

Agricultural Land Use Planning in Canada

Case Study of Municipality of the County of Kings, Nova Scotia FINAL REPORT

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Executive Summary

In this report we present the final results of a case study of agricultural land use planning for the Municipality of the County of Kings (hereafter, Kings County), a rich agricultural area located in Nova Scotia's Annapolis Valley. The case study of Kings County involved an assessment of the breadth and quality of the legislative framework that governs agricultural land use planning, including policies, legislation, and governance. The case study also involved an assessment of the political context within which agricultural land use planning takes place and decisions are made.

The aim of the case study is to contribute to three areas of knowledge. The case study lends insight into the state of agricultural land use planning in Kings County. It further contributes to an understanding of the state of agricultural land use planning in Nova Scotia. Finally, the case study is part of a broader national project to identify principles and beneficial practices that represent land use planning solutions that protect farmland.

Overall, the legislative framework for protecting farmland in Kings County is strong. Based on our analysis using four principles as criteria for evaluation, we found that the strength of the framework for protecting farmland is based on a high level of stability and an ability to accommodate flexibility.

Principles of Land Use Planning

	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
Municipality of the County of Kings	*****	***	***	*****

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

The stability of the local legislative framework is very strong. 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 policy and expressed through clear, concise language. In this regard, the Municipal Planning Strategy (MPS) for the County contributes substantially to the stability of the framework. The priority to protect farmland and encouraging farming as its primary use are identified clearly and prevalent throughout the MPS. These strengths reflect the dual planning approach by Kings County to direct urban growth to designated growth centres and protect farmland. The dual approach of the MPS is supported by a land use zoning bylaw that provides an appropriate level of detail to implement the MPS policies effectively.

The integration of public priorities between Kings County and the provincial interest in protecting farmland is moderate. Section 3.2.3 Agricultural Goals and Objectives of the MPS refers directly to the SPI. The Kings 2050 background report for agriculture (2012) has a more extensive review of provincial policies that refers to the SPI and the *Agricultural Marshland Conservation Act*, among other provincial policies related to the agricultural industry and practices. However, the lack of reference to the *Farm Practices Act* represents an important gap. The recent development of a regional vision that includes Kings County and the Towns located within its boundaries represents a positive step toward integrating public priorities horizontally.

The Kings County framework serves to minimise uncertainty with a moderate rating. To its advantage, the MPS and Land Use Bylaw (LUB) are very detailed and comprehensive. The clear designation of the Agricultural District and complementary zoning helps to minimise

uncertainty by providing direction to decisions makers. In contrast to these efforts to minimise uncertainty, several elements of the framework related to future urban expansion contribute to uncertainty. For example, under its general urban policies, the MPS refers to the gradual phasing out of agricultural land uses within the Growth Centres. Similar policies for future urban expansion undermine the integrity of the designated growth boundaries, thereby exposing agricultural lands to potential future development.

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 maximising stability and minimising uncertainty. In this regard, Kings County is very good. The dual planning approach to protect farmland and manage urban growth helps to frame the MPS and provide guidance for how policies should be interpreted. Importantly, the formalised use of agricultural impact assessments, agricultural suitability reports, buffering, and comprehensive development districts are effective planning tools that help to accommodate specific needs while protecting the agricultural land base.

In addition to assessing the strength of the local legislative frameworks, we also assessed the presence of issues, ideas, interests, and institutions associated with the three policy regimes. A policy regime refers to the combination of issues, ideas, interests, actors, and institutions that are involved in formulating policy and for governing once policies are devised. Within the Kings County legislative framework, the policy regime of farmland preservation has the highest level of influence. The prevalence of this regime is consistent with the long-standing interest in protecting farmland. Food sovereignty, and its associated concerns with food security and demand for local food, has a noticeable presence in the aspirational documents of the recent Kings 2050 planning efforts. These documents may influence the contents of the current development of a new MPS and LUB for the County. The policy regime of global competitiveness is mentioned only briefly and has a negligible influence within the framework.

Overall Influence of Policy Regimes, Kings County

	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Global Competitiveness				
Farmland Preservation				
Food Sovereignty				

LowMediumHigh

We also identified several current issues related to agricultural land use planning and farmland protection. These issues include alienation and fragmentation of farmland, small-lot agriculture, foreign ownership, and pressure from natural resource developments. While none of these issues appears to be major concerns for the area, the issues are often presented as driving concerns that guide policy development.

In summary, we found that Kings County recognises the importance of protecting its agricultural land base and encouraging farming as its best use. This commitment is embedded in its planning efforts for the past 40 years. However, this commitment is subject to review in the current planning process. The language of the draft MPS indicates that the legislative framework for farmland protection may be weakened.

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Abbreviations

AAFC	Agriculture and Agri-Food Canada
AIA	Agricultural Impact Assessment
AMCA	Agricultural Marshland Conservation Act
ASR	Agricultural Suitability Report
AAC	Area Advisory Committee
GF2	Growing Forward 2
LUB	Land Use Bylaw
MCK	Municipality of the County of Kings
MGA	Municipal Government Act 1998
MPS	Municipal Planning Strategy
NSFA	Nova Scotia Federation of Agriculture
PAC	Planning Advisory Committee
RCDD	Residential Comprehensive Development District
SPI	Statement of Provincial Interest
URB	Utilities and Review Board

About the project

The national project is a three-year study to identify principles and beneficial practices that represent integrated land use planning solutions that protect farmland in Canada. We have three objectives related to this purpose:

1. To undertake case studies to fill strategic gaps in our understanding of how agricultural land use planning policies and processes at a local level protect farmland while also integrating public priorities across jurisdictions.
2. To analyse three inter-related policy regimes within Canada's agri-food system: the long-standing policy regimes of global competitiveness and farmland preservation; and the nascent regime of food sovereignty. The aim is to understand how these three policy regimes influence agricultural land use planning at local, provincial, and national levels of policy. A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved.
3. To mobilise knowledge gained from the research by hosting a series of regional workshops across Canada. Workshop results will culminate in a national forum to formulate policy recommendations for protecting farmland.

The relation between agriculture, food, and social priorities is connected to the society we want and the place of food and farmers within it. Historically, the decline in the economic and social role of agriculture has accompanied a significant loss and degradation of the agricultural land base. This trend appears to be reversing. The growth of the local food movement, as evident by the increasing number of farmers markets and citizen-based initiatives like community gardens and local food councils, has been the forerunner of recent calls at the national level for a Canada-wide food policy. Although drastic policy changes are not likely to happen immediately at the national level, changes are already occurring at local and regional levels, with all of Canada's major metropolitan regions having launched food plans and policy councils (Vancouver, Calgary, Toronto, Ottawa and Montreal). These changes suggest that the place of agriculture and food within Canadian society has shifted to be much more aligned with public priorities.

Sorting out relations between agriculture, food, and society falls, in part, within the domain of land use planning because every act of producing and consuming food has impacts on the land base. Yet, in spite of forty years of farmland protection policies, the agricultural land base still faces growing pressures from urban development and the pursuit of other economic priorities, with few indications that this trend will be significantly curtailed. Will this trend be halted if Canada adopts a national food policy that gave citizens more influence over domestic food supplies? If Canada adopted such a policy, do governments have the ability to protect the agricultural land base in order to support these new public priorities?

We anticipate that the greatest potential benefit of the research is to make a positive contribution to the development of agricultural land use plans, planning processes, and policies in Canada to protect farmland and promote farming as the highest and best use of these lands. Our assessment will be of benefit to land use decision makers, planning practitioners, to non-government organisations, industry groups, farmer organisations, farmers, and the general public.

For more information about the project, please visit the project website or contact Dr. David J. Connell, University of Northern British Columbia.
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Principles for guiding agricultural land use planning

An agricultural land use planning legislative framework provides the context and constraints for what local governments must and can do to protect its agricultural lands. An effective framework of policies, legislation, and governance structures presents an opportunity for local governments, which can then choose how much it wants to take advantage of this opportunity. Within this context it is helpful to be able to assess the quality of an agricultural land use planning framework and understand how well it works and why. For this purpose we have identified the following four principles, which are described below:

- Maximise stability
- Minimise uncertainty
- Integrate across jurisdictions
- Accommodate flexibility

The concepts of stability and uncertainty must be understood with a view of the world as unpredictable and essentially unknowable. This contrasts with a rationale view of the world as something that we can understand fully – if only we had all of the right data and the ability to process the information. This worldview of an open future presents challenges because planning, by its very function, is focussed on making a desirable future a visible part of today's land use decision-making processes (Connell, 2009). The aim of planning is not to predict the future or claim to be all-knowing but to envision a desirable future with the information available. The functions of planning are to maximise what we can know about the future and to minimise what we do not know, thereby establishing a domain of understanding within which to make the best possible land use decisions in the present. This leads to the first two principles of agricultural land use planning.

Maximise stability

Something that is stable is difficult to topple; it stands strong and cannot be easily moved. Likewise, 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. It is something that people can count on to secure the land base for agriculture and to know what the rules are. In this sense, a measure of stability is a measure of the thing itself – the legislative framework – as it is written in its present form. Thus, stability is a critical measure of the strength of an agricultural land use planning framework.

Minimise uncertainty

In addition to maximising the stability of a legislative framework through clear rules and regulations we must also consider how the framework will be implemented and applied to land use decisions. People want to know they can rely on these rules and regulations to be applied consistently and to know how it will be applied under different circumstances. In this sense, people want not only a stable land base for agriculture but also a legislative framework that provides some certainty about how it will be used to make agricultural land use decisions. However, what we do not know is boundless so we must accept that we cannot eliminate uncertainty. What governments can do is to minimise uncertainty by eliminating loop-holes, ambiguous language, and open-ended conditions. Perhaps more importantly, uncertainty can be minimised through consistent interpretations and applications of the legislative framework. In this sense, a measure of uncertainty is a future-oriented measure of expectations about how the legislative framework will be applied to land use decisions. Thus, the presence of uncertainty is a critical measure of the weakness of an agricultural land use planning framework.

Integrate across jurisdictions

Integrating policies and priorities across jurisdictions is a foundation for building cohesion across provincial, regional, and local governments. This principle of integration can be viewed as a “policy thread” that weaves together traditional areas of responsibility (Smith, 1998). One can also think of integration as a formal “linkage” between policies that provides consistency among them. Such formal linkages can come in the form of a provincial policy that requires a lower-level policy “to be consistent with” provincial statements. The aim of such vertical mechanisms is to ensure that lower-level policies are set within the context of broader public priorities. The same principle of integration applies horizontally, too, so that plans and strategies are co-ordinated and consistent across local governments. 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.

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 maximising stability and minimising uncertainty. The principle is to enable decision-makers to accommodate a controlled level of flexibility without compromising the primary functions of the legislative framework to provide stability and reduce uncertainty. The means to accommodate flexibility is typically done through governance mechanisms, such as quasi-judicial provincial commissions, advisory committees, and application processes.

Political context and policy regimes

To understand how political contexts and multiple public priorities influence agricultural land use planning in Canada, and to what extent it has already had an impact, we will examine the interaction of three current policy regimes: global competitiveness, farmland preservation, and food sovereignty. A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved. Actors of agricultural policy regimes include a wide range of interests represented by citizens, all levels of government, local organisations, professional organisations representing producers, farmers and ranchers themselves, unions, industry trade associations and environmental groups, among others. In Canada, the two policy regimes of global competitiveness and farmland preservation have influenced policies for several decades. The recent emergence of food sovereignty as a policy regime reflects growing public concerns about the security and safety of Canada's domestic food supply, and may have significant implications for Canada's global competitiveness and the conservation and use of agricultural land. In this section we described each of these three policy regimes. A description of the criteria we used to determine the level of influence of each policy regime is provided in the appendix.

Global competitiveness

A policy regime of global competitiveness has strengthened over the past forty years at both the national and provincial levels, usually in the context of pressures on industry viability in the face of freer trade. An interest in global competitiveness often requires policies and strategies to successfully integrate into the global economy. A recent report on competitiveness by the House of Commons Standing Committee on Agriculture and Agri-Food focussed on access to new markets, barriers to trade, food safety and product labelling, and market concentration within sectors. Input to this report was provided by national and regional commodity trade associations, meat and other food processors, transportation associations, and policy institutes, among others. Scholars in this field, such as Grace Skogstad, have noted that, although the membership of the agri-food policy community in Canada is strong individually, the community is nationally fragmented and organisationally divided, as national policies do not always serve all members or geographic regions equally. For example, export-oriented policies may promote the export of raw food products at the risk of higher prices for domestic food processors. Such policies also have regional differences, where policies may benefit one region (food processing in central Canada) to the disadvantage of food producers in another region (food producers in the prairies). Notwithstanding these internal challenges, the competitiveness policy regime continues to strengthen, as evident in the Growing Forward 2 (GF2) policy framework announced on September 14, 2012.

Key ideas from GF2:

- Competitiveness and Market Growth: The sector needs to continually increase productivity, to reduce costs and to respond to consumer demands, such as for high-value products with specific attributes. Competitiveness also means increasing our share of domestic and international markets.
- The key drivers are:

- Innovation: The sector adopts and implements new technologies and innovations, creating and using knowledge to develop new products, technologies and business management practices that drive down costs, increase productivity and respond to consumer demands.
- Institutional and Physical Infrastructure: Effective rules, regulations, standards, organizations, and physical infrastructure allow firms to operate and markets to function efficiently for a profitable sector and the well-being of Canadians.
- Competing on cost: One factor in assessing the competitiveness of Canadian agriculture and agri-food sector is how cost-efficient Canadian agricultural producers, manufacturers and exporters are in relation to competitor suppliers. This is influenced by a number of factors, including natural resource availability and use, input prices, labour availability and cost, and scale of operation.
- Innovation is critical for improved cost competitiveness. Innovation can lead to improved productivity and reduced costs. However, despite significant agricultural research, the sector could be more effective in applying knowledge and innovating along the supply chain.
- Focus on the role of innovation for productivity growth and the ongoing efforts to access emerging growth markets.
- Continual innovation and adaptation has contributed to increased yields and the creation of new products and production methods
- Increased trade, globalization of supply chains, and more exacting consumer demands have increased the importance of rules, regulations, and other market infrastructure
- Additional industry capacity and infrastructure investments, such as information and communication technologies, will be required to enable producers, processors, buyers, and government agencies to adjust effectively to new food safety regulations and buyer assurance standards.
- Bilateral and multilateral trade agreements and trade promotion efforts are essential.

Food sovereignty

For our purposes, food sovereignty is a broad term that focusses on the right of citizens to have greater control over its food supply. The term encompasses food security and food safety. Food security is concerned about the availability, accessibility, and affordability of food.

