

# **Agricultural Land Use Planning in Canada**

## **Case Study of the Municipal County of Antigonish 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 Antigonish County in northern Nova Scotia. The case study of the Central Antigonish Plan District 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. This part of the assessment included documentation and analysis of three policy regimes: farmland preservation, global competitiveness, and food sovereignty. 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.

The aim of the case study is to contribute to three areas of knowledge. The case study lends insight to the state of agricultural land use planning in the Municipal County of Antigonish. It 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 within the Municipal County of Antigonish is weak. Using four principles as the criteria for evaluating the qualities of the legislative framework in the Central District of the Municipal County of Antigonish (MCA) we found the following:

- (a) Maximise stability: The policy and legislative documents are the foundation for the framework. The Municipal Government Act (*MGA*) of 1998 is stable and has stood up to court challenges provincially. In the MCA, the Municipal Planning Strategy (MPS) includes several statements relevant to protecting farmland, including the need to protect farmland from non-farm development and the use of minimum lot sizes. However, there is little in the way of documentation on protecting agricultural land in the MCA legislative and policy documents and hence a lack of stability.
- (b) Minimise uncertainty: While there are expressions of interest to protect agriculture and farmland in a general sense, these statements are supported by very weak language and statements that promote non-farm developments on agricultural land. The local legislative framework is therefore weak with some critical concerns about supporting the non-farm use of agricultural lands. Hence there is a significant degree of uncertainty in the MCA legislative and policy documents.
- (c) Integrate priorities across jurisdictions: While the *MGA 1998* creates a relatively strong legislative framework for the protection of farmland, there appears to be a de-linking between the provincial and municipal levels in regards to the detailed incorporation of the Statement of Provincial Interest (SPI) on agricultural land into municipal planning documents. The Antigonish Municipal Planning Strategy (MPS) acknowledges the role of the SPI to protect farmland but is not consistent with the SPI on the protection of agricultural land at the municipal level. Antigonish County has a clear interest in developing agricultural land for non-farm purposes. These factors contribute to weak integration across jurisdictions.

- (d) Accommodate flexibility: Flexibility is also weak due to the fact that the Central Antigonish Area Advisory Committee, as a local governance mechanism, does not play an active role in accommodating multiple interests around farmland protection. Its role is ad hoc in advising the Municipal Council when legislation is being proposed or changed. It stands down once a by-law is passed.

The only policy regime evident in the Central Antigonish legislative documents relates to farmland preservation. This includes several statements, but not all of which express strong support for protecting farmland. There are no direct references to the two other regimes of global competitiveness and food sovereignty in the Central Antigonish MPS legislative documents. However, the Municipal County of Antigonish's Integrated Community Sustainability Plan (ICSP) does list local food security as an important priority. The main stakeholders in order of interest and influence are developers, the Nova Scotia Federation of Agriculture, and the Antigonish Food Security Coalition.

Given the overall state of agricultural land planning at the Municipal County of Antigonish, in line with growing development pressures on farmland, the main beneficial practice would be to re-integrate the provincial and municipal levels. The reassertion of the provincial interest in agricultural land vis-à-vis all rural municipalities with a revised and more clearly worded SPI could strengthen the four planning principles that inform this report.

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## Abbreviations

AFSC	Antigonish Food Security Coalition
Agr. LUP	Agricultural Land Use Planning
ARDA	Antigonish Regional Development Authority
CETA	The Comprehensive Economic and Trade Agreement
CLI	Canada Land Inventory
EDPC	Eastern District Planning Commission
ICSP	Integrated Community Sustainability Plan
MCA	Municipal County of Antigonish
MGA	Municipal Government Act
MPS	Central Antigonish Municipal Planning Strategy
NSDA	Nova Scotia Department of Agriculture
NSFA	Nova Scotia Federation of Agriculture
SPI	Statement of Provincial Interest
St. FXU	Saint Francis Xavier University
TPP	Trans-Pacific Partnership
URB	Utilities and Review Board
WPANS	Wild Blueberry Producers Association of Nova Scotia

## 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.

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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 focused 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 coordinated 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.

### 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 Land Use By-law (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 protection 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:

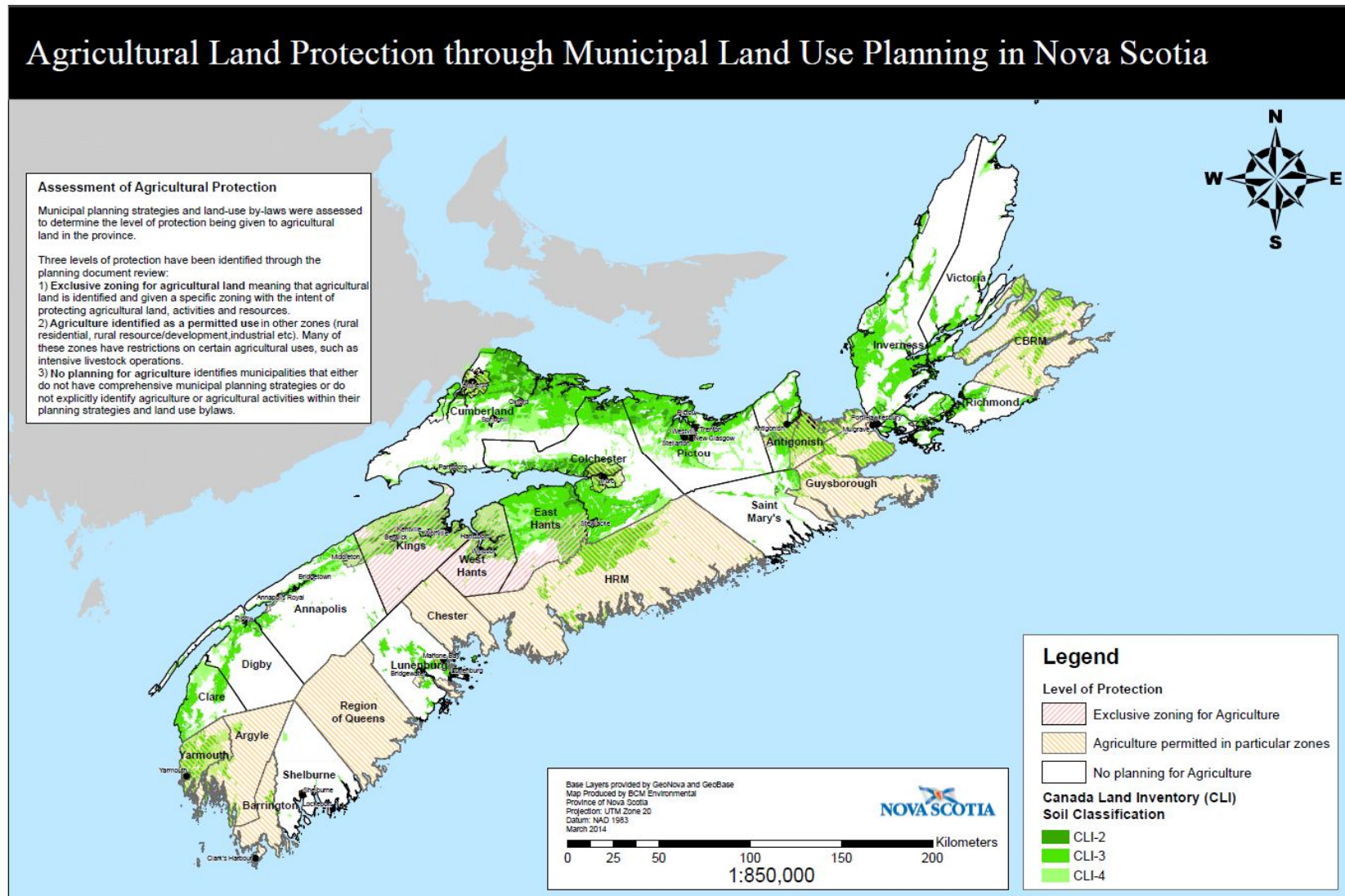
- i. zoning to protect
- ii. permissive zoning
- iii. no zoning.

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 Map 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.

## MUNICIPAL COUNTY OF ANTIGONISH, NOVA SCOTIA

**Map 1: Agricultural Land Protection through Municipal Land Use Planning in Nova Scotia**



(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 focused 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: 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 reinforced 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, and 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 results of a case study of agricultural land use planning in the Municipal County of Antigonish in northern Nova Scotia. 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 industrial, residential, and natural resource developments. Finally, the case study lends insight to the state of agricultural land use planning in the Central Antigonish Plan Area, and to some extent the other plan areas.

