

August 31, 2004

Planning Reform Initiative
Ministry of Municipal Affairs and Housing
Provincial Planning and Environmental Services Branch
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Re: Comments on the Planning Act Reform and Implementation Tools, Draft Policies of the Provincial Policy Statement, and the Ontario Municipal Board Reform

Comment Period: Closing August, 31, 2004

Dear Representatives of the Ministry of Municipal Affairs and Housing,

Pollution Probe supports the Ontario Government's commitment to review and reform key aspects of the planning system for Ontario. We also support the Ontario Government's role in consulting with the public on the Planning Act Reform and Implementation Tools, the draft policies of the Provincial Policy Statement and the Ontario Municipal Board Reform.

Attached please find Pollution Probe's comments, concerns and recommendations on the proposed Planning Reform Initiatives. While we have addressed some of the consultation questions put forward by the Ontario Government in the Planning Reform Initiative booklets, our recommendations focus on the areas in which we have knowledge and expertise. We intend that they will be constructive and will help the Ontario Government develop effective policies for planning in Ontario.

We appreciate this opportunity to comment on the Planning Reform Initiatives and we encourage the Ministry to revisit the issues addressed in our submission. We would be happy to discuss our recommendations further with you.

Sincerely,

Ken Ogilvie
Executive Director, Pollution Probe

Re: Comments on the Planning Act Reform and Implementation Tools, draft policies of the Provincial Policy Statement, and the Ontario Municipal Board Reform

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BACKGROUND ON POLLUTION PROBE

Pollution Probe is a non-profit charitable organization that works with all sectors of society to protect health by promoting clean air and clean water. Established in 1969, Pollution Probe is supported by an active donor base of approximately 6,000 donors. Our mandate is to define environmental problems through research; promote understanding through education; and press for practical solutions through advocacy. Working in partnership with industry, governments and communities, Pollution Probe offers innovative and practical policy-oriented solutions to air and water pollution issues and we seek to support measures that will assist in providing a clean, safe and healthy environment.

Pollution Probe's programme areas include: Water; Air, which includes strategies for Transportation Demand Management; Climate Change; Energy; Mercury; Environmental Policy Development; and Environmental Health, which includes Indoor Environments and Children's Health. For more information, see: www.pollutionprobe.org.

As part of Pollution Probe's mandate to work in partnership with other stakeholders to develop practical policies that affect the environment, Pollution Probe reviews and comments on various policies, acts and regulations proposed by the Ontario and Canadian Governments. Most recently, Pollution Probe has provided suggestions to the Ontario Government on the Drinking Water Source Protection Act, the Water Taking and Transfer Regulation, the Electricity Restructuring Act and the Industry Emissions Reduction Plan Proposals for a Nitrogen Oxides and Sulphur Dioxide Regulation. Pollution Probe has also prepared a report for the Central Ontario Smart Growth Strategy Sub-Panel which provided recommendations to guide future planning in Ontario. We will also provide comments on the proposed growth plan for the Greater Golden Horseshoe, i.e., the "Places to Grow. Better Choices. Better Future." discussion paper.

Pollution Probe's comments on the proposed Planning Reform Initiatives have been presented as answers to some of the consultation questions put forward by the Ontario Government in the Planning Reform Initiative booklets.

Comments on the Planning Act Reform and Implementation Tools

- 1. Do you believe any additional revisions are required to any existing provisions in the Planning Act to make the planning system more effective?*

A strong and effective planning system is critical to building strong communities, providing a clean and healthy environment, and sustaining a strong economy. While many of the proposed revisions to the Planning Act will help achieve these goals, Pollution Probe believes that additional changes are needed to make the planning system in Ontario more effective.