While the control of food supplies were among the earliest drivers of nation-building and human settlements, food sovereignty, as defined by the International Planning Committee for Food Sovereignty, is about the right of peoples to define, protect and regulate domestic agricultural production and land policies that promote safe, healthy and ecologically sustainable food production that is culturally appropriate. Within Canada, the growth of the local food movement, as evident by the increasing number of farmers markets and citizen-based initiatives like community gardens and local food councils, has been the forerunner of recent calls for citizens having greater control over national agri-food policies. The National Farmers Union, Canadian Federation of Agriculture, and Food Secure Canada are some of the national actors calling for changes. Adopting agri-food policies that promote greater food sovereignty could easily reach into people's daily lives, with economic, social and environmental implications,

both positive and negative. Such policy will be regarded quite differently depending on a person's values and priorities, and where agriculture fits among them.

Farmland preservation

Different terms are used in this policy regime including farmland conservation, farmland preservation, and farmland protection. For our project we will use farmland protection and farmland preservation in two specific ways:

- Farmland protection: a narrower term that we will use to refer specifically to land use planning policies that aim to *protect* farmland so that it is available for farm uses; we will use farmland protection in relation to the contents of a legislative framework.
- Farmland preservation: a broader term that concerns all aspects of policies related to farmland including policies that not only protect farmland but are also concerned with soil and landscape conservation, etc.; can be synonymous with farmland conservation; we will refer to all that is related to farmland preservation as a policy regime.

As a policy regime, preserving farmland first garnered serious public attention in Canada in the early 1970s with most provincial and local jurisdictions having some form of legislation or guidelines in place by the end of the 1970s. The historical development of farmland policies in Canada were accompanied by a wide range of economic, environmental, and social issues that were associated with and re-inforced tensions among different land uses, such as residential, commercial, industrial, and natural resource development.

Correspondingly, motivations for preserving farmland are influenced by factors such as food production, market value for land, environmental issues, amenity of rural landscapes, agrarian ideals and land use conflicts on the urban fringe. In spite of efforts over the past forty years, Canada has experienced a continual loss of prime farmland across the country. The issue is especially acute in Ontario, which contains the country's largest supply of prime agricultural lands, but concerns for the preservation of farmland exist across the country, albeit to varying degrees. But is also acute in other jurisdictions due to a much more limited and declining agricultural land base, such as in British Columbia and Quebec.

Concern about the loss and fragmentation (parcelisation) of farmland continues to be an issue in the face of continued urban sprawl and alienation of farmland (i.e., farmland that is not being farmed or no longer suitable for farming). These issues often lead to further problems, such as conflicts or tension with residential, recreational, infrastructure, and industrial land uses.

Loss of farmland is often associated with concerns about the supply of local food and, increasingly, it is concerned with "land grabbing" through foreign or out-of-province ownership of land.

Strength of Nova Scotia's provincial legislative framework

Based on the documents, literature, and information collected from key informants, our overall assessment of the current planning context in Nova Scotia is that Nova Scotia's legislative framework is moderate to weak, with some critical gaps. Unlike in other Canadian provinces, particularly British Columbia, Quebec, and Ontario, policy statements and provincial legislation are not supported by a 'right to farm' act, an agricultural reserve, green belts, or by specially-designated governance structures. For ease of analysis we will start with the assessment of provincial policy documents given that these have little practical influence on the four principles compared to the legislative framework. It is in the section on legislation – the *MGA 1998*, the SPIs, integration between levels of government, and governance - that issues arise in relation to the strength, or lack thereof, of the key planning principles framing the Nova Scotia case studies.

An Assessment Provincial Policy Documents

Our search identified five documents related to farmland protection (listed in the Provincial Policy cell of Table 1). In 'Homegrown Success', a public document that presents a potpourri of agricultural initiatives and opportunities (e.g. innovation, organic), farmland protection is buried as a sub-point under environmental stewardship – with no reference to policies (2010, p. 19). It further notes that the pressures of urbanization, and other demands, place on rural lands require attention. But the document adds that farmland protection is a complicated issue with multiple stakeholders, in and out of government, who must be taken into account in order to balance concerns that are in the best interest of the public (2010, p. 19).

In a well written report, Devanney and Maynard (2008) outline a continuum of free market and government interventionist approaches, along with land protection measures in place from other jurisdictions, for the Nova Scotia government to consider in addressing farmland use. The report notes that there is a government review of planning documents if CLI Classes 2, 3, or 4 are affected (Devanney and Maynard, 2008, p. 19). And that a major shortcoming of the SPI in Nova Scotia is that while all municipalities have municipal plans, some, particularly rural municipalities, have plans that apply only to single issues (i.e. not agriculture) or do not apply to the entire municipality. This means that SPIs cannot be carried out in all areas of the province (Devanney and Maynard, 2008, p. 19). Regarding zoning, the report indicates a problem with the lack of consistency across municipalities as well as to their effectiveness.

Williams et al. (2010) recommends that the SPI for farmland protection be either amended or expanded in order to more clearly delineate the parameters for the identification, protection and preservation of farmland; minimum steps should also be put in place that municipalities must follow to protect agricultural land (2010). Another recommendation in the Williams report calls for the province to take power away from municipalities that do not address the conservation of agricultural lands in the entirety of their jurisdiction (2010).

An undated NSDA reports states that the SPI does not formally require land preservation but rather measures to protect land for a viable and sustainable food industry. If this is not possible then a municipal government must justify why such measures cannot be incorporated into their plans. However, the SPI does not make municipal governments consider existing land

already under development or do an analysis of future needs (NSDA, p. 6). The SPI represents a requirement for ‘best efforts’ on the part of municipal governments.

A NSDA response paper (2014) notes that the NSDA is helping to amend the SPI because it is too broad as it is currently written. An amendment would provide more definitive guidelines (2014, p. 6). It adds that the province should also consider a defined piece of legislation about protecting agricultural land rather than the SPI, with power vested in the province instead of municipal governments (2014, p. 14).

In sum, while there appears to be a long-standing concern to protect farmland in the provincial policy documents through various statements and policy options, with potential to enhance the stability of the legislation if incorporated into the *MGA 1998*, nothing more than the 1998 SPI has come from it to date in relation to farmland protection.

An Assessment of the Municipal Government Act (MGA) 1998

At the provincial level the most important legislative document is the *Municipal Government Act (MGA) of 1998* (governed by the Department of Municipal Affairs), listed under the provincial legislative cell in Table 1 below. The *MGA 1998*, an omnibus bill combining all legislation relevant to municipalities, was introduced in 1998 to recognize the change in government structure since 1879 (Department of Municipal Affairs, 2015). The *MGA 1998* came into effect on April 1, 1999. The 1983 Planning Act was revised and modernized when it was brought into the *MGA 1998*, and there were a few major changes. In particular, the provisions for provincial land use policy were replaced with Provincial Interest Statements and five statements were adopted when the *MGA 1998* came into effect dealing with the following areas: preserving high quality farmland, preventing development on known floodplains, protecting municipal drinking water supply areas, providing for affordable housing, and making the best use of existing infrastructure. The introduction to the SPIs is as follows:

Nova Scotia’s land and water resources are fundamental to our physical, social and economic well-being. But they are finite resources and using them in one way can mean the exclusion of other uses forever. Therefore, it is important that decisions about Nova Scotia’s land and water be made carefully. Ill-advised land use can have serious consequences for the physical, economic and social well-being of all Nova Scotians. These statements of Provincial interest recognize the importance of our land and water resources. The statements also address issues related to the future growth of our communities. They are intended to serve as guiding principles to help Provincial Government departments, municipalities and individuals in making decisions regarding land use. They are supportive of the principles of sustainable development. Development undertaken by the Province and municipalities should be reasonably consistent with the statements. As the statements are general in nature, they provide guidance rather than rigid standards. They reflect the diversity found in the Province and do not take into account all local situations. They must be applied with common sense. Thoughtful, innovative and creative application is encouraged (MGA, 1998, pp. 288-289).

No SPI is intended to take precedence over any other. Instead local circumstances and informed, thoughtful decision making were expected to dictate how the Statements should be applied and

hence the form of development or resource use which should take precedence. These guidelines were intended to assist in municipal decision making processes. In section 208 it is stated that planning documents are subject to review by the Provincial Director of Planning and goes to the Minister if the planning document affects, or is against, an SPI (MGA, 1998). Municipalities, therefore, are expected to act in a manner that is “reasonably consistent” with the SPIs, or indicate the reasons for not doing so. The details of how this balance is struck in planning documents is a municipal decision. The SPIs are set out in Schedule “B” of the *MGA 1998*, hence, they have the full force of provincial law and contribute towards stability of the legislation in relation to the protection of agricultural land.

However, the commitment to the protection of farmland is not strong in relation to the various sections under Planning and Development. Section 212 of the *MGA 1998* says that a municipality may adopt an MPS for all or part of municipality and there may be separate strategies for different parts of the municipality. In section 213 *MGA 1998*, the “reasonably consistent” wording is ambiguous. Section 214(1) *MGA 1998* states that “A municipal planning strategy *may* [author’s italics] include statements of policy with respect to any or all of the following....” These statements of policy include the goals of the municipality, description of physical environment, and the “Protection, use, and development of lands within the municipality” (*MGA 1998*, pp. 122-123). Here, there is no reference to farmland protection but rather to erosion, floods, environmentally sensitive lands, and marshland protection (*MGA 1998*). These would appear to be ambiguous statements that lack specific language in the *MGA 1998* related to the protection of farmland and hence may not add to the stability of agricultural land protection.

While there appears to be no mention of farmland in the main body of the *MGA 1998* itself, the SPI on agricultural land, nonetheless, has moderate stability since the importance of protecting agricultural land is clearly stated in it and the SPI is enforceable.

An Assessment of the Statement of Provincial Interest Regarding Agricultural Land

The current Statement of Provincial Interests (SPI) in relation to farmland is here also taken verbatim from the *MGA 1998*:

GOAL. To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

BASIS. The preservation of agricultural land is important to the future of Nova Scotians. Agricultural land is being lost to non-agricultural development. There are land-use conflicts between agricultural and non-agricultural land uses.

APPLICATION. This statement applies to all active agricultural land and land with agricultural potential in the Province.

PROVISIONS

1. Planning documents must identify agricultural lands within the planning area.
2. Planning documents *must* [author’s italics] address the protection of agricultural land. Measures that should be considered include:

- (a) giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;
 - (b) limiting the number of lots. Too many lots may encourage non-agricultural development. The minimum size of lots and density of development should be balanced against the need to preserve agricultural land;
 - (c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;
 - (d) measures to reduce topsoil removal on lands with the highest agricultural value;
3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use (*MGA 1998*).

What may lead to a diminution of the stability in the SPI itself is ambiguous wording in balancing types of development, prioritizing only certain types of soil, and juxtaposing active versus inactive agricultural land. One informant described the farmland protection language in the SPI as “wishy washy”, but added that at the time the planners could not get the wording any stronger. At its inception the SPI was viewed as an incremental way to eventually build in stronger wording into the SPI on agricultural land. But this would prove to be not so due to the slow pace at which government moved.

The current SPI on the protection of farmland in the *MGA 1998* serves as an integration statement based on the “reasonably consistent” statement linking the provincial and municipal levels of government. In its opening statement of goals, and basis for goals, the SPI recognizes the importance of agricultural land, its loss to non-agricultural development, and the existence of land use conflicts. As noted under ‘Application’, the SPI on agricultural land is meant to apply to both ‘active’ agricultural land as well as land with agricultural ‘potential’ which could presumably include non-active farmland of all classes found in Nova Scotia (Class 2, 3, 4), though this is not made explicit in the SPI. According to the definition of ‘agricultural land’ in the introductory to the SPI section, “agricultural land means active farmland and land with agricultural potential as defined by the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, specialty crop lands and dyke-lands suitable for commercial agricultural operations as identified by the Department of Agriculture and Marketing” (*MGA 1998*, p 289). What is not clear, and that may reduce stability, is whether Class 2 land, or lower, that is not being farmed in non-active agricultural areas, can be used for non-farm activities.

The SPI says that planning documents “must address” the protection of agricultural land, and “give priority” to agricultural related land uses, including curbing minimum lot sizes and setting out separation distances between agricultural and non-agricultural land use. This would seem to increase stability in relation to farmland protection. However, in the section under ‘Provisions’ in the SPI, there appears to be a lack of comprehensiveness that leads to uncertainty in municipal legislation and practice in relation to the protection of farmland. Provisos around “striking a balance” with non-agricultural land uses, and requiring planning documents to address why agricultural land cannot be protected against urban development, lessens stability in

relation to the protection of farmland. The wording around requesting that planning documents “where possible” direct non-agricultural development to “lands with the lowest agricultural value” suggests potentially lax provincial oversight in relation to the preserving of agricultural land for future generations of Nova Scotians. The SPI would appear to allow the municipalities to opt out if they do not have farmland as defined in the SPI, or have valid planning reasons for not providing protection.

It is up to the province to insure compliance at the approval stage. The authority of the province to ensure consistency with the SPI for the protection of farmland comes from section 198 of the *MGA 1998*, which states that planning documents must be “reasonably consistent” with the SPIs, and if council does not comply, or development is inconsistent with the SPI, the Minister may establish an interim planning area to regulate, prohibit, or block an action to protect the SPI (*MGA 1998*). In other words, there are consequences if municipalities do not adopt planning documents that are consistent with the SPIs, but so far no Minister has done so. The SPIs have not been updated since their introduction in the *MGA 1998*. Presently, the Department of Municipal Affairs is considering a general update of all of the SPIs, as per Section 194 of the *MGA 1998*, including a new SPI related to healthy living (e.g., more physical space), which would build on an earlier draft consultation, which ended in December 2013, that could see some changes to the SPI on farmland.

An Assessment of Integration and Governance between the Province and Municipalities

In terms of municipalities that opt to do planning, the *MGA 1998*, Section 213 states that “The purpose of municipal planning is to provide statements of policy to guide the development and management of the municipality.” (*MGA 1998*, p. 122). Section 190(a) says that the purpose of the Planning and Development Section 8 is to enable the province to identify and protect its interests in the use and development of land. Section 190(b) is to “enable the municipalities to assume the primary authority for planning within their respective jurisdictions, consistent with their urban or rural character, through the adoption of municipal planning strategies and land-use by-laws consistent with interests and regulations of the Province” (*MGA 1998*, p. 112). These documents contain a road map of a municipality's future and its strategy for managing opportunities and challenges. As part of the adoption process, a municipality must involve the public in some form of public participation process. A MPS may take various forms including an inter-municipal planning strategy or a secondary planning strategy. The LUB, a companion document to the MPS, allows a municipality to identify and enforce its vision as defined within the MPS. For example, if a municipality endeavored to promote economic development, then such a municipality could develop a land use by-law to identify land specifically meant for commercial space by way of a zone to approve and regulate it (NS Department of Municipal Affairs, 2015). An amendment to an MPS must be approved by the Province, and if it was not reasonably consistent with the SPI, then it would be flagged for refusal. An amendment to the LUB such as a rezoning request does not go to the province for approval but can be appealed to the URB. In the past, under certain circumstances, the Province took the view that refusing to approve a plan because of non-compliance with an SPI was not in the best interest of the municipality; actually having an MPS was considered the most important thing (Informant 2). In those cases a municipality was notified that compliance was expected in a reasonable length of

time. However, the practical effect of this could increase uncertainty in terms of municipalities that do plan but that do not identify the protection of farmland.