The case study of Antigonish 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 (see the appendix for a description of each policy regime).

### *Methods*

#### Legislative framework:

The methods used to complete the 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.

#### Political context:

- 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 County of Antigonish is made up of 26 small scale rural communities (such as hamlets) and is located in northern Nova Scotia (Map 2). The County, which covers 1,458 square kilometers, is bounded by Pictou County to the west, the Canso Strait to the east, Guysborough County to the south, and the Northumberland Strait to the north. The bulk of the population, and most new development in the County, are located in the areas close to the Town of Antigonish and along the Trans-Canada Highway (Hwy 104). The South River and West River are the biggest rivers through the County. The southern sections of the County are less populated and are primarily highlands. Antigonish's climate is moderate with cold winters and temperate summers. The geographical location of Antigonish is latitude N 45.67 degrees and W -61.91 (Malhotra, 2009). Present day Central Antigonish comprises productive agriculture and farmland (especially in the central area) which, together with forestry and fishery, remains economically significant to the County. In more recent decades, in terms of employment generation, these traditional industries have been overtaken by the trades, retail, health and education sectors, notably St. Martha's Regional Hospital and St Francis Xavier University, both located in the Town of Antigonish. Tourism has been an economic driver as well. Many visitors are drawn to the County's beaches along the Northumberland Coast, and to its historical, cultural and artistic amenities.

The County is governed by a Council of 10 members and provides a wide range of municipal services. Planning, subdivision and building inspection services for the MCA are the responsibility of the Eastern District Planning Commission (EDPC) which also covers the Counties of Inverness, Richmond and Victoria and the Town of Port Hawkesbury (see EDPC <http://www.edpc.ca>). The mandate of the EDPC (see *MGA 1998*, Section 255) is to provide inter-municipal services such as assistance with planning documents, services related to planning, and delegated powers. For the MCA, current land use planning has been established as needed in different sections of the County at various times. Currently, the Eastern, Central, Fringe (adjacent to Town) and Keppoch-Beaver Mountain municipal plans regulate development for the majority of the area and population of the County, and there are plans to extend planning regulations to the remaining portions of the western end of the County at some point in the future (Informant 4). The Town of Antigonish is a separate entity and is governed independently of the County (Malhotra, 2009).

Most of the population in Antigonish County is covered by one or another plan area except for Lochaber and the south west; Northumberland coast is also not planned. The latter two are experiencing development pressures on their agricultural base (Informant 6). The top class of land in Antigonish (CLI 2) is also covered in the Eastern District plan, e.g., Tracadie, and is experiencing development pressures as explained below.

## Map 2: Location of Antigonish County



(NS Federation of Agriculture, Statistical Profile of Antigonish County, 2012).

The pattern of planning in Antigonish County unfolded on a district-by-district basis organically, first on the eastern end where development was starting to happen and then the Fringe area came next, where most of the population resides and where most of the commercial activity occurs. Next, Central district was part of the movement to incorporate planning for the rest of the county. Fringe district was updated; more recently, South-Western initiated planning and then suspended it due to the relatively low public uptake for the planning effort. Other planning initiatives have arisen for Wind Turbines in Keppoch – but little in agriculture (Informant 4). Central Antigonish, the focus of this report, was chosen due to its large size, extensive rural base, and the recent passing of its Municipal Planning Strategy.

The Central Antigonish Municipal Planning Strategy (MPS) was prepared with the assistance of the Area Advisory Committee. The purpose of the Central Antigonish Area Advisory Committee is to provide the local expertise required to develop a planning document that reflects the wishes of the Central Antigonish communities. When required, the Committee would be involved with any subsequent amendments to the MPS or the implementation of the

Land Use By-law. AAC meetings are open to the public (MPS, 2013). The current MPS replaces the Central Antigonish Interim Plan, adopted by Council in November 2007. The Interim Plan was established to provide basic land use protection measures on short order to address local needs. The comprehensive MPS was completed in 2011. The boundaries of this MPS are the same as the Interim Planning Strategy with the exception of parts west of the Antigonish Harbour (including the communities of Antigonish Landing, Lanark and Harbour Centre), which are part of the Fringe Plan Area (MPS, 2013).

The Central Antigonish Plan Area (Map 3) is situated between the Eastern Antigonish Plan Area, and the Antigonish Fringe Plan Area, and includes lands on the East side of Antigonish Harbour. The borders of the Plan Area comprise the Antigonish/Guysborough County boundary to the south, with Pomquet Harbour and the Northumberland Strait to the north. The Plan Area encompasses electoral Districts 5, 6 and 7 of the MCA. The Trans-Canada Highway bisects the Plan Area. Agricultural lands, foothills and many kilometers of ocean coast, in addition to inland rivers and streams, also characterize the Plan Area. In fact, the area has features such as coastal zones, wetlands, estuaries, and old growth forests which gave added impetus to put planning mechanisms in place so as to protect these ecologically rich habitats from development pressures (MPS, 2013).

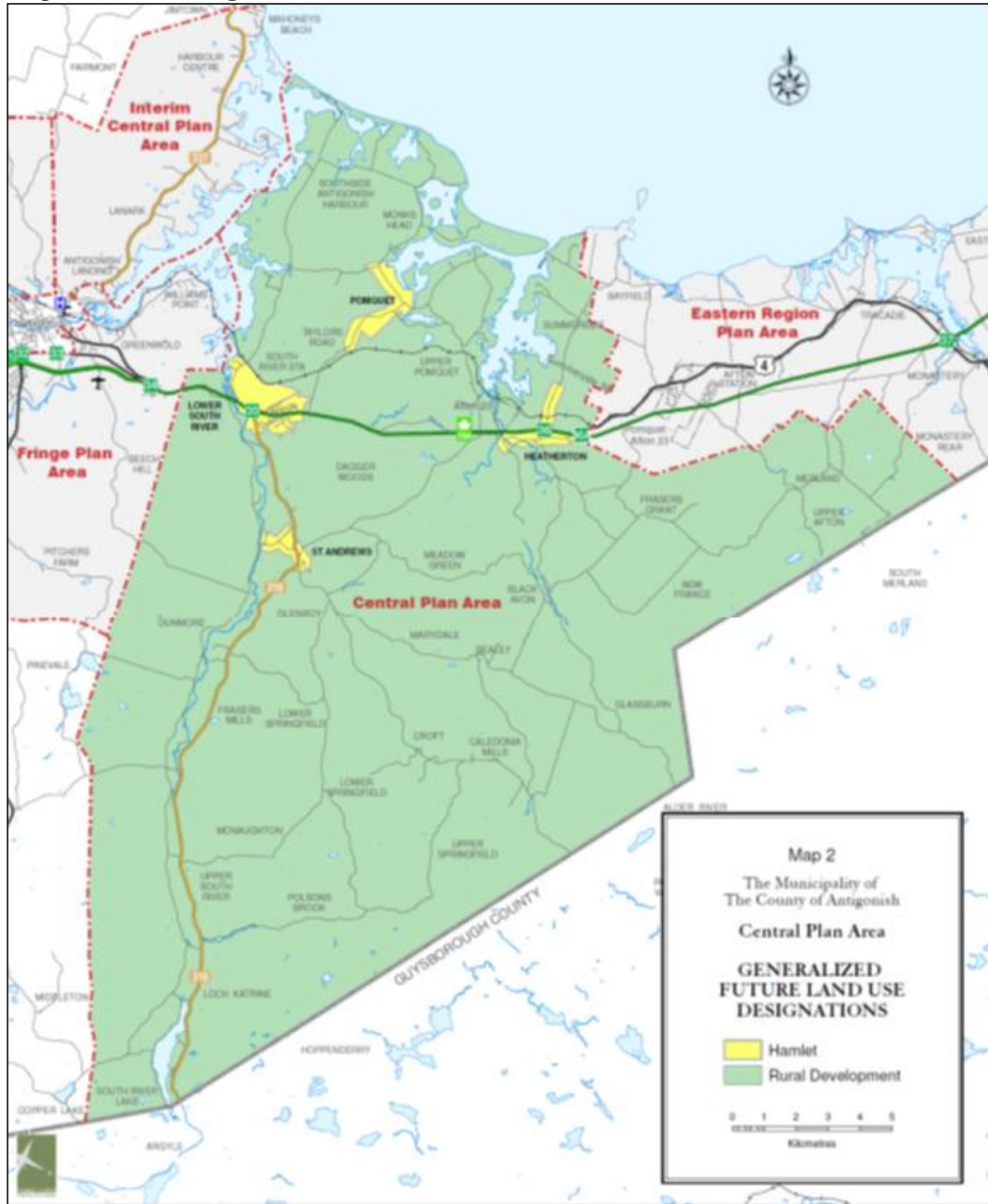
### Agricultural profile

#### *Census Farm Agriculture in Antigonish County*

Turning first to employment data, for northern Nova Scotia as a whole, agriculture accounted for approximately 2.03% of all jobs, higher than the provincial average of 1.17%. (NSFA, 2012a). In Antigonish County itself, agriculture employed 5,300 people in 2013 (NSFA, 2012a). Agri-tourism is also growing and includes farmers' markets, U-picks, farm accommodations, and the Annual Exhibition.