Firstly, the foundation for a more effective planning system begins with a vision that is clearly based on the principles of sustainable development, and the understanding that global environmental issues and local actions are interconnected. **Pollution Probe recommends that the Ontario Government use the term 'sustainability' to describe the goals of the Planning Reform Initiatives.**

In addition, Pollution Probe believes that the Act should extend the planning time-horizon beyond 20 years. **The official plan timescale of "up to 20 years" should be amended to "at least 20 years" with strategies for achieving long term, i.e., 50-100 year, sustainability.** It is important that the planning decision-making process takes the needs of future generations into account in order to determine the long-term investment requirements to sustain essential services for communities in the future. For example, if we develop and implement successful strategies to protect and manage natural resources today, it will help sustain the value of these resources for the future. The application of this approach is called "Sustainable Asset Management"; for more information, see:

Secondly, Pollution Probe believes that the planning system would be more effective if it was clear how the Planning Act (and the PPS) will affect and be affected by existing and proposed legislation that impact planning and development. For example, other legislation which impacts planning and development includes the proposed new Drinking Water Source Protection Act, the Ontario Water Resources Act, Water Taking and Transfer Regulation, Nutrient Management Act, Environmental Protection Act, the Mining Act, the Oak Ridges Moraine Conservation Plan, Niagara Escarpment Management Plan and the Greenbelt Protection Act. Pollution Probe is concerned that these and other pieces of legislation could be inconsistent and plans for amending specific pieces of inconsistent legislation have not been outlined. **Pollution Probe believes that it is imperative for the Ontario Government to develop (and present to the public) a coherent and comprehensive legislative framework, which outlines the linkages between the Acts and describes ways in which the Acts will interact, to ensure that gaps and inconsistencies in the regulatory framework are eliminated.**

Thirdly, it is also unclear if, how and in what cases, the Planning Act will take precedence over other pieces of provincial legislation, such as the proposed new Drinking Water Source Protection Act. **Pollution Probe recommends that the Ontario Government should be clear on where and how the Planning Act will take precedence over other pieces of legislation and conversely, where and how other pieces of legislation will take precedence over the Planning Act.**

Furthermore, new tools will also be required to make the planning system in Ontario more effective. **Pollution Probe believes that it is only with the application of the net gain principle that we can stop depleting natural capital,** such as forests, wildlife, agricultural land, and water, upon which life on this planet depends, and go beyond to undo some of the existing damage. Net gain means for example, when a change in land or water use is proposed, there would be widespread recognition that this change should only occur if it results in a net environmental benefit, i.e., an improvement in the quality and function of air, water, and soil. The basic concept is that growth cannot be "smart" or "sustainable" unless it results in a net environmental benefit. The application of the net gain principle would help land-use

planners make informed decisions about the relative merits of one change in land-use, for example, over another. In practice, community improvement policies, plans and programs that encourage redevelopment and/or rehabilitation improvements represent an opportunity for the application of the net gain principle. For more details, see Pollution Probe's response to question number five of this submission.

In addition, Pollution Probe recommends that the Ontario Government clearly define the meaning of the phrase: "matters of provincial interest". The Ontario Government should explicitly define the criteria which would enable the provincial government to declare a matter or resource as a provincial interest. Establishing a clear set of criteria will help ensure that decisions on land-use planning are assessed and treated equitably across the province; it will guide decision-making authorities in interpreting and implementing these authorization powers; and it will help ensure that municipal (or OMB) decisions are not overruled arbitrarily.

- 2. Are changes needed to the Planning Act to meet the objectives of compact urban form, intensification, re-use of brownfield lands, and effective environmental protection which would assist in strengthening Ontario's economy?*

It is unclear whether or not changes are needed to the Planning Act to meet the objectives of compact urban form, intensification, re-use of brownfield lands and effective environmental protection. The Planning Act is only one of many pieces of provincial legislation that impact planning and development and it is unclear how it will affect and be affected by existing and proposed legislation. For example, other legislation that impacts planning and development includes the proposed Drinking Water Source Protection Act, the Ontario Water Resources Act, Water Taking and Transfer Regulation, Nutrient Management Act, Environmental Protection Act, the Mining Act, the Oak Ridges Moraine Conservation Plan, Niagara Escarpment Management Plan and the Greenbelt Protection Act.