However, while the integration would appear to be sound, the mechanism to balance governance between two levels of government may not be strong. As noted in the section on planning principles, a controlled level of flexibility should not compromise the primary functions of the legislative framework to provide stability and reduce uncertainty. One means to accommodate flexibility would be expected to be done through a quasi-judicial provincial commission, which is not in place in the case of Nova Scotia. The responsibility for administering the SPIs, including on the sensitive issue of farmland protection, is left to the Provincial Director of Planning, in the Nova Scotia Department of Municipal Affairs. The other means are Area Advisory Committees (AAC). The purpose of an AAC is to provide the local expertise required to develop a planning document that reflects the wishes of the local jurisdiction. The AAC would be involved with any subsequent amendments to a MPS or the implementation of the LUB, which may be sometimes necessary. AACs consist of local Councilors and members of the public representing the local Plan Area. Given that there is only moderate stability in the *MGA 1998*, together with the ambiguous working on the SPIs including on farmland, and the potential uncertainties in legislation and practice at the municipal level in terms of incorporating farmland protect into planning documents, it would be doubtful as to whether the AACs are in fact providing flexible decision making on farmland use.

The option for a municipality to opt-out of planning altogether is perhaps the key weakness in the *MGA 1998* in terms of farmland protection. As noted, the thinking at the time in the Department of Municipal Affairs was that it would be better to let local government do the planning, even without farmland protection; otherwise, the local governments might not do any kind of planning at all. The Department of Municipal Affairs then expected the local governments to eventually incorporate farmland protection. Overall, the general approach at the time of the creation of the SPI was to get planning in place, and not to over-burden municipalities with too strong an SPI that would force municipalities into planning for farmland. But since then, and given the sensitive nature of farmland sale in the farming community, the Department of Municipal Affairs appears reticent to compel rural municipalities to address the protection of agricultural land as per Provision No. 2 of the SPI, which is allowed for in Section 198 of the *MGA 1998*. The original intent of keeping the language imprecise in relation to farmland protection in the SPI (e.g., “reasonably consistent”) was to incrementally bring municipalities on board to the idea of planning for farmland protection. What happened instead was that most rural municipalities now avoid planning for farmland altogether, perhaps due to the restraints the planning framework puts on the disposal of farmland for non-agricultural uses. This, then, has led to open-ended conditions.

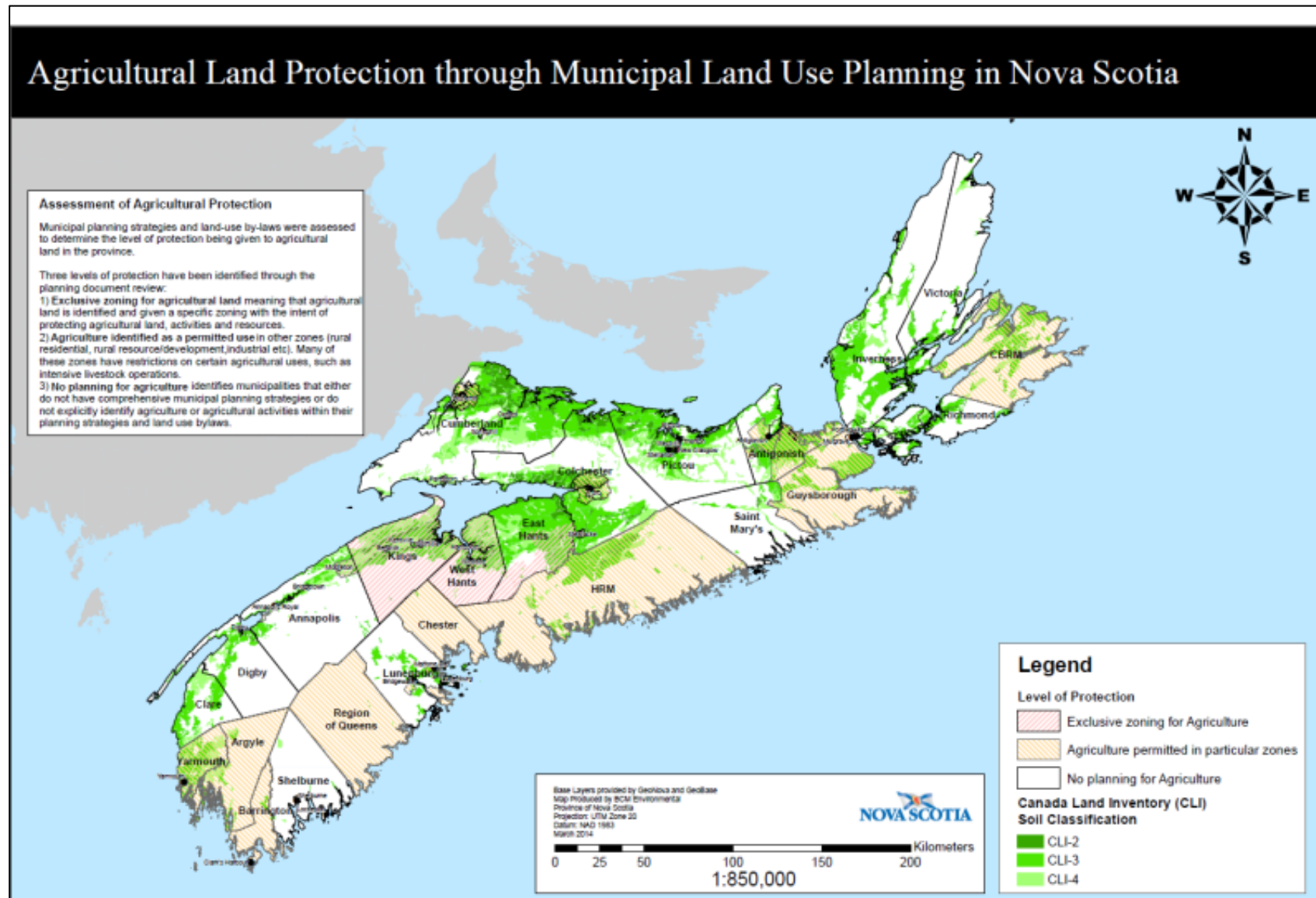
Currently, planning across rural municipalities in Nova Scotia is a patchwork of comprehensive, single, district, and no planning systems in place in relation to farmland. Map 1 shows Nova Scotia’s breakdown of municipal counties with comprehensive planning, district planning, single planning, and no planning for agriculture. The levels of protection for farmland have the following categories:

- i. zoning to protect
- ii. permissive zoning
- iii. no zoning.

No zoning means that without a plan there is nothing in place regarding land use except for building codes. For example, in such a non-planning context, one could find a bottling recycling plant next to a residential house or farm. For those rural municipalities that do undertake planning, most only ‘recognize’ but not ‘protect’ agricultural land in their municipal planning strategies. For comprehensive planning, a rural municipality must address all of the SPIs in the *MGA 1998*. ‘Comprehensive’ means the plan deals with a variety of land use issues together (it has nothing to do with the area covered by the plan and could be on a district level as well). Agricultural land is identified and given specific zoning with the intention to protect it

To re-zone requires the permission of the province’s Director of Planning (Mr. Gordon Smith, at present) and in some cases even the Minister (currently the Hon. Zach Churchill) – based on Section 208 of the *MGA 1998*. To protect farmland, Council needs to have permission for change of use, and then once ‘protected’ must follow the *MGA 1998*’s SPI. Only Kings County has comprehensive planning in place that protects agricultural land (West Hants and East Hants counties have district level exclusive zoning for agricultural land), one of the two case studies in Nova Scotia for this national project. In the Municipal County of Antigonish, the second case study for Nova Scotia, agriculture is ‘identified’ as a permitted use (see Figure 1 for all the provincial counties including the case studies). Both Kings and Antigonish counties, anchored by the towns of Wolfville and Antigonish, are the locations of the primarily undergraduate universities of Acadia University and Saint Francis Xavier University, respectively. Kings County has a long planning history due to earlier development pressures in this important sub-region of Nova Scotia’s agricultural sector. The Municipal County of Antigonish (MCA) is also primarily rural in nature, and one of the most planned in the province, where rural counties are typically unplanned such as Victoria or Guysborough counties in Cape Breton (Inverness, previously under-planned, is in the process of planning a number of its areas). The MCA has agriculture ‘identified’ as a permitted use over most areas of the municipality. It too has a storied rural history, and a not insignificant agricultural economy and farmland base.

Figure 1. Agricultural Land Protection through Municipal Land Use Planning in Nova Scotia



Source: Department of Municipal Affairs

Political context and policy regimes

To understand how political contexts and multiple public priorities influence agricultural land use planning in Canada, and to what extent it has already had an impact, we will examine the interaction of three current policy regimes: global competitiveness, farmland preservation, and food sovereignty. A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved. Actors of agricultural policy regimes include a wide range of interests represented by citizens, all levels of government, local organisations, professional organisations representing producers, farmers and ranchers themselves, unions, industry trade associations and environmental groups, among others. In Canada, the two policy regimes of global competitiveness and farmland preservation have influenced policies for several decades. The recent emergence of food sovereignty as a policy regime reflects growing public concerns about the security and safety of Canada's domestic food supply, and may have significant implications for Canada's global competitiveness and the conservation and use of agricultural land. In this section we described each of these three policy regimes. A description of the criteria we used to determine the level of influence of each policy regime is provided in the appendix.

Global competitiveness

A policy regime of global competitiveness has strengthened over the past forty years at both the national and provincial levels, usually in the context of pressures on industry viability in the face of freer trade. An interest in global competitiveness often requires policies and strategies to successfully integrate into the global economy. A recent report on competitiveness by the House of Commons Standing Committee on Agriculture and Agri-Food focussed on access to new markets, barriers to trade, food safety and product labelling, and market concentration within sectors. Input to this report was provided by national and regional commodity trade associations, meat and other food processors, transportation associations, and policy institutes, among others. Scholars in this field, such as Grace Skogstad, have noted that, although the membership of the agri-food policy community in Canada is strong individually, the community is nationally fragmented and organisationally divided, as national policies do not always serve all members or geographic regions equally. For example, export-oriented policies may promote the export of raw food products at the risk of higher prices for domestic food processors. Such policies also have regional differences, where policies may benefit one region (food processing in central Canada) to the disadvantage of food producers in another region (food producers in the prairies). Notwithstanding these internal challenges, the competitiveness policy regime continues to strengthen, as evident in the Growing Forward 2 (GF2) policy framework announced on September 14, 2012.

Key ideas from GF2:

- Competitiveness and Market Growth: The sector needs to continually increase productivity, to reduce costs and to respond to consumer demands, such as for high-value products with specific attributes. Competitiveness also means increasing our share of domestic and international markets.
- The key drivers are:

- Innovation: The sector adopts and implements new technologies and innovations, creating and using knowledge to develop new products, technologies and business management practices that drive down costs, increase productivity and respond to consumer demands.
- Institutional and Physical Infrastructure: Effective rules, regulations, standards, organizations, and physical infrastructure allow firms to operate and markets to function efficiently for a profitable sector and the well-being of Canadians.
- Competing on cost: One factor in assessing the competitiveness of Canadian agriculture and agri-food sector is how cost-efficient Canadian agricultural producers, manufacturers and exporters are in relation to competitor suppliers. This is influenced by a number of factors, including natural resource availability and use, input prices, labour availability and cost, and scale of operation.
- Innovation is critical for improved cost competitiveness. Innovation can lead to improved productivity and reduced costs. However, despite significant agricultural research, the sector could be more effective in applying knowledge and innovating along the supply chain.
- Focus on the role of innovation for productivity growth and the ongoing efforts to access emerging growth markets.
- Continual innovation and adaptation has contributed to increased yields and the creation of new products and production methods
- Increased trade, globalization of supply chains, and more exacting consumer demands have increased the importance of rules, regulations, and other market infrastructure
- Additional industry capacity and infrastructure investments, such as information and communication technologies, will be required to enable producers, processors, buyers, and government agencies to adjust effectively to new food safety regulations and buyer assurance standards.
- Bilateral and multilateral trade agreements and trade promotion efforts are essential.

Food sovereignty

For our purposes, food sovereignty is a broad term that focuses on the right of citizens to have greater control over its food supply. The term encompasses food security and food safety. Food security is concerned about the availability, accessibility, and affordability of food.

While the control of food supplies were among the earliest drivers of nation-building and human settlements, food sovereignty, as defined by the International Planning Committee for Food Sovereignty, is about the right of peoples to define, protect and regulate domestic agricultural production and land policies that promote safe, healthy and ecologically sustainable food production that is culturally appropriate. Within Canada, the growth of the local food movement, as evident by the increasing number of farmers markets and citizen-based initiatives like community gardens and local food councils, has been the forerunner of recent calls for citizens having greater control over national agri-food policies. The National Farmers Union, Canadian Federation of Agriculture, and Food Secure Canada are some of the national actors calling for changes. Adopting agri-food policies that promote greater food sovereignty could easily reach into people's daily lives, with economic, social and environmental implications,

both positive and negative. Such policy will be regarded quite differently depending on a person's values and priorities, and where agriculture fits among them.

Farmland preservation

Different terms are used in this policy regime including farmland conservation, farmland preservation, and farmland protection. For our project we will use farmland protection and farmland preservation in two specific ways:

- Farmland protection: a narrower term that we will use to refer specifically to land use planning policies that aim to *protect* farmland so that it is available for farm uses; we will use farmland protection in relation to the contents of a legislative framework.
- Farmland preservation: is a broader term that concerns all aspects of policies related to farmland including policies that not only protect farmland but are also concerned with soil and landscape conservation, etc.; can be synonymously with farmland conservation; we will refer to all that is related to farmland preservation as a policy regime.

As a policy regime, preserving farmland first garnered serious public attention in Canada in the early 1970s with most provincial and local jurisdictions having some form of legislation or guidelines in place by the end of the 1970s. The historical development of farmland policies in Canada were accompanied by a wide range of economic, environmental, and social issues that were associated with and re-enforced tensions among different land uses, such as residential, commercial, industrial, and natural resource development.