Antigonish County accounts for approximately 6% of Nova Scotia's agricultural land and 4.7% of its CLI 2, with 226 registered census farms (AFSC, 2013). Despite a slight drop in farm acreage, the overall number of farms increased by 9 between 2006 and 2011. In terms of arable land use (15%), Antigonish County ranks third among all counties in Nova Scotia, where the provincial average is 13% (NSFA, 2012a). Cattle ranching (31.5%) followed by greenhouse, nursery and floriculture production (20%) are the main sub-sectors of the County's agriculture. According to data from the NSFA for 2011, Christmas trees, woodlands and wetlands accounted for most of the land use in Antigonish County at 50.49%, followed by land in crops at 29.83%. Summer fallow, seeded pasture, natural land for pasture, and other land comprise the remaining farmland (19.68%). In comparison to provincial land use, Antigonish County has a higher percentage of land used for crops, seeded pasture and natural land for pasture. The number of acres used for farming purposes decreased between 2006 and 2011 from 71,719 acres to 64,413 acres, in particular on Christmas tree and pasture lands. In 2011, the average farm size in Antigonish County approximated 274 acres, the provincial average being 260 acres. Around 35% farms reported owning less than 129 acres, with the most common acreage size at between 240 to 399 acres (52 farms reported). Farms with these acreage sizes accounted for almost 22% of Antigonish County's farms (NSFA, 2012a).

**Map 3: Central Antigonish Plan Area**





The census farm sector faces challenges from the wider structural trends common to Canadian farming including restrictive marketing channels, labour supply bottlenecks, tighter regulations, fair prices for farm-gate commodities, the lack of programs for new entrants, and competition with cheap imports (AFSC, 2013). These impacts have hit all sub-sectors outside of supply management. Although cattle ranching remains a dominant farm activity in Antigonish, it has dramatically decreased since 2006 from 93 to 74 farms (-20.43%) (NSFA, 2012a). Beef farmers are unable to compete with those out West in terms of grain supply feed, though there is great opportunity for Nova Scotia to excel in grass-fed pasture (AFSC, 2013). Hog farming has decreased by 50% and local self-reliance in vegetables and fruits has seen a noticeable decline along with fruit and tree farming (NSFA, 2012a). Likewise, the infrastructure of rural social movements of an earlier era is also in decline. Antigonish Town's co-operative grocery store is now closed. Consumer co-operatives were started almost a century ago as part of the Antigonish Movement across northern Nova Scotia during the first half of the 20<sup>th</sup> century, but are now only found in small town rural Nova Scotia (though the credit unions remain robust) (AFSC, 2013).

Farm receipt data reflect the above trends in agriculture to some degree. In 2010, Antigonish County farms reported a total of approximately \$26.1 million in farm receipts (4.39% of all receipts reported in Nova Scotia) with Antigonish's having a surplus of \$5.1 million (MPS, 2013; NSFA, 2012a). Despite an increase in revenue between 2006 and 2010, Antigonish County experienced a decline over the same period in its percentage of the province's total farm receipts from 4.84% to 4.39% (NSFA, 2012a). In 2010, 70.64% of farms in Antigonish County reported receipts less than \$50,000, with 99 farms (35%), the most common category, reporting under \$10,000 (AFSC, 2013; NSFA, 2012a). The average business operating expense per farm was approximately \$89,400 which was lower than the provincial average of approximately \$128,000 (NSFA, 2012a). The major farm expenses were depreciation and capital cost allowance (\$4,149,164), total feed, supplement and hay purchases (\$3,893,697), and total wages and salaries (\$3,594,045). Interest expenses in Antigonish County were about 9.2% of total farm expenses, while the provincial average was 5.2% (NSFA, 2012a).

### *The Local Food Movement*

There is evidence that a local food movement is gathering steam in the County and Town of Antigonish. There are vibrant farmers markets, which in 2010 had roughly 900 visitors, 60 vendors and \$600,000 in sales over the season, along with four Community Supported Agriculture ventures. An expanding blueberry farming sector now covers 534 ha., often on old farmland (no author, Profile of Agricultural Land Resources). Census farms figures, moreover, do not include unregistered farms (AFSC, 2013). Typically, unregistered farms would not be filing taxable income as part of farm operations. These would therefore be very small and make up only a small percentage of total land base vis-à-vis the census farm acreage data, though there are no accurate data. An informed guess for unregistered farmers in Antigonish County, according to Mr. Adam Wiley, would be somewhere between 20-50 people, conducting some sort of farming activity on less than 10 acres (probably closer to between 2-3 acres). These people would be doing some amount of commercial activity, say, on a kitchen garden with extra produce to sell locally. There may in fact be many more 'kitchen' gardens that are not recorded anywhere that people have for their personal use (Adam Wiley, NSDA, personal communication, 7 October 2015). Not surprisingly, there is also little in the way of targeted government programs

for these farmers compared to those found in the census farm sector. Civic organizations, however, have made some efforts to reach new farmers. For instance, there is an apprenticeship program, sponsored by the Sisters of St. Martha' at their Mother House Bethany, that mentors people who are interested in getting into producing food for the local market, such as the farmers market and local restaurants (Informant 6). There is also a person out in Cape George who moved to the County about six years ago and wanted to get into growing food on a relatively small scale basis. The local food store in town bought her produce which allowed her to expand her business (Informant 6). Generally speaking, the alternative food sector would appear to be still in its infancy at this time.

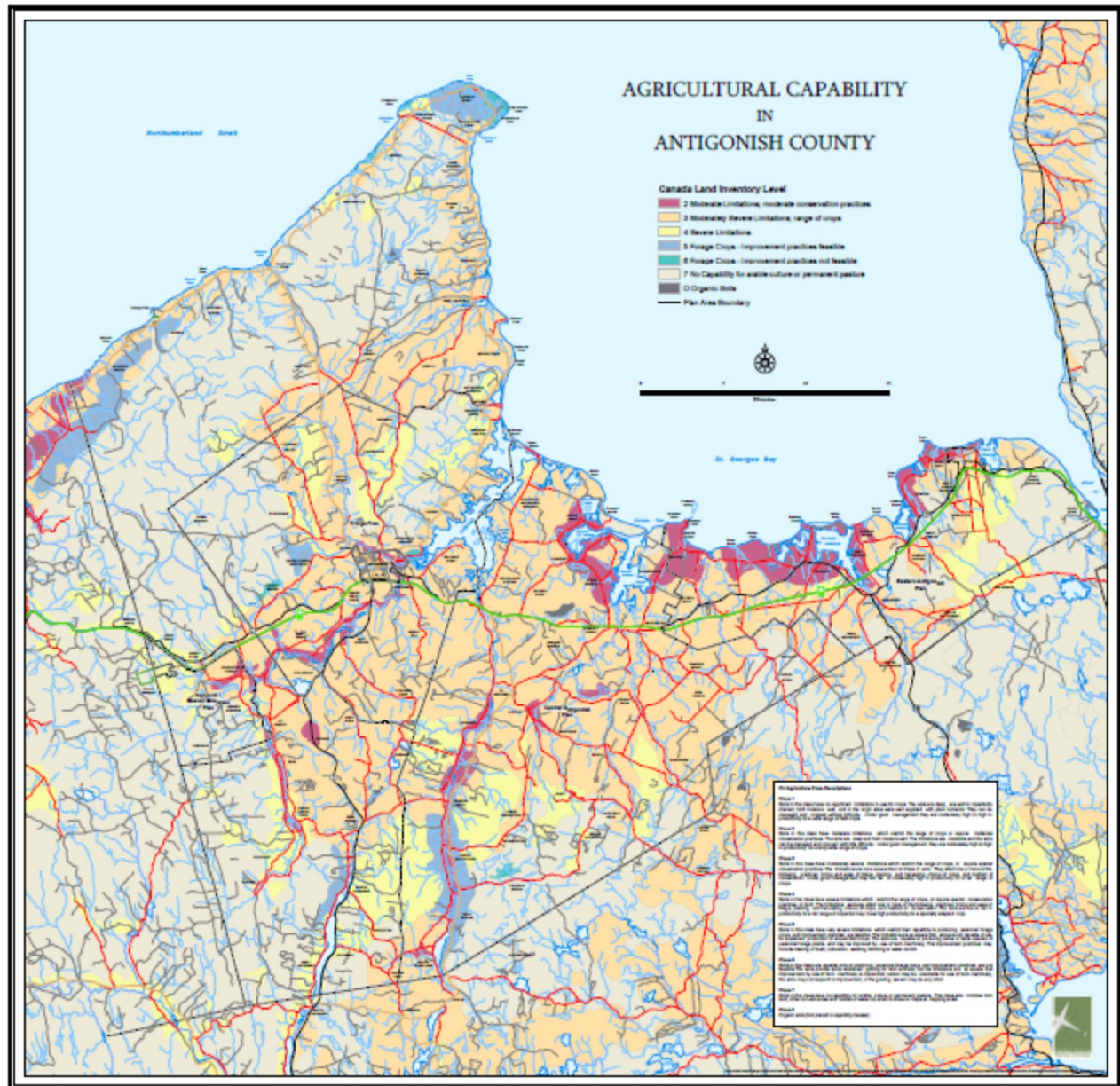
### *Central Antigonish District and Soil Classification*