Pollution Probe is concerned that these and other pieces of legislation could be inconsistent and could lead to unnecessary conflicts and unexpected planning outcomes. **Pollution Probe believes that the Ontario Government should develop (and present to the public) a coherent, comprehensive and transparent legislative framework that outlines the linkages between the Acts and describes ways in which the Acts will interact, to minimize gaps and inconsistencies.**

For example, it is not clear if, how and in what cases, the Planning Act will take precedence over other pieces of provincial legislation, such as the proposed new Drinking Water Source Protection Act. **Pollution Probe recommends that the Ontario Government be clear on where and how the Planning Act will take precedence over other pieces of legislation and conversely, where and how other pieces of legislation will take precedence over the Planning Act.**

In addition, as highlighted in our submission, under 'Comments on the Provincial Policy Statement', Pollution Probe believes that in "sensitive" or "vulnerable" watersheds, source protection plans should prevail over the Planning Act. **We urge the Ontario Government to amend the Provincial Policy Statement to include provisions for, and priority to,**

watershed-based source protection planning, particularly in sensitive and/or vulnerable areas. For further details, see page nine of this submission.

3. *Do you believe any changes are required to Bill 26, the Strong Communities (Planning Amendment) Act, 2004 to make it more effective?*

In general, Pollution Probe believes that many of the proposed changes to Bill 26 could lead to the development of stronger, cleaner and more liveable communities. However, Bill 26 could be more effective if it was constructed on principles of sustainable development.

Pollution Probe supports the goals of the draft planning policies, which are defined as follows: "to build strong communities", "to protect the environment and resources" and "to support a strong economy". This integration of social, environmental and economic interests is the cornerstone of sustainable development, a term which is universally applied to describe development that integrates the well-being of people, environmental stewardship and economic development; "to meet the needs for the present without compromising the ability of future generations to meet their own needs" (World Commission on Environment and Development, 1988). **Pollution Probe recommends that the Ontario Government use the term 'sustainability' to describe the goals of the Planning Reform Initiatives.** In addition, Pollution Probe believes that the Act should extend the planning time-horizon beyond 20 years. **The official plan timescale of "up to 20 years" should be amended to "at least 20 years" with indexed plans for 50-100 years or more.** The PPS could be a progressive and effective cornerstone to the over-arching provincial vision if a long-term strategy for sustainability was at its core.

In addition, Pollution Probe recommends that the Ontario Government clearly define the meaning of the phrase: "matters of provincial interest". The Ontario Government should explicitly define the criteria which would enable the provincial government to declare a matter or resource as a provincial interest. Establishing a clear set of criteria will help ensure that decisions on land-use planning are assessed and treated equitably across the province; it will guide decision-making authorities in interpreting and implementing these authorization powers; and will help ensure that municipal (or OMB) decisions are not overruled arbitrarily.

4. *Do you have any other suggestions for improving the land-use planning system in Ontario?*

Yes, Pollution Probe believes that the Ontario Government should adopt net gain as a guiding principle against which urban form and growth management are to be assessed. See Pollution Probe's response to question number five of this submission.

5. *What new planning implementation tools are needed to assist in dealing with current and future land-use planning issues?*

THE NET GAIN PRINCIPLE

Pollution Probe urges the Ontario Government to adopt net gain as a guiding principle against which urban form and growth management are to be assessed. The net gain principle should be a component of the Planning Act and the PPS. Net gain means when, for

example, a change in land or water use is proposed, there would be widespread recognition that this change should only occur if it results in a net environmental benefit. The basic concept is that growth cannot be "smart" unless it results in a net environmental benefit. The application of net gain would help land-use planners make informed decisions about the relative merits of one change in land-use, for example, over another. In practice, community improvement policies, plans and programs that encourage redevelopment and/or rehabilitation improvements represent an opportunity for the application of net gain principles.