Correspondingly, motivations for preserving farmland are influenced by factors such as food production, market value for land, environmental issues, amenity of rural landscapes, agrarian ideals and land use conflicts on the urban fringe. In spite of efforts over the past forty years, Canada has experienced a continual loss of prime farmland across the country. The issue is especially acute in Ontario, which contains the country's largest supply of prime agricultural lands, but concerns for the preservation of farmland exist across the country, albeit to varying degrees. But is also acute in other jurisdictions due to a much more limited and declining agricultural land base, such as in British Columbia and Quebec.

Concern about the loss and fragmentation (parcelisation) of farmland continues to be an issue in the face of continued urban sprawl and alienation of farmland (i.e., farmland that is not being farmed or no longer suitable for farming). These issues often lead to further problems, such as conflicts or tension with residential, recreational, infrastructure, and industrial land uses. Loss of farmland is often associated with concerns about the supply of local food and, increasingly, it is concerned with "land grabbing" through foreign or out-of-province ownership of land.

Introduction

Purpose and scope of case study

In this report we present the final results of a case study of agricultural land use planning for the Municipality of the County of Kings (hereafter, Kings County), a rich agricultural area located in Nova Scotia's Annapolis Valley. This case study contributes to three areas of knowledge. The case study is part of a national project to identify principles and beneficial practices that represent land use planning solutions that protect farmland. For our purposes, the case study contributes to an understanding of the state of agricultural land use planning in Nova Scotia, where farmland protection faces particular pressures from urban development. Finally, the case study lends insight to the state of agricultural land use planning in Kings County.

The case study of Kings County involved an assessment of the breadth and quality of the legislative framework that governs agricultural land use planning, including the documentation of policies, legislation, and governance structures and a detailed analysis of the contents of these documents. The case study also involved an assessment of the political context within which agricultural land use planning processes are completed and decisions are made. Our assessment of the political context included documentation and analysis of three policy regimes: farmland preservation, global competitiveness, and food sovereignty (as presented above).

Methods

The methods used to complete the preliminary assessment involved several activities:

- Document agricultural land use planning legislative framework:
The legislative framework consists of policies, legislation (and by-laws), and governance structures related to agricultural land use planning at local, regional (or upper-tier), and provincial levels of government. The policies and legislation were identified as enforceable, aspirational, or enabling. Refer to the appendix for definitions of these and other terms.
- Content analysis of legislative framework documents:
After identifying the relevant documents the next step was to analyse the level of detail of each document's contents. The aim of the content analysis is to assess the breadth and quality of the legislative framework.
- Policy regimes
We analysed the contents of documents with regard for the presence and importance of policy regimes. The documents included those identified in the legislative framework. The aim is to assess the extent to which agricultural land use planning accommodates the three policy regimes, influences land use decisions, and encompasses a comprehensive view of food systems planning, activities, and issues.

Overview of site

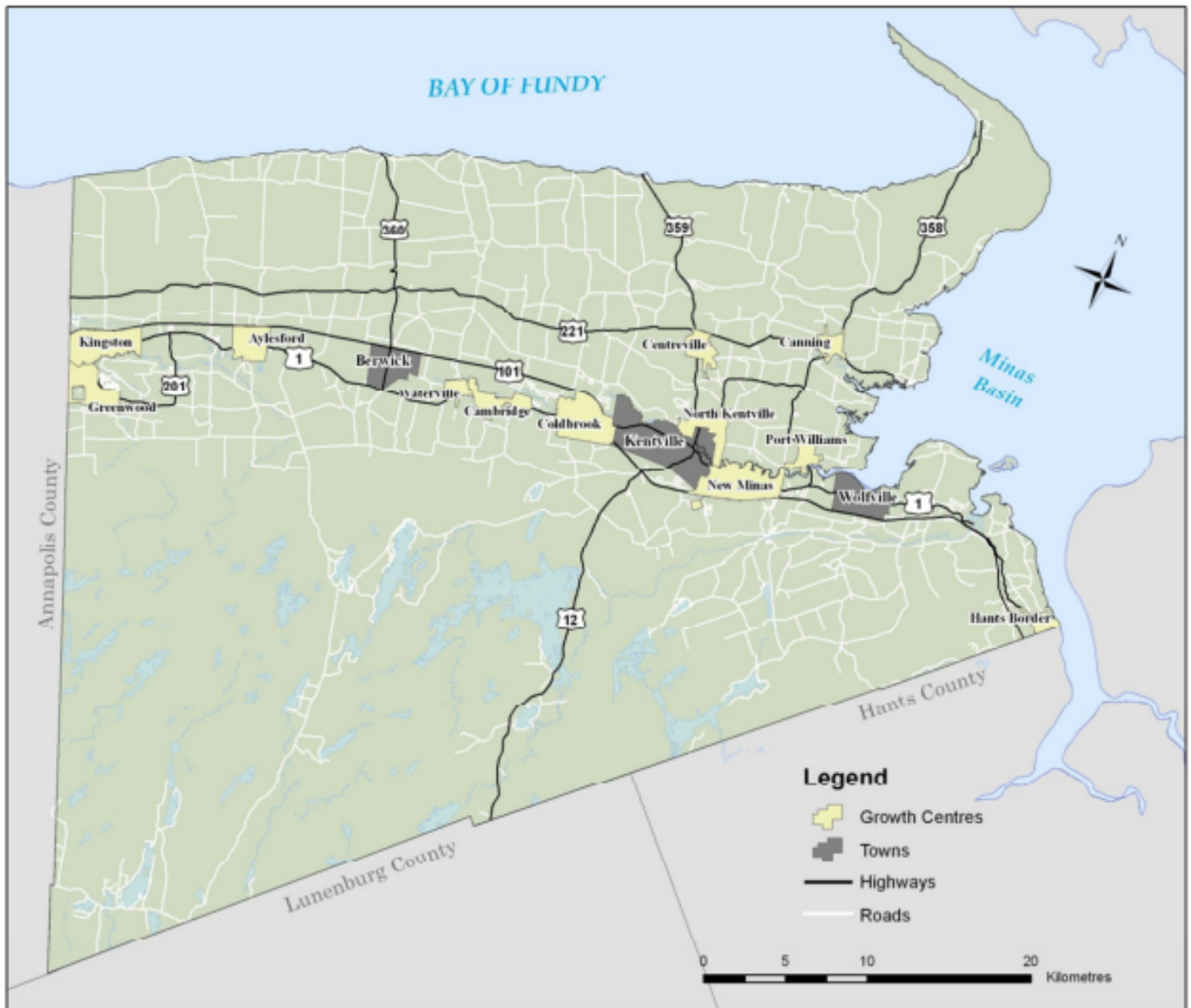
The Municipality of the County of Kings, located in central Nova Scotia along the shore of the Bay of Fundy (Figure 2), is part of the Annapolis Valley, which is the agricultural centre for the province. The Valley is just over 100 km from the major urban centre of Nova Scotia that surrounds the cities of Halifax and Dartmouth. Very good highway access between the Valley and the urban population centres ensures an efficient flow of goods and people. The County covers 2,122 square kilometers and borders the counties of Hants, Lunenburg, and Annapolis.

Figure 2. Location of Kings County in Nova Scotia



Source Google Maps 2015

Figure 3. Growth centres and towns



Source: Kings County Climate Adaptation Case Study Report (2013)

The map of Kings County shown in Figure 3 shows a predominantly rural area with a corridor of development and higher density populations along the major highways (#1 and #101). The latter is known as the Coldbrook-Wolfville Urban Corridor. The corridor is a mix of urban and rural growth centres. The urban centres include the Towns of Kentville, Wolfville, and Berwick, which are separate municipalities, are shown in dark grey. The three towns are not included as part of the case study site.

The population of the area, including the County and three Towns, increased by 13.7% between 1986 and 2011 (Table 1). This rate was higher than the provincial growth rate of 5.6% over the same period, however, the population growth rates slowed to 0.9% for both the area and

the province between 2006 and 2011. As shown in Table 2, the total population growth rate for the rural centres between 1986 and 2011 (27.8%) was higher than the area as a whole and the province. However, the growth rates among the Growth Centres varied significantly.

Table 1. Population Data for Kings County and Towns

	1986	1991	1996	2001	2006	2011	% Change 2006-2011	% Change 1986-2011
Municipality of Kings	42,662	45,095	47,486	47,159	47,814	47,569	0.5%	11.5%
Town of Berwick	2,058	2,150	2,195	2,282	2,454	2,454	0.0%	19.2%
Town of Kentville	5,208	5,510	5,551	5,610	5,815	6,094	4.8%	17.0%
Town of Wolfville	3,277	3,475	3,833	3,658	3,772	4,269	13.2%	30.3%
Indian Reserves	65	93	128	157	180	203	12.8%	212.3%
Total combined (County + Towns)	53,275	56,315	59,193	58,866	60,035	60,589	0.9%	13.7%
Nova Scotia	873,199	899,940	909,282	908,007	913,462	921,727	0.9%	5.6%

Source Kings County (<http://www.countyofkings.ca/information/population.aspx>)

Table 2. Population Data for Designated Growth Centres in Kings County

Growth Centre	1986	1991	1996	2001	2006³	2011	% Change 2006-2011	% Change 1986-2011
Aylesford	710	748	766	807	829	845	1.9%	19.0%
Cambridge	424	508	563	723	737	758	2.8%	78.8%
Canning	781	742	745	811	831	775	6.7%	0.7%
Centreville	627	906	997	1,047	1,046	973	7.0%	55.2%
Coldbrook	1,168	1,838	2,026	2,189	2,234	2,328	4.2%	99.3%
Greenwood ⁴	1,488	1,548	1,849	1,901	1,761	1,662	5.6%	11.7%
Hants Border	528	485	452	515	515	553	7.3%	4.7%
Kingston	2,263	2,293	2,935	3,009	3,023	3,039	0.5%	34.3%
New Minas	4,120	4,240	4,432	4,289	4,082	4,273	4.6%	3.7%
North Kentville	2,454	2,961	3,151	3,212	3,282	3,787	15.4%	54.3%
Port Williams	787	852	856	931	993	1,018	2.5%	29.4%
Waterville	975	899	873	808	856	846	1.1%	13.2%
Total	16,325	18,020	19,645	20,242	20,189	20,857	3.3%	27.8%

Source Kings County (<http://www.countyofkings.ca/information/population.aspx>)

¹Growth Centres are sewer serviced (some also have water services) communities within the Municipality of Kings where urban densities of development are encouraged.

As noted in the MPS, the corridor of development is gradually merging physically and may eventually lead to a settlement pattern with no distinct separation. Correspondingly, most of the future urban development is expected to occur in this area, accommodating up to 70% of all future urban housing in the County (MPS). Thus, managing the development of the Coldbrook-Wolfville corridor is a major focus of planning efforts – with a corresponding aim to protect agricultural lands.

A key component of the MPS growth management plan is the designation of eleven Growth Centres within the municipal boundary, shown in pale yellow on the map in Figure 3. The County's aims to adopt Secondary Strategy Plans for each Growth Centre but, to date, have completed only three that cover Centreville, Coldbrook, and Port Williams. The Secondary

Plans provide for detailed urban planning of faster growing Growth Centres and emphasise each centre's objectives for future development. These plans are particularly important for protecting farmland because they cover areas of land use conflict and pressure for urban and rural residential development on agricultural lands.

The Secondary Plans are included, via amendments, in the MPS, in sections 2.10.3, 2.10.4, and 2.10.5, respectively. Centreville is one of two designated residential growth centres. Coldbrook is both a residential and commercial area where agricultural activities occur. Port Williams is described as "an agricultural community with excellent schools, continuous residential growth, business opportunities, fine recreational facilities, easy access to all amenities, all surrounded by the beauty of Minas Basin tides and dyke lands" (Village of Port Williams, Home). The Secondary Strategy identifies conflict between agricultural land and the expansion of the growth centre area. However, due to industrial closures, the Village was left with a water and sewage system at a quarter capacity; therefore, justifying the need and potential for future residential development in the area despite agricultural land.

New Minas is also a Growth Centre with a separate Sector Plan, initially adopted in 1975 and last reviewed in 2004. New Minas is an urban commercial and residential area that is home to many businesses, such as the Country Gardens Shopping Centre. The New Minas Sector Plan and corresponding zoning bylaw are primarily urban plans and are independent of the Kings County MPS.

As discussed further below, the existing MPS and zoning bylaw for Kings County are under review. In conjunction with a regional planning process called Kings 2050, background reports and extensive consultations have been completed. A draft of the new MPS and zoning bylaw are available to the public.

Although this analysis does not formally include the three towns of Kentville, Berwick, and Wolfville, it is important to recognise their influence on the land base of the region. Kentville, the largest town in the Annapolis Valley, is the commercial and financial center of the area with a strong demand for residential development. The Town of Berwick is a service center for the nearby Michelin tire plant and the Greenwood Military Base. The Town of Wolfville, which is home to Acadia University, is home to many vineyards, restaurants, and a well-known farmers' market. Both Berwick and Kentville are moving towards developing agricultural land within their municipal boundaries, which could affect agricultural land within Kings County. The Town of Berwick MPS states their intent "to ensure the ability for existing agricultural activities located within the Town to continue and provide specific opportunities for new uses to locate while understanding that residential and commercial development requirements and the presence of municipal services make serviced urban-type development more suitable in the long term" (p. 9). The Kentville MPS speaks to one 70 acre parcel of agricultural land within the Town boundary. The MPS states,

[T]his entire area surrounding the subject site has been fully development for residential purposes. Therefore, existing land use patterns, location and its size would not be conducive to the on-going use of this property for agriculture. Additionally, the Stirling property is the single largest undeveloped parcel of land in the Town of Kentville, north of the Cornwallis River, and as such will play an important future role in the development of the town (p. 9).

Of the three Towns, Wolfville is the only one to have policy in place within the MPS to protect agricultural land, primarily due to the dykelands being within their jurisdiction that must be protected for agricultural use under the *Agricultural Marshland Conservation Act* (AMCA).

Agricultural profile

Throughout its history, Kings County has been an active and important part of Nova Scotia's agricultural lands. At the start of the twentieth century, Kings County was known as the "orchard of the British Empire" and produced 75% of the apples exported by Canada (Conrad, 1980). However, following the Second World War, agricultural production in Kings County shifted dramatically in response to changes in national and multinational markets, technology, and government regulations (Conrad 1980). Consequently, many orchards converted to other forms of agriculture or were abandoned. Today, Kings County is home to 48,605 hectares of agricultural land. The top four farming operations of beef, dairy, tree fruit/grapes, and nursery crops make up 52% of total farm area and almost half of all farming operations in the County (Kings 2050, 2012). According to the Kings 2050 report, there were 604 farms in 2006, a which is a decrease of 40 farms since 2011 (Table 3). Use of farmland is 45% cultivated land, 13% pasture, and 42% other uses (Kings 2050, 2012). Kings County makes up 18 percent of Nova Scotia agriculture (Government of Nova Scotia, n.d.).