The Central Antigonish Plan Area includes a diverse range of rural, residential and commercial activities. Central Antigonish is primarily comprised of low density rural development that developed alongside waterways and highways, complemented by a range of other uses that include local commercial, small scale industrial, agriculture, forestry, fishing and tourism. The MCA has stated that it recognizes the visual and economic benefits that the natural assets of the County present to the local economy, area residents and visitors. It further notes that sensible rural development presents challenges and opportunities different from areas more urbanized with centrally located services (MPS, 2013).

Antigonish County does not have the same amount of fertile agricultural land as that found elsewhere in Nova Scotia, but the County does possess moderately good soils that includes Class 3 and 4 agricultural lands, according to the Canada Land Inventory (C.L.I.) (MPS, 2013), as shown in Map 4. Thirty-one percent of CLI 2 is used in the County (considered moderate use and third out of 14 Counties with this CLI 2 use) (Devanney, 2010). Generally, agriculture is taking place on good soils.

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Map 4 Agricultural Capability in Antigonish County



(Eastern District Planning Commission)

## Results

In this section we present the results for the case study of Antigonish 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). The section ends with results of the stakeholder analysis. We discuss the significance of these results in the next section.

### State of agricultural land use planning

Two issues – fragmentation and urban development – appear to be exerting development pressures on farmland in the County, especially close to the coast along the Northumberland Strait and St. Georges Bay. The following section will discuss the findings found in relation to agricultural land use planning in the Central Antigonish Plan Area. The majority of urban development is on good agricultural soils around Antigonish Town, and also along rural areas like the Northumberland Shore and Lochaber (where no planning is in place) (Informant 6). Only 10% of urban land development is on poorer CLI 4 soil in this County, the second lowest being Pictou (Devanney, 2010). To take an example, Mount Cameron Estates on the outskirts of Antigonish Town in the Fringe Planning Area, saw a developer and businessman, S.F. Smith, win the backing of the MCA in its re-zoning applications. The proposed development involved construction of a two storey, 85-unit retirement living complex and 36 townhome and semi-detached units with shared and designated green space. The development will be located within the existing Mt. Cameron Estates subdivision on Mt. Cameron Circle in Antigonish Landing. (EDPC, 2014). This recent development project, and the earlier one within, Mt. Cameron estates, would appear to go against point No. 3 in the SPI under the provisions which state that when agricultural land is located within an urban area “planning documents must address the reasons why agriculture lands cannot be protected for agricultural use.” (*MGA 1998*, p. 293).

CLI 2 agricultural land is also under pressure in rural areas by developers. This has led to some controversial decisions, particularly in relation to a farmer (Mattie Farms Ltd.) in Tracadie, on St. Georges Bay (see Map 5) in the Eastern Antigonish County Planning Area (EDPC, 2014). In this case, Mattie Farms Ltd. made an application to re-zone his agricultural land (R-1) to residential units (R-2). Community and farmer opposition (Western Farms) to Council’s decision was strong, and the SPIs on clean water and farming impacts were invoked by members of the public and Tracadie residents at what they felt was a very poorly reviewed re-zoning application by Council (for details see *The Casket*, 2013). Parts of this case are examined in more detail below given its prominence and significance for non-agricultural development on CLI 2 farmland.

### 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).

One of our first steps was to document the legislative framework for each case study site (Table 1 lower case cells next to 'Local'). The framework consists of policies, legislation (and by-laws), and governance structures related to agricultural land use planning at local 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). At the provincial level there are a cluster of policy documents pertaining to agricultural policy and/or agricultural land policy. The legislative cell contains the *MGA 1998* and the SPI. In the Governance cell we have inserted the Provincial Directorate of Planning. The Required Integration cell contains an official provincial policy document 'Home Grown Success A 10 Year Plan', a statement from the *MGA 1998* affirming the power of the province to protect the use and development of land, and the SPI on agricultural land stating that planning documents must address the protection of agricultural land. At the local level in Central Antigonish County there is a municipal planning strategy in place, implemented through an MPS and a set of by-laws. The MCA's ICSP was identified as a policy document relevant to the local agricultural sector.

The AAC serves as the local governance body. AAC meetings are open to the public (MPS, 2013). For the Central Antigonish Plan Area, the local AAC is convened on an ad hoc basis and is not a permanent standing committee, making it unlikely that the AAC would be able to play an active role in accommodating flexibility around farmland protection in the application of the MCA laws. While AAC members and Councilors do receive an orientation, there is no formal training per se; but specialists can be brought in as needed (e.g. Dept. of Agriculture). For example, AAC members receive training in the MPS/LUP such as what zones are, how the documents work together – ditto for the Councilors – but not in agriculture itself (Informants 3, 4). Regarding the representation of the Antigonish AAC, the Fringe (a district not under direct study) has had a member of the NSDA on its committee. Central Antigonish planning district has, in fact, had both a farmer and a NSDA representative on its AAC on matters related to agriculture (Informant 4). Having said this, the Council would be careful to not put an excess of agricultural interest on the committee just as they would not put an excess of commercial or another sectoral interest on another kind of committee (Informant 4). Only one of ten members on the MCA has an agricultural background (Mr. Owen McCarron); otherwise, most of the councilors have run-of-the-mill backgrounds, and are not necessarily pro-business or pro-development (Informant 5).

MUNICIPAL COUNTY OF ANTIGONISH, NOVA SCOTIA

**Table 1. Legislative Framework for Antigonish County**

	<b>POLICY</b>	<b>LEGISLATION</b>	<b>GOVERNANCE</b>
<b>PROVINCIAL</b>	<p>[Devanny] A Review of Initiatives to Preserve Agricultural Land (2008)</p> <p>[HGS] Homegrown Success a 10 year plan for Agriculture (2010)</p> <p>[Williams Report] Preservation of Agricultural Land in NS (2010)</p> <p>Protecting and Preserving Agricultural Land in NS A Policy Framework [no year; recent]</p> <p>Response to Protecting and Preserving Agricultural Land in NS (2014)</p>	<p><i>[MGA] Municipal Government Act of 1998</i></p> <p><i>Statement of Provincial Interest Regarding Agricultural Land, Schedule B (MGA 1998)</i></p>	<p>Provincial Director of Planning</p>
<b>REQUIRED INTEGRATION</b>	<p><i>HGS A 10 Year Plan:</i> Urbanization and other demands placed on rural lands require attention to ensure that adequate land remains available for agricultural uses. This is a complex issue with multiple stakeholders. It will require sound research and analysis, along with collaboration with other provincial departments, municipal governments, and Nova Scotians, to balance concerns and determine outcomes that are in the best public interest.</p> <p><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.</p> <p><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.</p>		
<b>LOCAL</b>	<p>MCA ICSP</p>	<p><i>Municipal Planning Strategy for the Central Antigonish Plan Area</i></p> <p><i>Central Antigonish Land Use By-law</i></p>	<p>Area Advisory Committee</p>