Net gain should measure total, not per capita, environmental improvements, including improvements to air, water, soil and habitat quality. Some room for trade-offs among environmental indicators should be considered; however, it is imperative to stipulate that overall there cannot be a net loss on any indicator.

Pollution Probe believes that it is only with the net gain principle that we can stop depleting natural capital, such as forests, wildlife, agricultural land, and water, upon which life on this planet depends, and go beyond to undo some of the existing damage. Changes to the environment should, over time, bring about improvements in the quality and function of air, water, and soil in Ontario. An example of an application of the net gain principle is the Anti-Smog Action Plan which calls for the province to reduce total emissions of nitrogen oxides by 45% by 2010; this target is achievable and takes population and economic growth into consideration.

Pollution Probe suggests that the Ontario Government could set a target of 25% net gain in specific environmental indicators for each new development, to ensure that overall environmental quality not only does not deteriorate further, but actually improves with new urban or transportation developments in Ontario. For example, indicators that could potentially be linked to net gain targets and environmental sustainability include emissions of air pollutants (e.g. nitrogen oxides, volatile organic compounds and greenhouse gases), water quality and quantity, water consumption, population density per hectare, the protection of woodlands and habitat, and agricultural land preservation.

Pollution Probe provided the same suggestions to the Central Smart Growth Panel, in a submission paper called "Exploring Applications of the Net Gain Principle" and "Air Quality, Water and Soil: Issue Paper No. 2"; the paper is attached to this submission in Appendix 1. Pollution Probe has also explored applications of the net gain principle worldwide; the report, called "Exploring Applications of the Net Gain Principle" is available at www.pollutionprobe.org/Reports/netgain.pdf.

THE PRECAUTIONARY PRINCIPLE

Pollution Probe also believes that the Planning Act and the PPS should use the precautionary principle as a basis for planning, with the goal of improving the quality of the environment. Pollution Probe supports including "duty to act" as an essential requirement of the precautionary principle - action should be taken in the absence of complete scientific or information certainty. Public perceptions and values are fundamental elements of risk-based decision-making processes; effective opportunities for public debate and advice throughout risk assessment and management processes should be established. **Pollution Probe urges the**

Ontario Government to include the precautionary principle as a basis for land-use plan decision-making.

The precautionary principle is particularly applicable for the case to develop adaptive strategies that could help reduce the impacts of climate change.

COMMENTS ON THE PROPOSED NEW PROVINCIAL POLICY STATEMENT (PPS)

6. Do the draft policies provide sufficient direction to effectively protect provincial interests in land-use planning?

Pollution Probe believes that the goals of building strong communities, protecting the environment and resources, and supporting a strong economy are compatible. For the proposed policies that support these goals to be more effective, it will be necessary to develop a set of indicators from which change and progress can be adequately measured.

Pollution Probe supports proposed new policy directions that will protect the environment and resources, specifically through actions that:

1. Help improve air quality, reduce greenhouse gas emissions, and mitigate the impacts of climate change through supportive land-use patterns;
2. Support and promote the use of alternative energy systems and energy conservation;
3. Protect and enhance water quality and quantity and ensure a safe drinking water supply;
4. Protect significant natural resource features including the habitat of threatened species; and
5. Provide strong policies for sewer and water systems which protect the environment and public health.

The environment will be impacted directly and indirectly through proposed new policies in the areas of managing growth and promoting settlement areas, revitalizing brownfields and intensification, transit-supportive land use patterns, air quality/energy, preserving greenspace, water and agriculture. Generally, **Pollution Probe is supportive of new PPS policies consistent with those proposed by Bill 26, although some could be strengthened (see Pollution Probe's response to question number seven of this submission).**

In addition, Pollution Probe recommends that the Ontario Government clearly define the meaning of the phrase: "matters of provincial interest". The Ontario Government should explicitly define the criteria which would enable the provincial government to declare a matter or resource as a provincial interest. Establishing a clear set of criteria will help ensure that decisions on land-use planning are assessed and treated equitably across the province; it will guide decision-making authorities in interpreting and implementing these authorization powers; and will help ensure that municipal (or OMB) decisions are not overruled arbitrarily.