Table 3. Agricultural Farm and Farmland Statistics for Kings County 2001-2006

	2001	2006	% change	NS 2006	County/NS
Number of Farms	644	604	-6.2	3,759	15.9
Total Farm Area (hectares)	52,584	48,605	-7.6	403,044	12.1
Average Size of Farm (hectares)	81.7	80.5	-1.5	106.2	75.8

Source: Kings County Agricultural Profile 2006 (<http://novascotia.ca/agri/documents/business-research/ag-profiles/KingsProfile.pdf>)

The map of soil capability (Figure 4) shows the band of high-capability soils that make up the Annapolis Valley. This band of soil also coincides with the higher density development of the Coldbrook-Wolfville Urban Corridor. There is no Canada Land Inventory (CLI) Class 1 soil in Kings County. The initial MPS of 1979 protected Class 2 and 3 soils in agricultural zones; active Class 4 soils were added in 1988 (MCK, 2012).

In Kings County, local farmers' markets and community supported food movements are signs of an increasing awareness of food sovereignty. According to Farmers' Markets of Nova Scotia (n.d), there are currently five farmers' markets in Kings County: Greenwood Mall Farmers' Market, North Mountain Market, Woodville Farmers' Market, Kentville Farmers' Market, and Wolfville Farmers' Market.

Figure 4. Kings County, Map of Soil Capability



Source: Kings County 2050 (2012)

Results

In this section we present the preliminary results for the case study of Kings County. We begin with the results of our assessment of the legislative framework of the case study site within the context of regional and provincial policies and legislation. We then present the results of the content analyses of local government policies and legislation followed by the results of the political context, which includes our assessment of the influence of the three policy regimes (farmland preservation, food sovereignty, and global competitiveness).

State of agricultural land use planning

Protecting farmland is a long-standing concern in Kings County. The first MPS created in 1979 was driven by the dual need to accommodate growth and preserve the agricultural land base (MPS s.1.2.1). These early efforts directed urban development to designated growth centres and rural development to hamlets, while maintaining the rural character elsewhere. The MPS was last reviewed in 1992, at which time the dual approach to land use planning was affirmed and strengthened, and remains relevant at the time of this analysis.

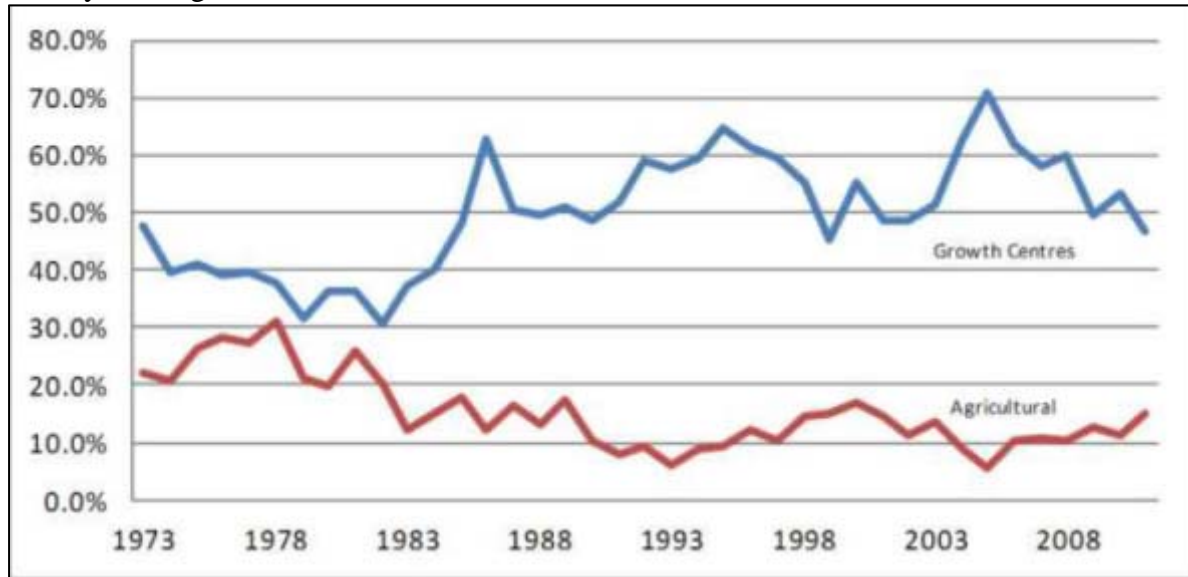
The dual approach to managing growth and protecting farmland is enabled through several key mechanisms in the MPS and LUB. As noted above, a key policy is the designation of Growth Centres and supporting policies and regulations that direct urban development to these areas. The most important policy regarding agricultural land is the zoning designation of Agricultural Districts. As discussed in more detail below, the primary purpose of the Agricultural District zone is “protection of the prime agricultural lands and encouragement of farming activity” (MPS s3.1). This policy is implemented through zoning regulations for agricultural lands. The Agricultural (A1) Zone provides for “agriculture as a dominant use which is to have priority over all other uses” (LUB s.11.1.1)

As a general observation, it is reasonable to state that Kings County’s effort to protect farmland is superior to many jurisdictions across Canada. The fact that these efforts began in 1979 puts Kings County among the forerunners of farmland protection policies among municipal governments. These qualities are acknowledged appropriately in the background report on agricultural prepared for the region in 2012. As stated in the MPS, the County believes that past efforts have been successful.

One issue which influenced the planning program was the amount of non-farm development that was locating on prime agricultural land. Prior to the adoption of the Strategy, 35% of all housing was locating on lands classed as having high capability for agricultural production. Since the introduction of the Agricultural District designation and policies this figure has reduced significantly to 18% during the latter part of the eighties. The majority of new housing has successfully been directed to the Growth Centres or to lands with low soil capability for agriculture. (MPS, p. 1.2-1)

As shown in Chart 1, the proportion of permits for residential development of lands within the Agricultural District declined after the first MPS of 1979 was adopted and remained steady since the early 1990s. However, the upward trend since about 2005 should be of concern.

Chart 1. Growth Centre and Agricultural District Residential Permits as a percent of Total County of Kings 1973 to 2011



Source: MCK (2012). Kings 2050: Background Paper II: Agriculture.

Notwithstanding its efforts to protect farmland, the County's agricultural lands have been and continue to be subject to many pressures. These factors include rural residential development, urban expansion, non-farm uses, and concurrent permitted uses such as wind energy development. Thus, there are current critical issues related to the physical loss of farmland, alienation, and fragmentation. Not surprisingly, Kings County has seen controversy regarding agricultural development in the past. Most prominent in the media is the Elderkin et al. case where five farmers sought to collectively re-zone 380 acres of farmland for development. The Municipality originally voted in favour of this amendment to the MPS (1979), however the Province did not see the need for re-zoning and turned down the application for amendment.

It is important to note that water supply is a critical issue for the County that affects planning for both urban and rural development, including how various types of domestic, commercial and agricultural uses may affect groundwater quantity and quality. For example, the MPS and LUB include policies and regulations that protect the County's wellfields. In addition, the land use plans identify concerns related to the impact of the agricultural sector's irrigation demands and fertiliser use.

Legislative framework

The legislative framework consists of policies, regulations, and governance structures related to agricultural land use planning at local, regional, and provincial levels of government. Policy documents were identified as enforceable, aspirational, or enabling (refer to the appended glossary for definitions of these and other terms). Table 4 displays the three tiers of agricultural land use planning policies and legislation related to the Kings County case study site. The elements at the provincial level are discussed above.

At the local municipal level, the Municipal Planning Strategy (MPS) is the statutory plan and foundation for Kings County's legislative framework. The MPS was developed initially in 1979. Its agricultural policies were reviewed most recently in 2006, and its urban policies in 1992, with a steady stream of amendments over the years. As noted above, the MPS includes the three Secondary Plans for Centreville, Coldbrook, and Port Williams. New Minas has a separate Sector Plan last reviewed in 2004.

The only municipal policy document included in the legislative framework at the local level is the Kings County Five Year Strategic Plan prepared in 2014, which is an aspirational policy. This short document presents a set of priorities that guide Council as it reviews its service and budget priorities on a yearly basis. The priorities are derived from and support the MPS.

At the regional level, several aspirational documents from the Kings 2050 planning initiative are included. This long-term planning effort is regional because it includes the Municipality of the County of Kings and its three neighbouring towns of Kentville, Wolfville, and Berwick. The effort covers infrastructure, climate change, and land use planning. As shown in the legislative framework table, the Kings 2050 project has produced several reports deemed relevant for the case study. These documents include a final vision report, background report on agriculture (2012), climate action plan (2013), and report on regional governance (c2014). The latter includes materials from the vision report and proposes a set of "statements of regional interest." The purpose of the report is to examine formal governance structures to adopt and implement these statements. The Kings 2050 initiative is also the basis for the new draft MPS and LUB for Kings County.

There are two levels of governance for land use planning within Kings County. For the County as a whole, there is a Planning Advisory Committee (PAC). Within Kings County, there is an Area Advisory Committee (AAC) for each of Centreville, Kingston, New Minas, and Port Williams. The purpose of a PAC, which is established by and a committee of County Council, is to review and provide recommendations to Council regarding all land use planning matters. The PAC also receives and considers all recommendations from the AACs. The PAC membership consists of five councilors and three residents of the municipality. The purpose of an AAC is similar to the PAC but is responsible only for its applicable area. The AAC reviews and provides recommendations to the PAC with respect to all land use bylaw map and text amendment, development agreement, and amending development agreement applications. The AAC also advises the PAC concerning periodic changes to the MPS and any other matters of planning concern. County Council appoints members to the AACs, which consists of representatives of the Village or group responsible for the AAC, citizens, and a local Councillor. The number of representatives from responsible organisation and citizens varies between two and four among the four AACs.

Table 4. Legislative Framework for Kings County Nova Scotia

	POLICY	LEGISLATION	GOVERNANCE
PROVINCIAL		<i>Municipal Government Act</i> <i>(includes Statement of Provincial Interest Regarding Agricultural Land, Schedule B) (MGA 1998)</i> <i>Farm Practices Act (2000)</i> <i>Agricultural Marshland Conservation Act (2000)</i>	Provincial Director of Planning Utility and Review Board
REQUIRED INTEGRATION	<i>MGA C.18, s.193:</i> “The Governor in Council, on the recommendation of the Minister, may adopt or amend a statement of provincial interest necessary to protect the provincial interest in the use and development of land. <i>MGA [Statement of Provincial Interest Regarding Agricultural Land, Schedule B]:</i> To protect agricultural land for the development of a viable and sustainable agriculture and food industry [...] 1. Planning documents must identify agricultural lands within the planning area [...] 2. Planning documents must address the protection of agricultural land.		
REGIONAL	Kings 2050 Vision (c2013) Kings 2050 Background Paper II: Agriculture (2012) Kings 2050 Regional Approach Report (c2014) Kings 2050 Climate Change Action Plan (2013)		
LOCAL	Kings County Five Year Strategic Plan (2014)	<i>County of Kings Municipal Planning Strategy (1979)</i> (includes Secondary Planning Strategies for Centreville, Coldbrook, Port Williams) County of Kings Land Use Bylaw (1979) <i>New Minas Sector Plan</i> New Minas Land Use Bylaw	Planning Advisory Committee Area Advisory Committees (Centreville, Kingston, New Minas, Port Williams)

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]

Municipal Planning Strategy

A statutory plan, as enforceable legislation implemented through zoning bylaws (Figure 5), is a key element of stability for a local framework. The purpose of a statutory plan is to establish a long-term vision for an area and its residents; it sets objectives and policies that guide decisions on land use management. Given its importance, we reviewed Kings County's Municipal Planning Strategy (MPS) to understand the importance of agriculture among other priorities of public interest.

The importance of agriculture to the area is evident. As noted above, the dual approach to accommodate growth in designated centres and protect agricultural land in an Agricultural District is grounded in the original planning efforts in 1979 and most recently affirmed – and strengthened – in 1992. The following statements from the MPS illustrate how this dual approach is operationalised, among which are the most direct statements that refer to protecting agricultural land. For example, section 3.1 states, “protection of the prime agricultural lands and encouragement of farming activity is the fundamental objective in establishing the Agricultural Districts designation.” These policy statements are supported by additional policies that relate to specific uses and areas.

1.2.1 The Original Planning Concept - 1979

The need to accommodate growth and to preserve the agricultural resource base of Kings County was recognized in 1979.

1.2.3 The Municipal Planning Strategy – 1992

This revised Planning Strategy retains the basic Growth Centre/Land Capability concept successfully implemented since 1979.

Thus, the Kings County Municipal Planning Strategy for the future confirms the Urban Growth Centre and Rural Land Capability Concept to:

- 1.2.3.1 Direct the majority of future population growth and associated urban services into designated growth centres.
- 1.2.3.2 To protect and enhance the high capability natural resource base in rural areas for primary resource development and associate rural land use activities.

1.3.2 Kings County Municipal Planning Strategy - Urban Goal

- 1.3.2.1 To direct urban growth and development to designated growth centres by:
 - designating growth centre development boundaries.