*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]

### 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.

#### *Local government legislation documents*

In general terms, as shown in Tables 2 and 3, the Central Antigonish MPS has a strong reference to the *MGA 1998* at the beginning of the document, but no mention of agricultural land use planning. The document does mention that agriculture is an important part of the local economy. There are some statistics on number of farms, types, and demographics, and a brief historical reference to the agricultural origins of the County. There is one specific reference to agricultural land in relation to setting back of intensive livestock operations, and then general references about developers, the importance of respecting environmental qualities and the rural character of the County. The only maps on general land use include the designation ‘rural use’ for the areas where agricultural land is located (within the document). There is no referencing of provincial policy documents in the MPS, nor is the protection of farmland identified among the statements of purpose in the MPS. The legislative content is also very minimal in the case of the Central Antigonish By-Law, adopted in 2013. There is little reference, if at all, to the wider legislative and policy context in relation to farmland protection in general, and the SPI on agricultural land specifically in the *MGA 1998*.

The Central Antigonish MPS document first starts with the Agriculture section before discussing the issues presented in the section on Rural Development. Below, the significant statements that appear under the Agriculture section of the MPS have been isolated. Each of the following policy statements appears to be important:

#### *Statement 1:*

One of the issues affecting agriculture is the proximity of residential development to farm operations. In the Central Antigonish planning area there is not as much pressure from new residential subdivisions as exists in the area surrounding the Town of Antigonish. Nonetheless, *Council encourages new subdivision development to occur within the Hamlet designated areas in order to avoid the potential conflicts that can occur when new residential subdivisions encroach into agricultural areas* [author’s italics]. Quite often, people move out to the countryside because of the scenic beauty and rural nature of the area, of which farms are a part. However, in some cases, rural residents may argue that the enjoyment of their property is interfered with by the noise or odour of a nearby farm operation. Particularly, intensive livestock operations that involve the keeping of large numbers of animals in a confined space, can pose such a conflict with rural residential uses. Conversely, some argue that valuable agricultural land is wasted because of encroaching residential development and that farmland should be protected from urban sprawl (MPS, 2013, p. 19).

Statement 1 by Council recognizes the potential threat of non-agricultural development to farmland. However, given that the Council only ‘encourages’ new subdivision development in Hamlet designated areas, there remains uncertainty as to the lack of safeguards to control development onto agricultural lands, something acknowledged by the reference to protecting farmland from urban sprawl.

*Statement 2:*

The Municipal Government Act identifies the protection of “agricultural land for the development of a viable and sustainable agriculture and food industry” as a vital provincial interest and any new planning documents must be reasonably consistent with this. Council shares this view and is of the opinion that farmland is a valuable asset in Central Antigonish and that the agricultural sector should be supported and remain an integral part of the region’s future. *Council’s intention is that, where possible, agricultural practices are to be protected* [author’s italics]. (MPS, 2013, p. 19).

Statement 2 shows integration of the *MGA 1998* with the MPS, and concurs with the need to protect the agricultural sector as part of the region’s future. The protecting of farmland is expressed in the MPS and thus contributes to stability. However the last sentence with the qualifier “where possible” indicates that the commitment to do so may be secondary to allowing non-agricultural development on farmland in the county. After referring to the SPI, the County makes a clear statement that it is not fully committed to protecting farmland. This weak language increases uncertainty.

*Statement 3:*

This can be done by requiring large minimum lot sizes, which discourages intensive residential development in these areas, and creating minimum separation distance requirements between intensive livestock operations and residential uses (MPS, 2013, p. 19).

Statement 3 shows a commitment to limit expansion onto agricultural land by creating large minimum lot sizes, and creating minimum separation distances.

*Statement 4:*

Nonetheless, at this time Council does not intend to prohibit all residential buildings in the Central Antigonish Plan Area on farmland, as concern has been raised about limiting the development rights of farmers who may wish to develop part of their lands in the future for uses other than agricultural ones (MPS, 2013, p. 19).

Statement 4 makes a striking statement that would appear to indicate that private interests supersede the public interest in protecting farmland, and certainly goes against the SPI on the protection of agricultural land.

*Statement 5:*

The issue of farmland protection is however, an important and potentially contentious subject and Council would like to consider it further, either through a County-wide



planning exercise or through additional investigation into regulations or incentives (MPS, 2013, p. 19).

Statement 5 is very important because it shows that Council is aware of the controversies around the protection of farmland. At the same time, however, the Council appears to offer themselves an out by stating that they will consider it further – which could be too late if the land is already developed for non-farm uses and/or precedents are being set in favour of private interests for land development.

*Statement 6:*

In keeping with the current land use patterns and the potential for future development in rural areas of the county, it is the intention of Council to establish a Rural Development Designation that will apply to all lands outside of the established hamlets. To implement this Designation, Council intends to establish a Rural Development Zone that will permit low-impact rural development, mixed-use developments as well as developments on larger lot sizes (usually privately serviced). These would include low-density residential, forestry and forestry-related uses, fisheries and fishery-related uses, small boarding houses, recreational uses and some local commercial uses. The Rural Development designation and zoning would exclude large scale tourist commercial uses as being permitted as-of-right. Recognizing agricultural uses as a dominant land use in Antigonish County and a major local source of employment, those uses, including intensive livestock facilities and value added operations such as dairy processing facilities, will be allowed. . . . Higher-impact uses, including existing rural commercial and industrial developments located within the Rural Development Designation will be zoned Rural Commercial and Rural Industrial. As municipal services expand into rural areas, or as more intensive developments are proposed, Council shall require that any such development be assessed through the Land Use By-law amendment process (MPS, 2013, p. 10).

Statement 6 in MPS Land Use section on Rural Development does not mention the protecting of farmland. This would seem to be not consistent with the SPI. To the contrary, the Antigonish Central Plan MPS appears to support non-farm development in agricultural areas and possibly on agricultural lands.

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**Table 2. Contents of local agricultural land use legislative documents**

Legend: ✓ - Minimum level of detail included    ✓✓ - Moderate level of detail provided    ✓✓✓ - High level of detail provided    X - Not included

Name of document	Legislative Context	Background	Vision, Goals, Objectives, Recommendations	Regulations (enforceable policies, procedures)	Maps
Central Antigonish Land Use By-law 2013				✓(a)	✓ (b)
Municipal Planning Strategy for the Central Antigonish (2013)	✓✓(c)	✓ (d)	✓ (e)	✓(f)	✓(g)

Notes:

- (a) Only includes zoning information.
- (b) Includes one corresponding zoning map and future land use map on EDPC site with rural development zones (RD-1) that include agricultural use.
- (c) Strong reference to the MPS being in accord with the NS Municipal Act at the beginning, but no mentioning of Agr.LUP
- (d) Some statistics on number of farms, types, and demographics; brief historical reference to the agricultural origins of the county.
- (e) Mention that agriculture is an important part of the local economy but little else including reference to Agr.LUP
- (f) There is only one specific reference to agricultural land in relation to setting back of intensive livestock operations, but does contain general references about the need for developers to respect the environmental and rural character of the county.
- (g) Only maps on general land use including the designation “rural use” for the areas where agricultural land is located (within document).

**Table 3. Breadth and depth of legislative context**

Legend: ✓ - Minimum level of detail included    ✓✓ - Moderate level of detail provided    ✓✓✓ - High level of detail provided    X - Not included

Name of document	Legislative context (legislation and policies)							Land use planning tools	Gov.	
	MGA 1998	SPI (Ag)	Devaney 2008	HGS, 2010	Williams 2010	Protecting farmland, no year	Response Protecting farm land, 2014		NSDA	AAC
Central Antigonish Land Use By-law 2013										
Municipal Planning Strategy for the Central Antigonish Plan Area (2013)	✓✓(a)	✓(b)								

Notes:

- (a) There is no vertical reference except to the MGA.
- (b) There is a direct reference to the SPI on p. 19 of the MPS.