7. *Do the draft policies achieve the right balance among different policy interests, such as building strong communities, protecting the environment and resources, and supporting a strong economy?*

In general, many of the proposed changes to the Planning Act and the PPS could lead to the development of stronger, cleaner and more liveable communities. However, the PPS could be more effective if it was constructed on principles of sustainable development.

Sustainability

Pollution Probe supports the goals of the draft planning policies, which are defined in the PPS as follows: “to build strong communities”, “to protect the environment and resources” and “to support a strong economy”. This integration of social, environmental and economic interests is the cornerstone of sustainable development, a term which is universally applied to describe development that integrates the well-being of people, environmental stewardship and economic development; “to meet the needs for the present without compromising the ability of future generations to meet their own needs” (World Commission on Environment and Development). **Pollution Probe recommends that the Ontario Government use the term ‘sustainability’ to describe the goals of the Planning Reform Initiatives.** In addition, **Pollution Probe believes that the Act should extend the planning time-horizon beyond 20 years.** The official plan timescale of “up to 20 years” should be amended to “at least 20 years” with indexed plans for 50-100 years or more. The PPS could be a progressive and effective cornerstone to the provincial vision if a long-term strategy for sustainability was used as the over-arching principle.

Strengthen Terminology and Provide Clear Directions to Municipalities

Pollution Probe supports the Ontario Government’s decision to amend the implementation standard of the PPS to require that any decision by planning decision makers “shall be consistent with” the policy statements issued under the Act. Pollution Probe believes that this is an effective means of strengthening the PPS and improving municipal planning decisions in Ontario. However, the amendments include a number of ambiguous terms such as ‘limited use of’, ‘under certain conditions’ and ‘where possible’. These terms weaken the effectiveness of the PPS and the Planning Act and also provide little direction to municipalities. **To improve the Planning Reform Initiatives, Pollution Probe recommends that the Ontario Government clarifies the definitions of ambiguous terms in all three Planning Reform Initiatives (the Planning Act Reform and Implementation Tools, the PPS and the OMB Reform), as well as provide clear directions for municipalities, by for example, including prescribed planning targets for official plans, such as minimum densities for intensification, minimum standards of energy and water efficiency, land use and protected areas, etc., as expanded upon further in the ‘Strengthen the Proposed New PPS Policies’ section below.**

Legislative Framework

The Planning Act and the complementary policy document, the PPS are one of many pieces of provincial legislation that impact planning and development and it is unclear how it will affect and be affected by existing and proposed new legislation. For example, other legislation which impacts planning and development includes the proposed new Drinking Water Source Protection Act, the Ontario Water Resources Act, Water Taking and Transfer Regulation, Nutrient Management Act, Environmental Protection Act, the Mining Act, the Oak Ridges Moraine Conservation Plan, Niagara Escarpment Management Plan and the Greenbelt Protection Act. Pollution Probe is concerned that

these and other pieces of legislation could be inconsistent and plans for amending specific pieces of inconsistent legislation have not been outlined. **Pollution Probe believes that it is imperative for the Ontario Government to develop (and present to the public) a coherent and comprehensive legislative framework, which outlines the linkages between the Acts and describes ways in which the Acts will interact, to ensure that gaps and inconsistencies in the regulatory framework are eliminated.**

It is also unclear if, how and in what cases, the Planning Act will take precedence over other pieces of provincial legislation, such as the proposed new Drinking Water Source Protection Act.