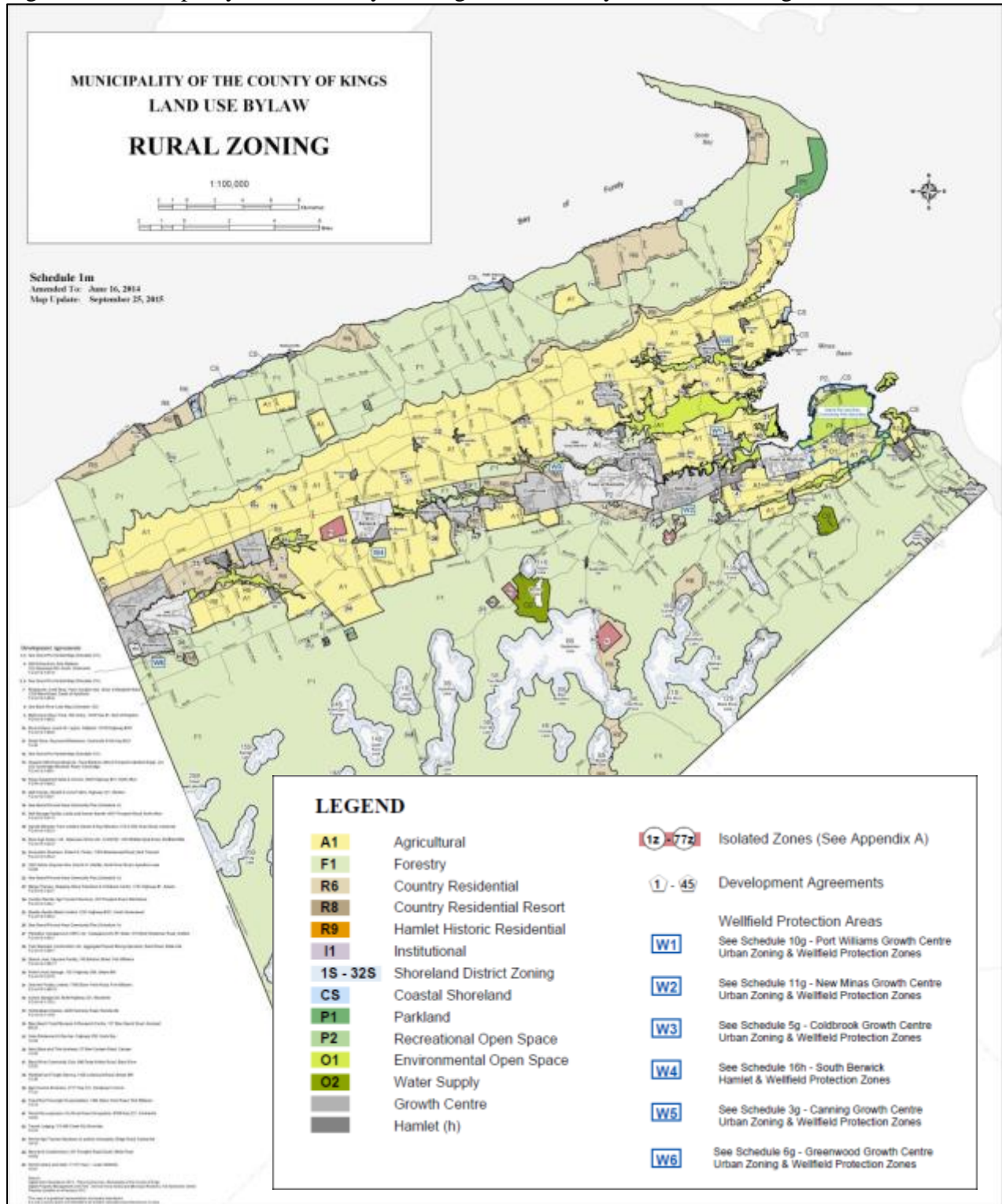
1.3.3 Kings County Municipal Planning Strategy - Rural Goals

The Rural Goals are:

- 1.3.3.1 To facilitate the growth of the agricultural industry in the county by:

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Figure 5. Municipality of the County of Kings Land Use Bylaw Rural Zoning



- designating lands with high agricultural soil capability as protected Agricultural Districts;
- reducing the undue fragmentation of farmland which limits future expansion of agricultural activity;
- encouraging industry associated with agriculture to locate and expand in the County;
- supporting the farm population in their efforts to increase the economic viability of the agriculture industry.

1.3.3.2 To minimize and reduce conflicts between the agricultural industry and non-agricultural development by:

- protecting the prime agricultural areas from the intrusion of uses which are incompatible with or adverse to the future growth of the agricultural sector;
- establishing standards for rural uses including separation distance requirements between certain agricultural uses and incompatible uses and ensuring proper waste disposal practices;
- discouraging rural residential subdivision development where services would be expensive and where such development will be detrimental to the future use of the land for agricultural development;
- controlling the physical development of communities within or adjacent to the Agricultural District to minimize the impact of urban expansion on the agricultural industry.

3.1 RESOURCE AND RURAL DEVELOPMENT DISTRICTS

Of overriding importance in planning for the rural areas is the protection and enhancement of the County's natural resources. Council's rural policies are directed towards accommodating some rural and resort development without compromising the future capability of the County's natural resources or the integrity of community health.

With the county's economy having evolved around its agricultural land base, protection of the prime agricultural lands and encouragement of farming activity is the fundamental objective in establishing the Agricultural Districts designation. These primary resource districts encompass the majority of the rural area along the floor of the valley between the North and South Mountains.

3.2 AGRICULTURAL DISTRICTS

3.2.1 Agricultural District - Introduction

Municipal Council believes that prime farmland should be used for farming. Kings County has the most abundant and diverse range of agricultural production in Nova Scotia. It is distinguished for its vegetable, fruit and cereal grain production. In addition, there are a large number of commercial livestock operations. The ability to cultivate crops is a result of unique conditions, including climate and soil type, and a long history of local investment in agricultural development.

The areas with favourable cultivation conditions in the County are limited. In addition, these same places are desirable for non-farm uses, typically housing, from expanding urban areas and the cumulative impact of single lot development. There is already a significant amount of nonfarm development in and around prime agricultural lands. Such uses can have a negative impact on the County's agricultural resource for a multitude of reasons, including:

- the absolute loss of land from agricultural production;
- the limits that are placed on agricultural production near to non-farm uses to avoid nuisance and health issues that may arise from cultivation practices such as the spraying of pesticides;
- the difficulties in cultivating small parcels of land in-between nonfarm buildings;
- the disincentive of making investments in farmland when surrounding land is, or is speculated of being, developed for non-farm uses; and,
- the limits that may be placed on altering agricultural activities or innovating with new farming techniques due to the belief by non-farm landowners that surrounding farming practices should not change. By examining trends, it is thought that, without intervention, there would be a significant amount of non-farm development on prime agricultural land. For this reason, Municipal Council has defined an Agricultural District where an expansion of farming activities is promoted and new non-farm uses are discouraged. The District is to be the 'home' for agricultural development with few limitations on farming activities.

3.2.3 Agricultural Goals and Objectives

The Municipality's goal of providing for the protection of prime agricultural lands is consistent with and supported by the Statement of Provincial Interest Regarding Agricultural Land. As mandated by the Statement of Provincial Interest, the Municipality has identified and provided for the protection of agricultural land as well as adopted land use regulation and development control provisions which directly support preservation measures.

3.2.3.1 Goals

3.2.3.1.1 Council's goals shall be to:

- a. protect and enhance the agricultural resource base; and
- b. minimize and reduce conflicts between the agricultural industry and non-agricultural development

3.2.3.2 Objectives

3.2.3.2.1 Council's objectives shall be to:

- a. facilitate the growth of the agricultural industry in the County
- b. protect the prime agricultural areas from the intrusion of use that are incompatible with, or unnecessary to the future growth of, the agricultural sector
- c. reduce the undue fragmentation of farmland which limits future expansion of
- d. agricultural activity; and
- e. establish standards for rural uses including distance requirements between certain agricultural uses and incompatible uses and ensure proper waste disposal practices

Content analysis of documents

After documenting the legislative framework we assessed the contents of the documents. The results of this content analysis reflect the breadth and quality of the legislative framework. For this we used a three-point (check mark) scale indicating different levels of detail from minimal (✓) to moderate (✓✓) to high (✓✓✓). The criteria we used for this part of the assessment are included in Appendix: Criteria for Evaluating Content of Legislative Framework.

The results of the content analysis of the local legislative documents are shown in Tables 5 and 6. Four documents were reviewed as part of this analysis, including the County-wide MPS and LUB and documents for New Minas. As noted above, the MPS includes secondary plans for three villages; the documents for New Minas were not included in the analysis because they are primarily urban plans with only minor references to agriculture.

As evident above, the MPS has extensive policies to protect agricultural land. The results of the content analysis add a level of detail, indicating excellent coverage regarding background information, and maps. There are many statements among the vision, goals, and objectives that directly support protecting farmland. Similarly, the legislative context is well referenced in the MPS, with particular focus on the MGA and the SPI for agriculture. The latter is used to support the County's interest in protecting farmland and consistency with provincial interests. The LUB provides an appropriate level of supporting details and statements.

The MPS also incorporates policies for additional land use planning tools that support farmland protection. The MPS often refers to buffers and minimum distance separations as tools to help minimise conflict between residential (and other) developments and agricultural lands and operations. For non-farm dwelling development in the Agricultural District, an agricultural suitability assessment is required as a means of evaluating the proposal. When considering the expansion of a Growth Centre boundary into the Agricultural District (under certain conditions), Council requires an Agricultural Impact Assessment (AIA) to be completed. As set out in section 2.11.2.2, an AIA must consider the impact of the loss of the agricultural lands, the quantity and quality of soil lost from agriculture, and possible impacts on adjacent farms. The MPS also refers to land banking programs (or other financial incentives) as a complement to its planning policies and regulations. This kind of program would be used to counter the potential negative financial impacts of strong farmland protection policies, such as the lost opportunity for a retiring farmer to sell their property at a higher price for non-farm development. An Agricultural Suitability Report (ASR) is required when considering non-farm residential uses.

The *Farm Practices Act* was enacted in 2000, which is long after the initial development of the MPS in 1979 and its last review in 1992. Nevertheless, references to this act could have been included in the MPS via amendments with the purpose to clarify and legitimate references to normal farming activities. For example, section 2.10.4.9.1.1 of the Coldbrook secondary plan refers to "accept a level of conflict between residential uses and normal farming practices."

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Table 5. Contents of local agricultural land use: legislative documents

	Legislative Context	Background	Vision, Goals, Objectives	Regulations (enforceable policies, procedures)	Maps
<i>Kings County MPS</i>	✓✓✓	✓✓✓	✓✓✓	✓✓✓	✓✓✓
Kings County LUB				✓✓✓	✓

Table 6. Breadth and depth of legislative context: legislative documents

	Legislative context (legislation, policies)				Land use planning tools					Governance	
	MGA	SPI	FPA	AMCA	Buffer	AIA	ASR	Land bank	Ease-ment	PAC	URB
<i>Kings County MPS</i>	✓✓✓	✓✓✓		✓✓	✓✓✓	✓✓	✓✓✓	✓✓	✓		
Kings County LUB	✓✓				✓✓✓		✓				✓

Table 7. Contents of local agricultural land use: policy documents

	Legislative Context	Background	Vision, Goals, Objectives	Regulations (enforceable policies, procedures)	Maps
Kings County Five Year Strategic Plan (2014)					
Kings 2050 Vision (c2013)		✓	✓✓✓		
Kings 2050 Background Paper II: Agriculture (2012)	✓	✓✓✓	✓✓✓		✓✓✓
Kings 2050 Regional Approach Report (c2014)					
Kings 2050 Climate Change Action Plan (2013)					

Table 8. Breadth and depth of legislative context: policy documents

	Legislative context (legislation, policies)				Land use planning tools					Governance	
	MGA	SPI	FPA	AMCA	Buffer	AIA	ASR	Land bank	Ease-ment	PAC	URB
Kings County Five Year Strategic Plan (2014)											
Kings 2050 Vision (c2013)								✓			
Kings 2050 Background Paper II: Agriculture (2012)	✓	✓		✓			✓				
Kings 2050 Regional Approach Report (c2014)					✓						✓
Kings 2050 Climate Change Action Plan (2013)											

The results of the content analysis of the local policy documents are shown in Tables 7 and 8, above. Five documents were reviewed as part of this analysis. Only one of the documents, the five-year strategic plan, is for Kings County. The other four documents are products of the regional-level planning effort between the County and the three Towns. All of these policy documents are relatively new, having been created within the past five years. As recent developments, the documents reflect what can be considered current views based on consultations with residents, planners, and politicians.

The local level policy documents are most relevant for two reasons. Most importantly, the vision for the region affirms the strong interest in protecting agricultural land. The Umbrella Vision for the region includes a statement that envisions protecting farmland, as follows:

We have protected important areas of land for future agricultural development and production. Our agricultural heritage is enhanced through diversification and innovation in the sustainable use of agricultural land. We have a robust industry characterized by ongoing stability, viability and best practice, and we are recognized as leaders in the agricultural sector. (Kings County 2050, Umbrella Vision)

This vision for agriculture is supported by the following goals:

- Identify and continue to protect valuable agricultural land.
 - Identify and prioritize agricultural lands for protection
 - Use regulations and programs, such as land banking, to protect agricultural land

(Kings 2050 Vision: Agriculture)

The Kings 2050 vision is most important because it guided Kings County's current review of its MPS and LUB. Completed as part of this regional planning process, the background report on agriculture represents a comprehensive review of the agricultural sector and current land use planning issues. The report provides detailed background information, goals and objectives, and a set of maps for agricultural land use planning. Collectively, however, the policy documents of the Kings 2050 initiative lack detail with regard for the legislative context that governs agricultural land use planning.

The Kings 2050 Regional Approach Report has a unique proposal. The purpose of the report is to explore options for a form of regional government that includes the Municipality of the County of Kings and the three Towns. In this context, the report includes a proposed set of Statements of Regional Interest, which are modelled after the Statements of Provincial Interest. The vision for agriculture cited above is one of the proposed regional statements of interest. This report, along with the other Kings 2050 documents at this time, is only aspirational.

Policy regimes

The policy regimes of global competitiveness, farmland preservation, and food sovereignty influence local level policy and legislation in Kings County. Food sovereignty, and its associated concerns with food security and demand for local food, is a nascent policy regime that is influencing agricultural land use planning. Within this context, the aim of our

analysis was to assess how issues, ideas, interests/actors and institutions associated with the three policy regimes influence local agricultural planning processes, including decisions about zoning, official plans, boundary adjustments, land division and servicing, and, as well, to assess the extent to which agricultural land use planning encompasses a comprehensive view of food systems planning, activities, and issues.

To complete the assessment of the presence and importance of the policy regimes we examined the documents that comprise the legislative framework. Presence and importance were measured as a function of both the level of influence of words, concepts, and statements that appear in the documents and of the placement of these words, concepts, and statements within each document. The criteria for measuring the policy regime statements are presented in Appendix: Criteria for determining level of influence of policy regimes.

Of the three policy regimes, only two are clearly present in the local legislative framework. Farmland preservation is the most significant (Tables 10, 13, and 16), followed by a moderate presence of food sovereignty (Tables 11, 14, and 17). Global competitiveness, other than a single reference, shows no influence within the legislative framework (Tables 9, 12, and 15).

Preserving the agricultural land base is well-integrated throughout the legislative framework and a driving force for the dual approach to planning for the County. The strong influence of preserving farmland is not only evident in the statutory planning documents but also a key element of the background on agriculture prepared for the Kings 2050 initiative, and appears in the action plan for climate change and report on regional governance. The related issues are comprehensive, including controlling adverse impacts of non-farm development, strengthening the sector, fragmentation of the land base, non-farm dwellings, encroachment, and agricultural practices and improvements that conserve valuable soil and water resources. The documents frequently prioritise prime or high capability agricultural lands. For example, the over-arching aim of the MPS (s.1.2.3.2) states, “To protect and enhance the high capability natural resource base in rural areas for primary resource development and associate rural land use activities.”

Food sovereignty appears to have a moderate influence within the framework. Importantly, most of the references are in the recently developed aspirational documents. Only one statement of low-level influence appears in the MPS. The stronger presence in recent documents suggests that the general discussions and activities related to food sovereignty have entered to policy debate in the County. For example, food sovereignty is identified as a driving force in the Kings 2050 report on agriculture and as a key element of the goals and objectives in the Kings 2050 Vision. The regional vision for agriculture includes references to “access to healthy, affordable, locally-produced food,” small-scale urban farming, and support for new farmers, in addition to protecting farmland.