## MUNICIPAL COUNTY OF ANTIGONISH, NOVA SCOTIA

The main policy document at the County level related to food and agriculture is the Integrated Community Sustainability Plan (ICSP, 2009). The results of the content analysis of this document are shown in Tables 4 and 5. Because the MCA has several local municipal plans, but no overriding County-wide planning strategy, it was decided that the County would adopt a stand-alone plan according to Service Nova Scotia's ICSP Guidelines (Malhotra, 2009, pp. 4-5). 'Agriculture and Food Security' is listed as one of 13 key priorities and one of 32 goals. Among the goals, 'Agriculture and Food Security' is listed as a 'Priority One' (high) in the ICSP plan. The food and agriculture objective aims to lower dependence on food imports, increase the availability of local food, and strengthen the agricultural industry. Its action plan includes developing and publishing contact information on local food producers and supplies, to promote 'home grown', to lobby national chains in the local areas to sell more local products, to promote local co-operatives, to encourage community gardens, and to enhance local meat inspection systems (Malhotra, 2009, p. 18). The ICSP contains no reference to protecting farmland or pressures on farmland. The ICSP document lists the following stakeholders: the County Council, the NSDA, ARDA, the farming community and other 'unspecified groups'. The ICSP document is the closest that relates to the food sovereignty regime because of its emphasis on local agriculture and community organizations. However, the ICSP document contains little in the way of legislative linkage to the provincial level, or to horizontal integration with MPS priorities. Although the ICSP identifies actions that impact the MPS and reflect the provincial SPIs, neither is noted in the 'Agriculture and Food Security' goal.

Overall, the level of interest of local government to undertake agricultural land use planning is low. There appears to be no agricultural land use planning strategy in place. However the MCA's ICSP includes 'Agriculture and Food Security' as one of its goals.

# MUNICIPAL COUNTY OF ANTIGONISH, NOVA SCOTIA

**Table 4. Contents of local agricultural land use policy documents**

Legend: ✓ - Minimum level of detail included    ✓✓ - Moderate level of detail provided    ✓✓✓ - High level of detail provided    X - Not included

Name of document	Legislative Context	Background	Vision, Goals, Objectives, Recommendations	Regulations (enforceable policies, procedures)	Maps
MCA Integrated Community Sustainability Plan	✓(a)	✓(b)	✓✓(c)	✓(d)	✓(e)

Notes:

- (a) Mentions Eastern District Planning Commission as being responsible for Antigonish County.
- (b) Minimal background on agriculture; mainly broad geographical overview of Antigonish County.
- (c) Lower dependence on food imports and increase the availability of local foods in local stores; aid in influencing agriculture as a local economic engine. This is listed as a Priority 1 objective under 'Agriculture and Food Security.'
- (d) County should have a strategy to have controlled land development such as by examining existing zoning by-laws and exploring more sustainable development options. This is under a Priority 2 objective under the 'Protection of Bio-diversity Through Land Use Planning.'
- (e) General map of Antigonish County included.

**Table 5. Breadth and depth of policy context**

Legend: ✓ - Minimum level of detail included    ✓✓ - Moderate level of detail provided    ✓✓✓ - High level of detail provided    X - Not included

Name of document	Legislative context (legislation and policies)							Land use planning tools	Gov.	
	MGA 1998	SPI (Ag)	Deva nney 2008	HGS, 2010	Williams 2010	Protecting farmland, no year	Response Protecting land, 2014		NS DA	AAC
MCA Integrated Community Sustainability Plan	✓(a)								✓(b)	

Notes:

- (a) Provincial Statement of Interest mentioned as a source for the compilation of the ICSP report.
- (b) Brief mention of NSDA as a stakeholder in implementing a more localized and community controlled agriculture in the County as a high priority for 2010-2015.

### Policy regimes

The two policy regimes of farmland preservation and global competitiveness have influenced agricultural land use policy and legislation for over forty years. 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.

The MPS does recognize the critical importance of the farming sector for Antigonish County, and by extension, the importance of farmland. This is reflected in Tables 6, 7, and 8 below on the policy regime of farmland preservation. On the other hand, as noted earlier, the MPS says that there are development pressures on farmland, including from the farming community itself, which calls for Council to consider the issue of farmland loss further, either through a County-wide planning exercise or through additional investigation into regulations or incentives. Regarding Land Use By-laws, there is little contained in the document on farmland issues, but rather the focus is on zoning requirements for the different land use categories in the Central Antigonish planning area.

The only policy regime evident in the municipal legislative documents is related to farmland preservation. This includes several statements, not all of which express strong support for protecting farmland. There are no direct references to the two other regimes of global competitiveness or food sovereignty in the legislative documents. Food sovereignty is, however, mentioned in the ICSP, a policy document (note that there is no table for food sovereignty due to the paucity of information contained in the ICSP document). Suffice to say that the level of influence and positioning of food security in the ICSP document is of medium influence. Overall, there is not yet a comprehensive view of food systems planning and/or activities in the MCA due to weak integration with the provincial legislation's SPI on farmland, as well as the virtual absence of a local food movement perspective in the municipal legislative documents.

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**Table 6. Analytical framework policy regimes at the local level: farmland preservation documents**

		FARMLAND PRESERVATION			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence				
	Medium Influence	MPS Central Antigonish	MPS Central Antigonish	MPS Central Antigonish	
	Low Influence				

**Table 7. Analytical framework policy regimes at the local level: farmland preservation themes**

		FARMLAND PRESERVATION			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence				
	Medium Influence	Protect agricultural lands Minimize rural-urban conflicts	Agriculture as dominant land use  Balancing farmland protection with development rights of farmers	Possible county-wide planning process or new regulations to balance farmland protection with development	
	Low Influence				

**Table 8. Analytical framework for policy regimes at local level: frequency of farmland preservation**

		FARMLAND PRESERVATION			
		Vision, Goals, Objectives, Recommendations	Driving Issues, Concerns	Regulations	Action Items
Level of Influence	High Influence				
	Medium Influence	<p>“The <i>Municipal Government Act</i> identifies the protection of “agricultural land for the development of a viable and sustainable agriculture and food industry” as a vital provincial interest and any new planning documents must be reasonably consistent with this. Council shares this view and is of the opinion that farmland is a valuable asset in Central Antigonish and that the agricultural sector should be supported and remain an integral part of the region’s future.” (p. 19)</p> <p>“Council’s intention is that, where possible, agricultural practices are to be protected in the future.” (p. 19)</p>	<p>“The issue of farmland protection is however, an important and potentially contentious subject and Council would like to consider it further, either through a County-wide planning exercise or through additional investigation into regulations or incentives.” (p. 19)</p> <p>“... some argue that valuable agricultural land is wasted because of encroaching residential development and that farmland should be protected from urban sprawl.” (p. 19)</p> <p>“Nonetheless, at this time Council does not intend to prohibit all residential buildings in the Central Antigonish Plan Area on farmland, as concern has been raised about limiting the development rights of farmers who may wish to develop part of their lands in the future for uses other than agricultural ones.” (p. 19)</p>	<p>“Recognizing agricultural uses as a dominant land use in Antigonish County and a major local source of employment, those uses including intensive livestock facilities and value added operations such as dairy processing facilities, will be allowed.” (p. 10)</p> <p>“Council encourages new subdivision development to occur within the Hamlet designated areas in order to avoid the potential conflicts that can occur when new residential subdivisions encroach into agricultural areas.” (p.19)</p> <p>“This can be done by requiring large minimum lot sizes, which discourages intensive residential development in these areas, and creating minimum separation distance requirements between intensive livestock operations and residential uses future.” (p. 19)</p>	
	Low Influence				

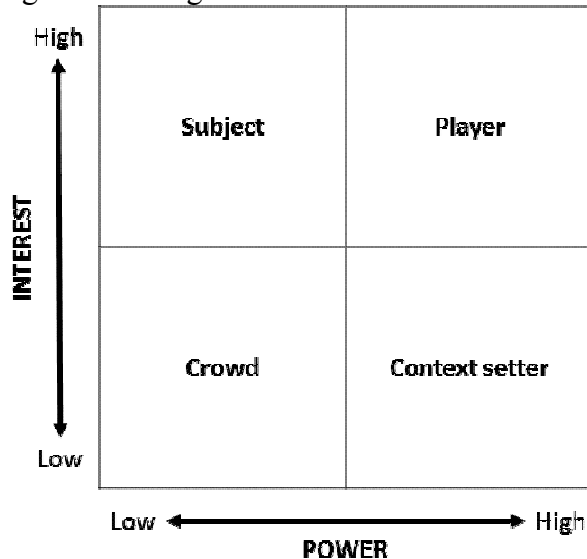
### Stakeholder analysis

In addition to understanding the policies and legislation, it is important to acknowledge that these documents are influenced by various political forces. The aim of the stakeholder analysis is to document different organisations and institutions that participate in and thereby influence agricultural land use planning processes and decisions. Our stakeholder analysis involved three aspects: identify relevant stakeholders; complete a profile for each stakeholder; assess each stakeholder's level of influence within agricultural land use planning. For each stakeholder we aimed to complete a comprehensive profile based on secondary sources, including promotional materials on websites; reports, positions papers and other publications; statements in the media; committee meeting minutes, etc. The same level of information was not available for each stakeholder.