Pollution Probe recommends that the Ontario Government should be clear on where and how the Planning Act will take precedence over other pieces of legislation and conversely, where and how other pieces of legislation will take precedence over the Planning Act.

In addition, it is not clear which policies in the PPS, i.e., the policies under 'Building Strong Communities', "Wise Use and Management of Resources" and "Protecting Public Health and Safety", would receive a higher priority in the planning decision making process. Pollution Probe believes that the Ontario Government should be explicit on how decisions on tradeoffs between the policy areas would be made. Furthermore, as highlighted in our submission, under the section called 'Strengthen the Proposed New PPS Policies – Water', **Pollution Probe believes that the Provincial Policy Statement should include provisions for, and priority to, watershed-based source protection planning, particularly in sensitive and/or vulnerable watersheds.** For further details, see the Water section below.

Strengthen the Proposed New PPS Policies

Pollution Probe, in principle, supports the Ontario Government's decision to improve the provisions under the proposed new PPS to protect the environment. However, Pollution Probe believes that there is a need to strengthen some of the proposed new PPS policies as well as create new ones. Pollution Probe has provided recommendations on which policy areas should be reviewed; we did not address all of the policy areas outlined in the PPS, but rather we focused our recommendations on the areas in which we have knowledge and expertise. **We urge the Ontario Government to reconsider the following proposed new PPS policies and adopt our recommendations in the PPS and the Planning Act:**

WATER

Pollution Probe supports the Ontario Government's decision to improve the provisions under the proposed new PPS Policy to include watershed planning for the protection of both the quantity and quality of groundwater and surface water; however, we believe that the policy for water should be stronger. For example, Section 2.2.1(a) states that the watershed should be used as the ecologically meaningful scale for planning. Pollution Probe believes that the terms "ecologically meaningful" should be removed and that watershed-based management principles and practices should underpin the management of growth in Ontario. Pollution Probe believes that the PPS should be revised to establish watersheds as the logical unit for land use planning decision-making, so that planning decisions are made by applying an integrated water resource management (IWRM) approach. **Pollution Probe urges the Ontario Government to further revise the PPS to ensure that Official Plans are prepared using watersheds as**

the primary framework within which development and other land use changes can be properly and comprehensively evaluated.

In addition, Pollution Probe believes that **the Planning Act, the Provincial Policy Statement, the Drinking Water Source Protection Act and the Ontario Water Resources Act (OWRA) should not be treated (or developed) as mutually exclusive pieces of legislation.** After all, land-use activities (and potential threats associated with them) affect both the quality and quantity of water sources; in fact, managing activities and threats to water sources can essentially be viewed as a question of land-use control. Now that the Ontario Government has embarked on developing a Drinking Water Source Protection Act, Pollution Probe believes that it is imperative that the Ministries of the Environment and Municipal Affairs and Housing consult with each other to ensure that the Ontario government places protecting water sources as a provincial priority.

Currently, Section 71 of the Planning Act states, "In the event of conflict between the provisions of this and any other general or special Act, the provisions of this Act prevail." (R.S.O. 1990, Chapter 13, S 71). This would mean that the Planning Act is paramount to source water protection plans (as defined by the Drinking Water Source Protection Act). The tragedy in Walkerton, Ontario in May 2000 when seven people died and 2,300 became ill after ingesting E. coli bacteria that had entered the water distribution system revealed how easily water can become contaminated and how damaging the consequences in terms of human, environmental and economic health can be. **Pollution Probe urges the Ontario government to ensure that source protection plans take precedence over existing and future government approvals, especially in "sensitive" and/or "vulnerable" watersheds.** Inconsistencies between source protection plans and the Planning Act should be avoided by including a legislative requirement that planning instruments be amended to be consistent with the source protection plan in those areas, and to take account of the source protection plans in the remainder of the planning area. **We urge the Ontario Government to amend the Provincial Policy Statement to include provisions for, and priority to, watershed-based source protection planning, particularly in sensitive or vulnerable watersheds.**

Pollution Probe provided comments similar to the ones above in our submission on the proposed Drinking Water Source Protection Act to the Ministry of the Environment.

