

# PPS 2014 - BACKGROUNDER

March 20, 2014

## Re: Provincial Policy Statement (PPS 2014)

The Provincial Policy Statement (PPS) is the statement of the government's policies on land use planning. It includes policies on key issues that affect our communities, such as:

- efficient use and management of land and infrastructure
- protection of the environment and resources
- ensuring appropriate opportunities for employment and residential development, including support for a mix of uses

The PPS is an extremely powerful document that is issued under section 3 of the Planning Act and all decisions affecting land use planning matters "*shall be consistent with*" the Provincial Policy Statement. It is developed 'behind closed doors', without review in the legislature, too often takes precedence over legislation, and **requires** municipal plans to conform. It is because of this extraordinary power that Ontarians need to be concerned about the surreptitious process by which it has been created and how weak or absent are the justifications for many of its clauses.

The Ontario PPS 2014 was developed over several years and 'approved' on January 29, 2014. It was not released to the public or posted on the Environmental Bill of Rights (EBR) website until February 24, 2014 and **will come into effect on April 30, 2014**. We believe an EBR posting should occur *before* approval, not a month after.

PPS 2014 allegedly "involved extensive consultation with members of the public, municipalities, Aboriginal communities and organizations, and stakeholders ... during two phases - the first in the fall of 2010 and the second in the fall of 2012. In the latter consultation, the government released draft PPS policies ..." [<http://www.mah.gov.on.ca/Page7243.aspx>]

### Implications for Aggregate Mining and Related Activities

Analysts see PPS 2014 as a regressive document that does not reflect the priorities of those citizens and groups who made submissions during the comment period. In fact many believe it will make matters MUCH worse with regard to aggregate policies! It leaves in place the 2005 clauses regarding 'close to market' and 'no demonstration of need'. In addition, the following ominous clause appears:

***"2.5.2.3 Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible."*** [emphasis added]

The portion of this clause referring to "recycling facilities" was not in the draft documents that were available for comment. This has appeared at the last moment and one can only assume that it was the result of lobbying by aggregate industry insiders with privileged access to the people drafting the PPS. Numerous groups concerned with aggregate mining issues question the wisdom of locating Class 3 Industrial operations for re-processing of toxics-laden demolition debris in close proximity to drinking water aquifers and residences.

Furthermore, clause 2.5.2.3 **contradicts** the preceding clause 2.5.2.2 which states "***Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.***" You cannot "*minimize ... impacts*" at the same time as "*including ... recycling facilities*" since processing demolition debris **adds** significantly to potential adverse impacts!

On March 6, 2014 an urgent letter was submitted to the Ministry of Municipal Affairs and Housing expressing these concerns, along with supporting attachments. That letter and the documents that accompanied the letter are available on request. They have been totally ignored by our government.

**This is an extremely serious and urgent matter. Clause 2.5.2.3 is in effect a 'Trojan Horse' clause that will lead to dramatically increased threats to water, air, and health in residential communities situated near pits and quarries across Ontario, with little or no oversight by the Ministry of the Environment (MOE). Pits and**

quarries appear to be the only locations specifically exempted from MOE guidelines regarding Class 3 Industrial operations, [Ontario Ministry of the Environment D-series Guidelines 1.2.4] **which is why it seems they are preferred by the aggregate industry for locating such operations!**

Also ...

*“Once an official plan comes into effect, it can be amended at any time. Changes may be needed to incorporate new provincial policies or allow development that the policies in the current plan do not permit. These changes occur through an official plan amendment initiated by the municipality/planning board or a private applicant. The amendment is prepared and processed in the same manner as the plan itself. In some instances the official plan may be up-to-date; however the related zoning by-law may not reflect the updated official plan.”* [http://www.mah.gov.on.ca/AssetFactory.aspx?did=10254] [emphasis added]

**Implementation of the new PPS will begin a process that will see municipalities forced to permit land uses that a large segment of their constituents oppose.**

The citizens of Ontario must speak up against this dangerous clause and the changes it will impose on Municipalities and communities.

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## MEDIA RELEASE and WARNING

### **Ontario Government Hijacked; Citizen’s Groups Unite in Opposition**

Despite claims of ‘openness’, ‘accountability’ and ‘transparency’, our provincial government is doing precisely the opposite. With the approval and imminent implementation of the Provincial Policy Statement 2014 (PPS 2014) they are perpetuating ‘**Government by Decree**’ and continuing to provide government Ministers with virtually unchallenged powers. The **Planning Act** R.S.O. 1990, CHAPTER P.13 states:

*“The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. R.S.O. 1990, c. P.13, s. 3 (1).”* [emphasis added]

This provision of the Planning Act confers extraordinary powers on the Minister. It has permitted him to adopt the PPS 2014, which, when implemented on April 30, 2014 will become the dominant ‘law of the land’ without having to undergo scrutiny and debate in our legislature.

Most Ontarians are not fully aware of the potential impact of this policy statement. It will have far reaching effects in all matters dealing with municipal planning of, and zoning for:

- Type, size and location of industrial developments
- Commercial developments
- Residential developments and subdivisions
- Recreational facilities
- Location of dumps, landfills and “soil remediation” facilities

- o Location, size, and type of gravel pits and quarries and any industrial activities occurring within them
- o Road usages and highway developments
- o Agricultural activities and processing facilities
- o Environmental protection

... to name a few.

Basically **anything** that requires zoning, permits or approvals by Regions and Municipalities is subject to the provisions of the PPS.

How it is written, by whom it is written, and what powers it confers is of immeasurable importance. To have this policy created and implemented, apparently at the whim of a Minister, behind closed doors, subject to influence by powerful lobbyists who may have hidden agendas, **with no public justification for its provisions**, and no legislative review, effectively means we are living in a quasi-autocracy. Our legislature seems to have been emasculated.

Those backroom friends and operatives who have privileged access to the Ministry appear to have undue influence and control. Their well-financed special interests too often take precedence over legislation. We are calling for a change.

Respectfully ...



PitSense Niagara Escarpment Group Inc.



Concerned Residents Coalition