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Table 9. Analytical framework for policy regime at local level: global competitiveness documents

GLOBAL COMPETITIVENESS				
Level of Influence	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
High Influence				
Medium Influence		Kings 2050 Background Report		
Low Influence				

Table 10. Analytical framework for policy regime at local level: farmland preservation documents

FARMLAND PRESERVATION				
Level of Influence	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
High Influence	<i>Kings County MPS</i> Kings 2050 Regional Approach	<i>Kings County MPS</i> Kings 2050 Agriculture Report	<i>Kings County LUB</i> Kings 2050 Agriculture Report	
Medium Influence	<i>Kings County MPS</i>	<i>Kings County MPS</i> Kings 2050 Climate Action Plan	<i>Kings County MPS</i>	Kings 2050 Regional Approach
Low Influence	<i>Kings County MPS</i>	<i>Kings County MPS</i> Kings 2050 Climate Action Plan Kings 2050 Regional Approach		Kings 2050 Regional Approach

Table 11. Analytical framework for policy regime at local level: food sovereignty documents

FOOD SOVEREIGNTY				
Level of Influence	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
High Influence	Kings 2050 Vision	Kings 2050 Agriculture Report		
Medium Influence	Kings 2050 Regional Approach			
Low Influence	<i>Kings County MPS</i>	Kings 2050 Climate Action Plan Kings 2050 Agriculture Report		Kings County Five Year Plan

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Table 12. Analytical framework for policy regimes at local level: global competitiveness, selected themes

	GLOBAL COMPETITIVENESS			
Level of Influence	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
High Influence				
Medium Influence		The Annapolis Valley is seen as a leader in agri-business and agricultural research in Nova Scotia. There is a great potential here for stronger linkages between agri-business and innovation and research.		
Low Influence				

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Table 13. Analytical framework for policy regimes at local level: farmland preservation, selected themes

FARMLAND PRESERVATION				
Level of Influence	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
High Influence	<p>Protect and enhance the high capability natural resource base</p> <p>Protecting the prime agricultural areas from the intrusion of uses which are incompatible with or adverse to the future growth of the agricultural sector</p> <p>Direct the majority of future population growth and associated urban services into designated growth centres</p> <p>Designating lands with high agricultural soil capability as protected Agricultural Districts</p> <p>Reducing the undue fragmentation of farmland</p> <p>Council believes that prime farmland should be used for farming.</p>	<p>Agricultural land, and its preservation, have been the topic of much debate over the years.</p> <p>Of overriding importance in planning for the rural areas is the protection and enhancement of the County's natural resources</p> <p>Planning policies are premised on the belief that agricultural lands should be used for farming.</p> <p>Preservation of agricultural land is important to Nova Scotians, as is the impact of farming on our natural environment.</p> <p>Council must consider its objective of minimizing the encroachment of urban development into prime agricultural land.</p>	<p>The 2000 Agricultural Marshland Conservation Act protects the land for agricultural uses.</p> <p>The purpose of the Agricultural (A1) Zone is to provide for agriculture as a dominant use which is to have priority over all other uses.</p>	
Medium Influence	<p>Direct urban growth and development to designated centres</p> <p>Establishing separation distance requirements</p> <p>Discouraging rural residential subdivision development</p> <p>Minimize the impact of urban expansion</p> <p>Reduce the potential for land use conflicts</p> <p>Recognize the significant role of agriculture and of the Grand Pré Marsh Body in preserving agricultural land in the area</p> <p>Importance of policies in preserving agricultural land for agricultural use</p> <p>Affirms agricultural policy that speaks to the protection and preservation of agricultural lands for farming</p>	<p>The construction of new dwellings is resulting in the loss of too much prime farmland</p> <p>Kings County has significant agricultural and ecological resources to protect as we encourage new residential, industrial and commercial development.</p> <p>Soil is the lifeblood of agriculture and erosion is a direct cost</p> <p>Policies have been refined to strengthen the protection of the County's valuable resource base.</p> <p>Centralized growth is important from the standpoint of protecting the rural land resource base for agriculture.</p> <p>Council has the goal of retaining farmland for farming</p> <p>Removal of topsoil has been a long-standing concern</p>	<p>To protect existing agricultural operations and lands by continuing to list "Existing Farms" as permitted uses</p> <p>Land with medium or low resource value for agriculture will be designated Country Residential</p>	<p>Residential development shall be controlled outside of the boundaries of designated growth centres</p>
Low Influence	<p>To accept a level of conflict between residential uses and normal farming practices.</p> <p>To prevent Growth Centre expansion into currently zoned agricultural land.</p> <p>Council shall consider and be satisfied that to permit the additional residence would not conflict with the protection of agricultural resources and activities.</p> <p>The additional residence will have little or no negative impact on adjacent land uses that would create a conflict</p>	<p>If the area where development is possible is further restricted, and if the preservation of agricultural land remains a focus of the county, there will be a need for increased development density.</p> <p>Sprawl consumes land required for farming and other productive activities It also creates conflicts between residential land uses and productive activities</p> <p>Open space provides quality areas for the protection of adjacent agricultural land</p>		<p>Encourage development to locate in designated growth centres</p>

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Table 14. Analytical framework for policy regimes at local level: frequency of food sovereignty, selected themes

Level of Influence	FOOD SOVEREIGNTY			
	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
High Influence	<p>Establish partnerships aimed at attracting and supporting new farmers, newcomers and youth in farming</p> <p>Forge a deeper understanding of agriculture within the community through access to healthy, affordable, locally produced food.</p> <p>Identify locations for small-scale urban farming</p>	<p>The local food movement is steadily gaining strength and popularity</p> <p>Consumers are becoming increasingly concerned about how their food is produced and what they are eating and feeding to their families.</p> <p>Eating in season, or according to the seasons, is seen as an alternative to consumption and a way to reduce impacts on the natural environment.</p> <p>Purchasing locally produced foods promotes self-reliance and good food security.</p> <p>Farm markets and farm gate sales provide access to good, healthy food.</p> <p>More people are expressing an interest in growing their own food</p> <p>Consider certain urban agriculture uses</p>		
Medium Influence	<p>Health Communities vision: an outstanding quality of life that features...nutritious and affordable food</p>			
Low Influence	<p>To incorporate agriculture as an integral part of the community, as food provider, source of employment</p>	<p>The cost of food will rise, including the local produce on which we are encouraging more dependence.</p> <p>Residents are buying local through farmers markets, farm stands and farm gate purchases.</p> <p>There is rising concern over the issue of foreign ownership of farmland and its impact with respect to food security and sovereignty.</p>		<p>Establish partnerships aimed at attracting and supporting new farmers, newcomers and youth in farming and related businesses</p>

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Table 15. Analytical framework for policy regimes at local level: frequency of global competitiveness

	GLOBAL COMPETITIVENESS			
Level of Influence	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
High Influence				
Medium Influence		1		
Low Influence				

Table 16. Analytical framework for policy regimes at local level: frequency of farmland preservation

	FARMLAND PRESERVATION			
Level of Influence	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
High Influence	8	5	2	
Medium Influence	10	7	2	1
Low Influence	2	5		1

Table 17. Analytical framework for policy regimes at local level: frequency of food sovereignty

	FOOD SOVEREIGNTY			
Level of Influence	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
High Influence	3	3		
Medium Influence	1			
Low Influence	1	3		1

Discussion

Our overall aim for the project is to identify principles and beneficial practices that represent land use planning solutions that protect farmland. As a step toward this final aim we identified four principles that guided our analysis: maximise stability, minimise uncertainty, integrate across jurisdictions; and accommodate flexibility. In this section we discuss the strength of the legislative framework for the Kings County.

Assessment of Principles

Our assessment of the four principles is summarised in Table 18. As supported through the results presented in this report, the local legislative framework is very strong overall, with excellent standards for maximising stability and accommodating flexibility. The strength of the framework is moderate regarding the integration of its interests in protecting farmland with provincial interests.

Table 18. Principles of Land Use Planning, Kings County, NS

	Maximise stability	Integrate across jurisdictions	Minimise uncertainty	Accommodate flexibility
Municipality of the County of Kings	*****	***	***	*****

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

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. By these standards, the legislative framework for Kings County is very strong.

A statutory plan plays a very important role to express the public interest in agriculture and farmland protection. In this regard, the Municipal Planning Strategy for the County contributes substantially to the stability of the framework. The local priority to protect farmland and encouraging farming as its primary use are identified clearly as a public priority – and have been in place for almost 40 years, which reflects the economic value and cultural value of agriculture in the region. This commitment to protect the area’s farmland is prevalent throughout the MPS, from the general aims through the goals, objectives, and policies. Furthermore, the language in the MPS is frequently expressed directly to “protect” farmland.

The very strong, clear commitment to protecting farmland is complemented by the dual commitment to directing urban growth to designated growth centres. The policies to manage growth serve to reinforce the policies to protect farmland; they strengthen each other. This dual

approach has been reviewed and re-affirmed over the existence of the MPS. The Kings County 2050 planning documents, although aspirational at this time, suggest that the dual approach remains relevant and supported by planners, politicians, and the public.

The dual approach of the MPS is supported by land use zoning bylaw. The LUB provides an appropriate level of detail to implement the MPS policies effectively.

In addition to protecting agricultural land, the related concerns about minimising fragmentation and encroachment are also addressed, as well as alienation of farmland by building non-farm dwellings on large parcels.

Integrate across jurisdictions

Integration is important for a strong legislation as it creates linkages between the municipality and the province. Cross-jurisdictional cohesion in policy is imperative for a strong foundation. In order to maintain consistency within provincial and municipal policy, local policy should be set in the priorities of provincial, or a wider set of policy.

Altogether, the elements of the local legislative framework for Kings County provide a moderate level of integration between local and provincial policies and legislation. The most important opportunity for local governments in Nova Scotia to align local interests in protecting agricultural land with provincial interests is to refer to the Statements of Provincial Interest for Agriculture. Section 3.2.3 Agricultural Goals and Objectives of the MPS refers directly to the SPI as follows:

The Municipality's goal of providing for the protection of prime agricultural lands is consistent with and supported by the Statement of Provincial Interest Regarding Agricultural Land. As mandated by the Statement of Provincial Interest, the Municipality has identified and provided for the protection of agricultural land as well as adopted land use regulation and development control provisions which directly support preservation measures.

Although brief, the above statement is very important to strengthen Kings County's planning policies for agriculture. The MPS also refers to the *Agricultural Marshland Conservation Act* (AMCA), which is an important policy governing management of the dykelands.

The Kings 2050 background report for agriculture has a more extensive review of provincial policies that are relevant to agricultural land use planning. The report has a section dedicated to these policies in which it refers to the SPI and AMCA, among others related to the agricultural industry and practices.

The references to the SPI and AMCA in the MPS, as well as the background report, provide an important degree of integration of priorities for protecting farmland across jurisdictions. An important element that is missing is reference to the *Farm Practices Act*. This Act provides protection for farmers from nuisance complaints and is particularly effective in areas where rural residential development has encroached on farmland. As noted above, although the initial adoption and subsequent reviews of the MPS predate the enactment of the *Farm Practices Act*, the MPS could have been amended to include reference to the Act. Such a change would strengthen the framework by integrating the local interest in reducing conflict between normal farming practices and non-agricultural uses.

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.

Overall, the framework serves to minimise uncertainty with a moderate rating. The MPS and LUB are very detailed and comprehensive, and supported by detailed maps. The clear designation of the Agricultural District and complementary zoning cover multiple land uses (e.g., rural residential, agricultural commercial, etc.) under different conditions, such as in hamlets, adjacent to Agricultural District lands, and within village boundaries. This comprehensive package of policies and regulations helps to minimise uncertainty by providing direction to decisions makers that account for a variety of situations, thereby leaving few instances where a land owner may not know how the framework might apply to them. The comprehensive quality of the framework is reinforced through internal consistency, which helps to ensure that policies are applied consistently.

Notwithstanding the above, a few elements contribute to uncertainty regarding the future of farmland. Several of these elements relate to future urban expansion. Under its general urban policies, the MPS states directly that “Council shall plan for the gradual phasing out of agricultural land uses within the Growth Centres by designating lands for urban land uses” (s. 2.1.8.6). Looking further ahead, there are policies for future expansion of Growth Centres as well as New Growth Centre. Such policies undermine the integrity of the designated boundaries of the established Growth Centres while exposing agricultural lands to potential future development. Specifically, section 2.11.7.1 states that the future expansion of Growth Centre development boundaries is subject to the availability of farmland for conversion to urban development. Section 2.11.8 New Growth Centres refers to “the path of inevitable urban expansion” in areas adjacent to urban development.

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 maximising stability and minimising uncertainty. One means to accommodate flexibility is to identify possible exceptions, with corresponding criteria to guide decisions, to the general rules and regulations that reflect local priorities and interests. Governance structures that represent local interests in agriculture are also effective means to accommodate flexibility. Overall, Kings County is very good at accommodating flexibility without contributing unnecessarily to uncertainty.

The dual approach used in the MPS to protect farmland and manage urban growth presents a challenge to communicate how a balance will be achieved. This challenge is reflected in the following statement that introduces the planning districts for rural and resource development.

Of overriding importance in planning for the rural areas is the protection and enhancement of the County's natural resources. Council's rural policies are directed towards accommodating some rural and resort development without compromising the future capability of the County's natural resources or the integrity of community health. (s.3.1)

A similar statement is made under s.3.2.3 Agricultural Goals and Objectives, as follows:

Council's goals reflect a longstanding notion that farmland should be used for farming. However, this is also tempered by the fact that there are a significant number of non-farm uses in the Agricultural District that have development rights by virtue of their existence. The challenge facing Council is to ensure that the amount, and type, of future non-farm development is limited and appropriate, to ensure that its impact on farming activities, present and future will be minimized.

These statements help to frame the MPS and provide guidance for how its policies should be interpreted.

The future expansion of existing Growth Centres and creation of new Centres are two important areas of policy that seek to maintain a balance between urban development and farmland protection. Several elements of these policies help to protect farmland while also accommodating growth. Importantly, the policies for urban expansion (s.2.11.2) include a set of criteria that must be considered, including the impact of urban expansion on resource development (i.e., agriculture).