Based on the information collected for the profiles we then assessed their level of influence using a power-influence grid. This analysis leads to four categories of stakeholders (Figure 5):

- **Players:** have both an interest and significant power
- **Subjects:** have an interest but little power
- **Context setters:** have power but little direct interest
- **Crowd:** have little interest or power

Figure 5. Categories of stakeholders



The main stakeholders evident through a web search of Antigonish Town and County are local developers, the Nova Scotia Federation of Agriculture, and the Antigonish Food Security Coalition, as shown in Table 9. Information on local developers was also accessed on the Eastern District Planning Commission (EDPC) website (see [http://www.edpc.ca/annualreports/Annual\\_Report-13-14.pdf](http://www.edpc.ca/annualreports/Annual_Report-13-14.pdf)).

The stakeholders with the greatest interest and power appear to be local developers as evidenced by recent re-zoning decisions in the MCA. These re-zoning decisions highlight the



contentious nature of farmland protection issues and the pressures on CLI 2 agricultural land from both urban development and rural re-zoning.

The NSFA would also be considered a stakeholder, both in the sense of representing active farmers, and those farmers wishing to sell parts or all of their farm properties for non-agricultural use. NSFA's mandate as an industry body is to promote the interests of agriculture and its farmer members. Its geographical scope is both provincial and local (Antigonish/Guysborough Counties). The Provincial NSFA supports the different mechanisms that have been suggested to implement a provincially operated compensation program to ensure that farm owners receive adequate compensation for land where land values are adversely affected by agricultural land use policies/restrictions. The NSFA is also committed to work with provincial staff, and county and regional planning authorities to ensure that on-going land use planning and policy meets the needs of the farming community (NSFA, 2012b). The NSFA also supports the findings of the William's Report, cited in the Provincial Section in Table 1.

The Antigonish/Guysborough section of the provincial NSFA has about 140 members. It has not actively lobbied the MCA at the local level on the question of farmland protection or agricultural land use planning, which it leaves to the provincial section (Informant 5). The local NSFA was not actually pulled into the Mattie controversy since both parties to the legal conflict, Mattie and Western Farms are NSFA members (Informant 5). Our informant noted the broader challenges facing the NSFA and its sections around farmland protection. Critical here is the struggle to have a unified voice on this question. With such a broad base to its farming membership, there are a number of divisions in the NSFA including: supply management / non – supply management farmers; crops / livestock farmers; big farmers/ small farmers; and younger / older farmers (Informant 5). For example, older farmers, generally speaking, want the option of selling their land for non-agricultural purposes while the younger farmers are more supportive of protecting farmland (Informant 5). To take another example, chicken farmers do not really care about farmland protection, while horticultural farmers do. As such, it is hard to reach consensus within the NSFA. As our informant put it: Does the NSFA support the status quo? Or see land as a retirement 'nest-egg'? Or prioritize the future of the next generation and the importance of preserving farmland? : "We have to feed our families as businessmen but at the end of the day we need to look beyond our immediate position." (Informant 5).

The Antigonish Food Security Coalition (AFSC), formed in 2009, is also considered a stakeholder. It is a local not-for-profit NGO covering both Antigonish Town and County. The AFSC is a network of community organizations with provincial, municipal and university (St. FXU) representation. Its mandate is to advocate for a sustainable food system. The AFSC has an aspirational desire to influence policy and the public, including through the publication of reports on the local food system. It is part of a wider network called Sustainable Antigonish (Informant 6). In an otherwise excellent report on the local farming system in Antigonish, there appears to be virtually no mention of agricultural land use planning, or of connecting food security to the land base (AFSC, 2013). While the AFSC does work with the Town Council on local food policy, and has a representative on its board, this work is not directly related to farmland protection (Informant 6). For these reasons we would consider the AFSC to have a low to medium power-influence at present in the MCA in terms of promoting initiatives related to food sovereignty.

The results below point to local developers having both a high interest and power base in re-zoning farmland for non-agricultural uses. One informant also mentioned engineering &

surveying firms as stakeholders because of the demand for their services when land is re-zoned. The NSFA is caught in the middle, given its mandate to promote farming in general, as well as protect the interests of individual farmers who may want to sell their land at market value prices. The AFSC has a medium interest in local food security, but not a well-developed position on agricultural land use planning and farmland protection. In terms of power, the AFSC appears to have little in the way of presence in municipal planning documents and land planning decisions in the MCA.

**Table 9. Stakeholder analysis: power-interest grid Antigonish County, Nova Scotia**

INFLUENCE	High		Nova Scotia Federation of Agriculture	Developers
	Medium	Antigonish Food Security Coalition (AFSC)		
	Low			
		Low	Medium	High
POWER				

## 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 Municipal County of Antigonish.

### 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 terms, the MCA's legislative framework for agricultural land use planning lacks stability.

In the MCA, the Municipal Planning Strategy (MPS) includes several statements relevant to protecting farmland, including the need to protect farmland from non-farm development and the use of minimum lot sizes. However, the Central Antigonish legislation is not well entrenched in the *MGA 1998*, as detailed in Table 2. The key element that weakens stability in the Central Antigonish documents is the ease in which re-zoning can take place and the absence of an explicit commitment to protect farmland in the Central Planning Area MPS as per the SPI. The MPS, in fact, questions the right of government to infringe upon private landowners, raising the question as to whether private interests should trump farmland protection.

One informant noted that overall the issue of non-agricultural development as becoming a priority over farming has led to a decrease in stability. One suggestion was to apply the template of the Marshlands Protection Act which would have allowed the government to take a more proactive role in farmland protection as an alternative to the current SPI on farmland: "It would remove the municipality from the equation and place farmland protection in the hands of the provincial government" (Informant 2). Other informants opined that the Province should not have approved the MPS Central (and Fringe/Eastern) in the first place the way they were written without exclusive zoning for agricultural land. Instead, the Province simply signed off on the current MPS (2013) for the above cited reasons of encouraging municipalities to adopt planning as a first step.

### 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.

Given the weak stability in the legislative documents due to the absence of the SPI in the MCA MPS, uncertainty is present because of this gap. Several informants said that the Antigonish Council appears to be not sure what to do regarding the selling of farmland and/or needs the political will to make farmland protection a political priority. Another informant said: “It is like the Wild West, you do something until crap happens.... Farmland protection is in uncharted territory.... I don’t think municipal politicians are tough enough to enforce it. If I wanted to re-zone at Council I don’t think I would have such a problem” (Informant 1). The existing MPS and LUB lack protection for farmland given that agriculture is situated within a broad R1 designation. This appears to demonstrate a lack of commitment to the public interest in farmland protection and increases uncertainty in the MCA planning framework.

Although it is from a neighbouring plan area, the Mattie case may be a prime example of how uncertainty is present in agricultural land use planning. The case is too involved for the purpose of this report and therefore an outline will only be given here. As noted, Mattie Farms, under the Eastern Antigonish Planning Area, MPS and LUB (1994), applied to have some of their acreage on their property re-zoned from Rural 1 to Residential Multi Unit in order to build bare land condominiums. Mattie Farms’s proposed development was on sea-side Class 2 Soil, the highest and most active farmland in Antigonish County. The EDPC, employing a narrow set of criteria (farmland protection is also not in the local plan of the Eastern Plan area), recommended the re-zoning request (Informant 3). After the re-zoning request was passed overwhelmingly by Council, Western Farms appealed unsuccessfully to the Utilities and Review Board which in turn ruled that Antigonish Council did reasonably carry out the intent of the MPS according to the *MGA 1998* Section 250. Crucially, the Minister did not intervene, though there was a recent precedent when the Province had blocked a golf course in Kings County. This precedent would have allowed the Province to have exercised the same prerogative with the Mattie case (Informant 3). Rather, the Province in its 2013 decision agreed with the Council that development pressures in Tracadie did not warrant extensive protection, but that should things change in the future the MPS should be amended accordingly. Mattie’s request was therefore approved by the Minister according to *MGA 1998* 208 (3), despite potentially conflicting with the SPI.

