipal plan) [*italicised*]
Enforceable policy, regulations pursuant to acts [bold]
Aspirational policy at all levels [plain text]