More importantly, the criteria for considering the expansion or creation of Growth Centres also include the results of an agricultural impact assessment (AIA), as per section 2.11.2.2 of the MPS. An AIA is required when the expansion of a Growth Centre boundary into the Agricultural District is more than 20 acres of land zoned A1 or upon request from the Kings County Federation of Agriculture or the Nova Scotia Department of Agriculture. The AIA must be completed by a qualified professional, such as a Planner, an Agrologist or an Agricultural Economist, who has a background in agricultural assessments, and must address the following issues:

- a. impact of the loss of the agricultural lands on the farming industry in Kings County
- b. economic impact of the loss of agricultural land to the Kings County economy
- c. the quantity and quality of soil lost from agriculture
- d. possible impacts on adjacent farms
- e. cultural and tourism impacts

In this regard, the AIA provides mechanism that, ideally, accommodates urban expansion while taking agricultural interests into account.

Similar to the need for an AIA when considering urban expansion, the MPS requires that an Agricultural Suitability Report (ASR) be completed when considering non-farm development. As stated in section 3.2.6 Non-farm Residential Uses, the County recognises that the construction of new dwellings resulted in the loss of too much prime farmland and created compatibility issues with surrounding agricultural activities. The policy states,

The existence of a number of circumstances and characteristics on a specific property or in a specific area may, in combination, contribute to limiting the suitability of certain lands for agricultural production. In 2001 the Municipality established a process where agricultural suitability of a specific property could be assessed in detail by a qualified professional as a means of determining suitability of use of the property for non-farm dwelling development. In 2009 the agricultural suitability criteria were refined and strengthened.

Section 3.2.6.4 sets out the requirements for the ASR. The question of suitability focusses on the agricultural capability of the soils, characteristics of the land, and adjacent farming activities. In addition to the criteria included in the AIA and ASR planning tools, the MPS includes similar policies throughout the document that help to accommodate flexibility. For example, these include statements to direct non-agricultural development to areas of low agricultural capability.

Another planning tool in the MPS is the Residential Comprehensive Development Districts (RCDD). An RCDD is required when a Growth Centre expands into the Agricultural District (s.2.4.12). Its purpose is to provide increased flexibility in development form, increased site controls for Council, and the opportunity to explore development schemes that focus on environmental sustainability or alternate development patterns. One of the aims is to buffer existing and future agricultural activities from residential development.

The use of buffers is not limited to RCDDs; they are mentioned as a planning tool throughout the MPS and implemented through the LUB. The general aim of buffers is to minimise potential conflicts between agriculture and incompatible uses. While buffers do not necessary limit or prevent the loss of farmland, they can be used to more easily accommodate

Influence of policy regimes

The legislation and policy documents of the local legislative framework of Kings County cover all three policy regimes (Table 19), however only farmland preservation is significant. Based on our analysis, farmland preservation is considered the only influential regime given its prominence in the MPS as part of the dual approach to planning, which also includes multiple direct statements of high influence. The somewhat moderate presence of food sovereignty themes in the Kings 2050 planning documents suggests that it has more influence today than in the past, but it remains open as to how much influence these statements has on the new MPS. The policy regime of global competitiveness is invisible, except for a general statement about linkages between agri-business and innovation and research, which reflects a provincial and regional focus of the sector.

Table 19. Overall Influence of Policy Regimes, Kings County

	Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Global Competitiveness				
Farmland Preservation				
Food Sovereignty				

Low
Medium
High

Current Issues

When reviewing the contents of the documents, we also explored matters identified as issues in other areas. In Kings County these include alienation and fragmentation of farmland; small-lot agriculture; foreign ownership; and natural resource developments (wind turbines).

Alienation and fragmentation of farmland

Although evidence indicates that the legislative framework has reduced the level of and impacts from non-agricultural development, concern about alienation of farmland is prevalent throughout the legislative framework. The background report on agriculture, for example, discusses problems arising from a policy that permits farm lots of a minimum of twenty acres to have a new dwelling provided the owner qualifies as bona fide farmer. The report notes that this policy sometimes results in the fragmentation of farmland when the twenty acres of the original farm is severed, sold off, and sometimes taken out of production. This problem is compounded because these lots sell for more than normal agricultural value. In addition to concerns about the absolute loss of farmland, the MPS also refers to significant amount of non-farm development in areas with prime agricultural lands, undue fragmentation, and difficulties in cultivating small parcels of land in-between non-farm buildings.

Small-lot agriculture/

The issue of small-lot agriculture is often associated with new farmers and their need for affordable land that is reasonably close to population centres. What makes the demand for small-lot agriculture particularly important is that there is often little room within farmland protection legislative frameworks to accommodate smaller lots. The main reason is that subdividing into smaller lots is in direct conflict with the over-riding goal to not fragment the land base. The primary land use planning tool for preventing fragmentation is large minimum lot sizes. Thus, small lots and farmland protection are often in direct opposition.

We noted above the problems in Kings County of alienation and fragmentation that is associated with smaller lots. On the positive side, the background report on agriculture also notes that the number of smaller farms is increasing because people are returning to family homesteads or purchasing smaller acreages, as well as an increased interest from those who have not farmed before. The report also explains that farmers are able to do more with less land due to technological advances and improved practices. As noted in the report, this different view of smaller lots may have implications for how agricultural land is valued and protected.

Natural Resource Developments

Agricultural land use planning is most often associated with urban development pressures. In some parts of Canada, pressures also come from natural resource developments, such as aggregates, forestry, and energy developments, such as oil and gas. Large-scale wind energy is recognised as an important source of renewable energy but one that “can also have significant impacts on the landscape and residents” (s.5.5). Council initially adopted bylaw amendments in

2011 to address this matter through the MPS but after concerns were raised Council decided “to not permit large-scale wind turbines in any area of the Municipality of the County of Kings (s.5.5).

Foreign (out-of-province) ownership of agricultural land

The “rising concern” about foreign ownership of farmland is mentioned briefly in the context of “critical issues” under the section on Land Values and Assemblage in the background report on agriculture. It associates investments in farmland with impacts to food security and sovereignty.

Current review of planning

The current review of the MPS and LUB has the potential to revise significantly the existing documents. With this in mind, the draft versions of the new MPS and LUB provide a good indication of what the legislative framework for farmland protection might look like and how strong it might be.

As noted above, the current review of planning documents was set within a broader examination of a regional approach to planning, called Kings County 2050. This long-term, collaborative process set out the vision for the region, which includes the County and three Towns. This vision includes a strong commitment to protecting farmland as a proposed Statement of Regional Interest (see above). As a positive indication of support for future farmland protection, this vision and supporting objectives are included in the draft MPS.

However, based on a brief review of the draft MPS, it appears that most of the strong, direct language to protect agricultural lands from development that were present in the old MPS have been either deleted or softened in the new draft. For example, the stated goal for the Agricultural designation is, “To identify lands where agricultural and related land uses are encouraged, promoted and given priority over other types of land uses” (s.2.4). Adding to this situation, there are no references to the use of agricultural impact assessments or agricultural suitability reports as planning tools that can help to protect farmland in the face of urban expansion. Thus, it appears that some of the planning tools that contribute to the strength of the current legislative framework are less prominent.

Overall, our general sense of the new draft MPS is that the dual approach of protecting farmland and accommodating urban growth has been weakened in favour of urban development. In the absence of a more detailed evaluation, we conclude that the draft MPS, if adopted as is, will result in a weaker legislative framework for protecting farmland in Kings County.

Conclusion

The primary aim of this study is to assess the state of agricultural land use planning and farmland protection in the Municipality of the County of Kings. We found that the local legislative framework is strong overall. Supporting agriculture and its related activities are identified clearly as public priorities and are embedded in the dual approach to planning that protects farmland while also directing growth to designated centres.

The strength of the framework for protecting farmland is based on a high level of stability and an ability to accommodate flexibility. The priority to protect farmland and encouraging farming as its primary use are identified clearly and prevalent throughout the MPS, which contribute substantially to the stability of the framework. The statutory framework itself reflects a dual planning approach to direct urban growth to designated growth centres and protect farmland. This dual approach is strengthened further through the formalised use of agricultural impact assessments, agricultural suitability reports, buffering, and comprehensive development districts, which are effective planning tools that help to accommodate specific needs while protecting the agricultural land base. These strengths are particularly important as a means to address current issues that include alienation and fragmentation of farmland, small-lot agriculture, foreign ownership, and pressure from natural resource developments.

Correspondingly, the interests and ideas of farmland preservation appear to have a long-standing influence on policy development in the County. In addition, our results show that food sovereignty, and its associated concerns with food security and demand for local food, has a noticeable presence in the recent Kings 2050 planning efforts. The policy regime of global competitiveness is mentioned only briefly and has a negligible influence within the framework.

In summary, the commitment to protecting agricultural land in Kings County is a long-standing priority embedded in planning efforts for the past 40 years. As the structure and dynamics of the global agricultural sector provides strategic advantages toward larger, industrial farms, the smaller-scale regional farming sector of Nova Scotia may be left out, thereby shifting priorities among active farmers who are looking at their future options for non-agricultural development of their land. At the same time, the increasing interest in food sovereignty presents new priorities, as indicated in the results of the policy regime analysis. These competing interests are being played out in the current planning process, with the planning priorities of protecting its agricultural land base and encouraging farming as its best use subject to review. The language of the draft MPS indicates that the legislative framework for farmland protection may be weakened.

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Appendix: Glossary

Policy:

A formal statement of intent; principles, rules, or guidelines that are designed to determine or influence major decisions or actions and all activities that fall within the domain of the policy.

Enforceable policy:

Policy with clear statements of intent to enforce (often with penalty for failing to follow the policy)

Aspirational policy:

Policy without clear statements of intent to enforce (often with penalty for failing to follow the policy); a broad statement about desired outcomes, objectives, or activities

Enabling policy:

Policy with clear statements of intent to implement a policy (e.g., provide resources)

Policy regime:

A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved.

Legislation:

A law (or Order in Council) enacted by a legislature or governing body; can have many purposes: to regulate, to authorize, to proscribe, to provide (funds), to sanction, to grant, to declare or to restrict.

By-law (bylaw):

Local laws established by municipalities as regulated by the provincial government. Note: for our purposes, a by-law is considered part of legislation.

Regulation (pursuant to Act):

Is a form of legislation (law) designed with the intent to regulate; a rule or law designed to control or govern conduct; creates, limits, constrains a right, creates or limits a duty, or allocates a responsibility.

Governance:

Methods, systems, or processes of governing; the act of implementing policy and legislation. For our purposes we are concerned with groups (e.g., commissions, advisory committees) that have the authority to apply, review, or enforce policy and legislation specific to agricultural land use planning.

Appendix: Criteria for Evaluating Content of Legislative Framework

Legislation documents

	Legislative Context (Provincial)	Background	Vision, Goals, Objectives	Local policies	Maps
0	None	None	None	None	None
✓	Brief statements that include at least one reference to the main provincial legislation or policy related to agricultural land use planning. Little too context provided other than perhaps a statement that acknowledges the local governments duty to uphold these acts and policies.	Very brief description of agriculture background. This may include a minimal section or statistics on historical context, background and issues, and demographics on agriculture/farming.	Includes a vision, goal, or objective for agriculture but with minimal explanation or rationale.	One or two brief statements about agricultural land use policies, perhaps with little context.	Provides at least one (1) general land use map(s) with agricultural land use shown.
✓✓	Expanded statements that reference more than one of the main provincial legislation and policies and provides added context to the above. Multiple statements that outline how provincial legislation and policies “fit” in the local context.	Includes multiple sections dedicated to information and statistics about agricultural background. May also reference an agricultural plan or report.	Includes a vision, goal, and objective for agriculture with a statement of explanation and some action items.	Several statements (three to five) about agricultural land use policy presented within local context. May also reference an agricultural plan.	Provides at least one (1) general land use map(s) showing agricultural land uses and at least one (1) agriculture specific map showing designated agricultural land.
✓✓✓	Comprehensive that outlines how provincial legislation and policies “fit” in the local context.. May include diagrams to help establish thread of consistency among different levels of government.	Comprehensive account of agricultural background . May also reference an agricultural plan or report.	Includes a detailed section on vision, goals, and objectives for agriculture that outlines a rationale and action items. May also document relations with other land uses and local priorities.	Detailed section of agricultural land use policy statements (more than five) or agricultural sub-area plan adopted as by-law. May also reference an agricultural plan.	Provides two (2) or more agricultural land use maps including a map showing designated agricultural land. May also include Other maps to illustrate specific issues or policies (future areas of study, development permit areas, current land tenure).

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Policy documents

	Legislative Context (Provincial)	Background	Vision, Goals, Objectives	Local Policies	Maps
	Same as above	Same as above	Same as above	Different	Same as above
0	None	None	None	None	None
✓	Brief statements that include at least one reference to the main provincial legislation or policy related to agricultural land use planning. Little to no context provided other than perhaps a statement that acknowledges the local governments duty to uphold these acts and policies.	Very brief description of agriculture background. This may include a minimal section or statistics on historical context, background and issues, and demographics on agriculture/farming.	Includes a vision, goal, or objective for agriculture but with minimal explanation or rationale.	Several statements (three to five) about agricultural land use policy presented within local context.	Provides at least one (1) general land use map(s) with agricultural land use shown.
✓✓	Expanded statements that references more than one of the main and policies and provides added context to the above. Multiple statements that outline how provincial legislation and policies “fit” in the local context.	Includes multiple sections dedicated to information and statistics about agricultural background. May also reference an agricultural plan or report.	Includes a goof presentation of vision, goal, and objective for agriculture with a statement of explanation, a few recommendation items, and some action items.	Comprehensive section of agricultural land use policy statements (more than five).	Provides at least one (1) general land use map(s) showing agricultural land uses and at least one (1) agriculture specific map showing designated agricultural land.
✓✓✓	Comprehensive that outlines how provincial legislation and policies “fit” in the local context.. May include diagrams to help establish thread of consistency among different levels of government.	Comprehensive account of agricultural background. May also reference an agricultural plan or report.	Includes a detailed section on vision, goals, and objectives for agriculture with an extensive and detailed list of recommendations and/or action items.	Comprehensive agricultural plan. May also refer to background report.	Provides two (2) or more agricultural land use maps including a map showing designated agricultural land. May also include Other maps to illustrate specific issues or policies (future areas of study, development permit areas, current land tenure).

Appendix: Criteria for determining level of influence of policy regimes

		Placement (significance) within Document			
		Aims, Goals, Objectives	Mission, Vision, Mandate, Purpose	Driving issues, concerns	Action items
Level of influence	High influence	A clear, explicit statement as part of a short list (three to five) of items in an enforceable policy or regulation	A clear, explicit statement at the highest level of an enforceable policy or regulation		
	Medium influence	A clear, explicit statement as part of a short list (three to five) of items in an aspirational policy	A clear, explicit statement at the highest level of an aspirational policy	A clear, explicit statement as part of a short list (three to five) items in a policy	A clear, explicit statement as part of a short list (three to five) of items in a policy
	Low influence	A clear, explicit statement as part of a long list of items in an aspirational policy		A clear, explicit statement as part of a long list of items in an aspirational policy	A clear, explicit statement as part of a long list of items in a policy