AIR QUALITY

The relationship between urban form, transportation emissions and air quality is clear, with urban sprawl being a major contributor to climate change and air pollution.¹ Urban sprawl also has other health implications such as contributing to obesity and type II diabetes, especially among children. In addition, the US Environmental Protection Agency has found that infill development and re-development of older suburbs could reduce vehicle kilometres travelled per capita by 39 to 52 percent (depending on the metropolitan area studied) compared to urban sprawl.

¹ Pollution Probe. 2002. Air, Water and Soil Quality: An Issues Paper. Prepared for the Neptis Foundation and Central Ontario Zone Smart Growth Panel, Pollution Probe, 2002.

Pollution Probe is pleased to see air issues linked to transportation and land use planning; however, Pollution Probe believes that the policies that have implications for air quality and climate change could be strengthened in the following areas:

Managing Growth and Promoting Settlement Areas:

Pollution Probe believes that tighter control of agricultural lands, specifically class 1, may be required; tighter controls for land for specialty crops may not be enough. **Pollution Probe recommends that the Ontario Government review the need for tighter control of agricultural lands.** It may be necessary to go beyond discouraging scattered development, especially strip development, in rural areas, to ensure more efficient settlement patterns.

Revitalizing Brownfields and Intensification:

Pollution Probe recommends that, wherever possible, the Ontario Government pursues the intensification of existing built-up areas and brownfield developments, with specific goals and targets prior, to expanding into greenfield areas.

Transit-Supportive Land Use Patterns:

In 2003, Pollution Probe and the York Centre for Applied Sustainability hosted a conference on Transportation, Air Issues and Human Health, the proceedings of which demonstrated how current PPS policies have been insufficient in promoting transit-supportive land use patterns. Pollution Probe supports all of the proposed new PPS policies that promote transit-supportive land use patterns. However, **we believe that the proposed new PPS policies should be supportive of transportation demand management (TDM) programs, which are not mentioned in either the PPS or the Planning Act Reform and Implementation Tools. Pollution Probe recommends that the PPS promotes the use of transit by establishing explicit strategies, such as requirements for maximum parking allocation standards, higher taxation of parking, transit corridor allocation requirements and transit service provision before growth (not after growth has occurred).** We support Section 1.5.5.1, which states that "a land use pattern, density and mix of uses is promoted which reduces growth in the length and number of motorized journeys, and creates viable choices of public transit and other alternative transportation modes."

AGRICULTURE CLIMATE CHANGE AND FOOD PRODUCTION

Food production must be protected especially considering climate change scenarios.

It is expected that climate change will have impacts on agriculture in Ontario in decades to come, as well as on agriculture lands worldwide, with the potential for serious impacts on food production and availability. Although some uncertainties exist with scenarios of climate change impacts, it is imperative to apply the precautionary principle and to manage agricultural lands sustainably for future use. The use of agricultural land also has implications for source water protection, the protection of biodiversity and natural landscapes, which could also be severely impacted by climate change.

ENERGY

The reference to land-use planning for alternative energy systems is weak and hidden in the long list under Section 1.6.1. To strengthen the reference in the PPS, Pollution Probe has the following recommendations:

- **Firstly, in Section 1.6.1(d), the term "alternative" should be replaced with "renewable";** this will ensure that the definition used in the PPS is in accordance with the ones used in the Electricity Restructuring Act 2004 (Bill 100) and the Ontario government press releases designating targets. In Bill 100, "renewable" energy source includes energy from wind, solar, biomass, tidal and geothermal sources. In Bill 100, "alternative" energy is a more general term and not specific to renewable energy.
 - **Pollution Probe recommends that the PPS should have a separate section providing direction on land-use planning for "renewable" energy sources to the extent that the Act supports the targets for the province.** The province has targets for 1,350 MW of renewable energy by 2007 and 2,700 MW by 2010. It is expected that there will be additional targets to meet future needs. The targets will not be met unless land-use planning addresses the need for transmission grid access in new areas of the province and addresses other requirements specific to renewable energy needs. An example of a strategic long-term element of planning may include the protection of land for future renewable energy development, such as areas with potential for wind power generation.
 - **Policy statements to support the province's stated objectives together with support for new technologies, such as green roofs and Green building designs, which will reduce energy demand and improve stormwater quantity and quality, should also be included in the PPS.**
8. *Are there emerging or additional planning matters that require provincial policy direction which are not included or which you believe are not adequately addressed?*

CLIMATE CHANGE IMPACTS AND ADAPTATION

Climate change is emerging as perhaps the most serious environmental challenge facing humankind. More than 80 percent of Canadians live in urban areas, and Ontario is no exception. Municipalities are responsible for over 50% of national greenhouse gas emissions, and could be severely impacted by climate change in terms of human health, water resources, and infrastructure. Little is known about the severity or nature of these impacts; **Pollution Probe believes that more research is needed to improve adaptive capacity and link mitigation and adaptation strategies at the municipal level.**

AGRICULTURE CLIMATE CHANGE AND FOOD PRODUCTION

Food production must be protected especially considering climate change scenarios.

It is expected that climate change will have impacts on agriculture in Ontario in decades to come, as well as on agriculture lands worldwide, with the potential for serious impacts on food production and availability. Although some uncertainties exist with scenarios of climate change impacts, it is imperative to apply the precautionary principle and to manage agricultural lands sustainably for future use. The use of agricultural land also has implications for source water protection, the protection of biodiversity and natural landscapes, which could also be severely impacted by climate change.

COMMENTS ON THE ONTARIO MUNICIPAL BOARD (OMB) REFORM

9. *Are there other reforms of the Ontario Municipal Board that you believe should be considered?*

Pollution Probe recommends that the Ontario Government clearly define the meaning of the phrase: “matters of provincial interest”. The Ontario Government should explicitly define the criteria which would enable the provincial government to declare a matter or resource as a provincial interest. Establishing a clear set of criteria will help ensure that decisions on land-use planning are assessed and treated equitably across the province; it will guide decision-making authorities in interpreting and implementing these authorization powers; and will help ensure that municipal (or OMB) decisions are not overruled arbitrarily.

10. *Do you have any additional comments or questions?*

Pollution Probe supports the Ontario Government's interest in creating planning reform initiatives that would bring more accountability, transparency and public input to the way land-use planning decisions are made in Ontario.

We encourage the Ontario Government to adopt a transparent approach when developing legislation, plans and policies related to land-use planning and ensuring that the public is involved in the planning process. Additionally, the OMB hearing processes and the rationale behind decisions that have been made should be clear and accessible to the public; the rationale behind the selection process for OMB members should also be clearly defined and provided to the public.

To help the Ontario Government communicate its decisions and decision-making processes as well as consult with the public, Pollution Probe believes that it would be useful for the Ministry of Municipal Affairs and Housing to review existing frameworks designed to notify and consult with the public. We encourage the MMAH to review the example set by the Environmental Bill of Rights Registry (EBR), which is a web application that provides public citizens with formal rights to play a more effective role in environmental protection; it establishes a formal framework for notifying the public about proposed legislation, policies, regulations and other legal instruments that could have a significant impact on the environment; the government considers the public's input before making a final decision. For more information, see:

http://www.ene.gov.on.ca/envision/env_reg/ebr/english/index.htm

Pollution Probe believes that the MMAH should adopt a public system which will help ensure that planning decision-making is open and transparent, and which facilitates public understanding and consultation.

Pollution Probe supports the development of a provision in the OMB Reform which would prevent appeals to the OMB on ordering the expansions of urban boundaries as defined in municipal official plans.