### Integrate across jurisdictions

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

The MPS is clearly linked to the *MGA 1998* and the SPI on agricultural land. In principle this makes changing the municipal documents difficult in terms of protecting farmland. In practice, however, the integration between the provincial and municipal levels is weak because of a lack of provincial enforcement of the SPI. While the *MGA 1998* creates a relatively strong framework for the protection of farmland, there appears to be a *de-linking* between the provincial and municipal levels in regards to the detailed incorporation of the SPI into municipal planning

documents, which in turn makes the re-zoning of farmland and/or its fragmentation more administratively straightforward at the municipal level. This has led to a weak integration across jurisdictions. Therefore the Central Antigonish MPS is not consistent with the SPI. Antigonish County has a clear interest in developing agricultural land for non-farm purposes. The Central Antigonish MPS (and other plan areas) reflects a lack of will to implement Agr.LUP beyond the necessary minimum required as set by the Province.

The interviews revealed that to some extent each level of government is leaving it to the other level to tighten up oversight of the SPI. Comments from the provincial level officials appeared to indicate that Antigonish (and Queen's counties) have been put on notice during the last five years in relation to the lack of farmland protection. The view of the Council, on the other hand, is that the Province should set a higher minimum threshold in regards to farmland protection for local government to follow (Informant 4). Another informant said, "All SPI's are written in such a way that if there are good planning reasons for not complying then the municipality should not have to comply." (Informant 2). While the Minister could theoretically give the municipalities a specified time period to put stronger farmland protection in place, and in the meantime create, *inter alia*, an interim planning area under section 198 of the *MGA 1998*, such a move could be politically contentious (Informant 2).

Part of the problem is also historical. One informant felt that in some of the older municipalities regulations were not done well. Planning was not done optimally and could have had stricter provincial oversight. Similarly, another informant said that farmland protection should be recognized in policy: "at least recognize it in land planning as having value . . . the Province needs to take this issue on; there are too many municipalities with different dynamics. A provincial plan could bring things together." (Informant 5). Another informant opined that the government needs to take a stand as to whether land is a resource like oil, or if it is not: "Why should a farmer be asked to preserve a resource that benefits everyone and not be compensated for it?" (Informant 2).

Regarding the de-linking issue, one informant agreed that there is a fundamental flaw to having planning as optional for municipalities, since many do not in fact have planning in place (Informant 3). The SPI may actually be a deterrence to some counties in implementing any land use planning at all, which would mean there would be no zoning on the land (Informant 2). Moreover, planning, when in place, is currently more over-reactive than pro-active. One planner said that the job involves more of 'reacting' rather than 'planning' (Informant 3). Wind turbines were cited as one example of reacting, in addition to the other land planning issues. Also, it often comes down to resources: presently, it is status quo in the planning world, and even were enhanced municipal planning systems in place to afford greater farmland protection, there would have to be a much stretched extended time-line to have things in place, due to current financial constraints, and which therefore would make planning actually ineffective (Informant 3). This raises the question of local level capacity in the rural municipalities of Nova Scotia.

### 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 means to accommodate flexibility is typically done through governance mechanisms. Provincially, this falls under the Department of Municipal Affairs. There is no special provincial body to oversee farmland protection. Locally, this is the role of the Area Advisory Committee (AAC), which is struck when a plan is being established or revised.

The purpose of the Central Antigonish AAC is to provide the local expertise required to develop a planning document that reflects the wishes of the communities of Central Antigonish. The AAC would be involved with any subsequent amendments to the MPS or the implementation of the Land Use By-law, which may be necessary from time to time.

The existing legislative framework for Central Antigonish recognizes the established farming community (intensive livestock operations, dairy farms, floriculture and so forth) in its MPS and in this sense supports the protection of farmland indirectly. The MCA also values farming as being important, such as supporting 4-H and the Eastern Nova Scotia Exhibition (Eksitits Planning and Design, 2010), and backing farmers as leaders in their community. At the same time, though, there is a willingness by the MCA to chip away at the agricultural land base through the passing of re-zoning applications that shift farmland to non-farm uses. The MCA also strongly supports those farmers who believe that it is their right to sell their farm land for non-agricultural development (Informant 4). Council's view is that for farmers, their land is their 'nest-egg' and if they have no successors then their land is seen as one of the remaining viable options – this is the challenge facing the County (Informant 4). It can be very tempting for a farmer to sell to developers when the price differential for land that is in farming, generally \$2,000-3,000/acre, runs up against land for development price ranges of \$15,000 – 20,000, depending on how close to the water it is (and where the best land often is).

Moreover, the feeling in Antigonish is that agriculture is not under threat (Informants 3, 4). At the end of the day, the MCA feels that it acts within the legislative framework laid out by the Province and the policies and bylaws it has created for itself (Informant 4). The MCA therefore wishes to maintain flexibility outside of the current SPI. As noted, the Council's view is that if the intent of the Province is not to provide such flexibility then a change in provincial policy is required, not municipal, adding that farmers have never complained about planning not being farmer-friendly (Informant 4). For the MCA, therefore, flexibility is required to find this balance and there are a number of intervening circumstances with each and every situation. This is why the MCA has not taken the full advantage of the tools in the *MGA 1998*. Farmers prefer to keep their options open regarding the sale of their land. Another informant said that farmers are pragmatic and would most likely accept more stringent agricultural land use planning systems in Nova Scotia if the SPI was applied across all rural municipalities (Informant 2).

In addition to the above four principles, we also discuss issues that have come up in our project that we believe deserve specific attention.

### Influence of policy regimes

Preservation of farmland is implicitly recognized by virtue of the importance attached by the Antigonish MPS to the local farming economy as seen in Table 4. The global competitiveness regime is not explicitly at play in terms of export market promotion in Antigonish County.

However one informant said that “free trade has impacted farmland preservation for sure, otherwise people would be making money and not selling farms, or seeing the young people going out West... We need to get to the root causes of the loss of farmland – beyond farmland preservation itself” (Informant 6). Another informant concurred with this point to some degree, noting the dominance of the farmland preservation regime because of the fact that, basically, what is grown in the province stays in the province – very little goes out of the County. But that the lack of policy on farmland protection may have accelerated non-agricultural development on farmland (Informant 5). As noted in the sub-section under ‘Agricultural Profile’ *Census Farm Agriculture in Antigonish County*, conventional agriculture in the County has seen only limited growth, and actual contraction in certain sub-sectors such as cattle ranching, including in the Tracadie area. The effects of these broader trends on the local agricultural industry would no doubt be contributing to farmers’ decisions to parcel and/or sell off their farm properties for non-agricultural development.

Turning to the broader context of global competitiveness, there was some concern about the implications of free trade agreements (e.g., CETA, TPP) for local food production and farmland. Noted was the lack of subsidies for domestic production systems in favour of export promotion. That even the blueberry sector and its industry representative, the Wild Blueberry Producers Association of Nova Scotia (WBPANS) are export focused (Informant 6).

#### Small-lot agriculture/farmland fragmentation

The combined issue of small-lot agriculture and fragmentation of the land base centres on what appears to be a growing awareness of food sovereignty. Much of this interest in small-lot agriculture is 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 sub-dividing 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.

One of the issues affecting agriculture is the proximity of residential development to farms; that is, the operations and the conflicts that ensue when people move to the countryside and live near farming operations. There does appear to be measures in place that seek to minimize small-lot fragmentation as evidenced in the MPS, where Council’s intention is that, where possible, agricultural practices are to be protected. The MPS states that this can be done by requiring large minimum lot sizes, which discourages intensive residential development in these areas, and creating minimum separation distance requirements between intensive livestock operations and residential uses future (MPS, 2013). The MPS follows the *MGA 1998* which states that the minimum size of lots and density of development should be balanced against the need to preserve agricultural land (MGA, 1998).

The interviews revealed, however, that there may be fragmentation of farmland within the R1 designation in Central Antigonish, and the other planning districts under the MCA. To some extent, this reflects historical changes in the nature of rural Canada, as well as more recent development pressures outlined above. In earlier days, a farmer and house went together, but

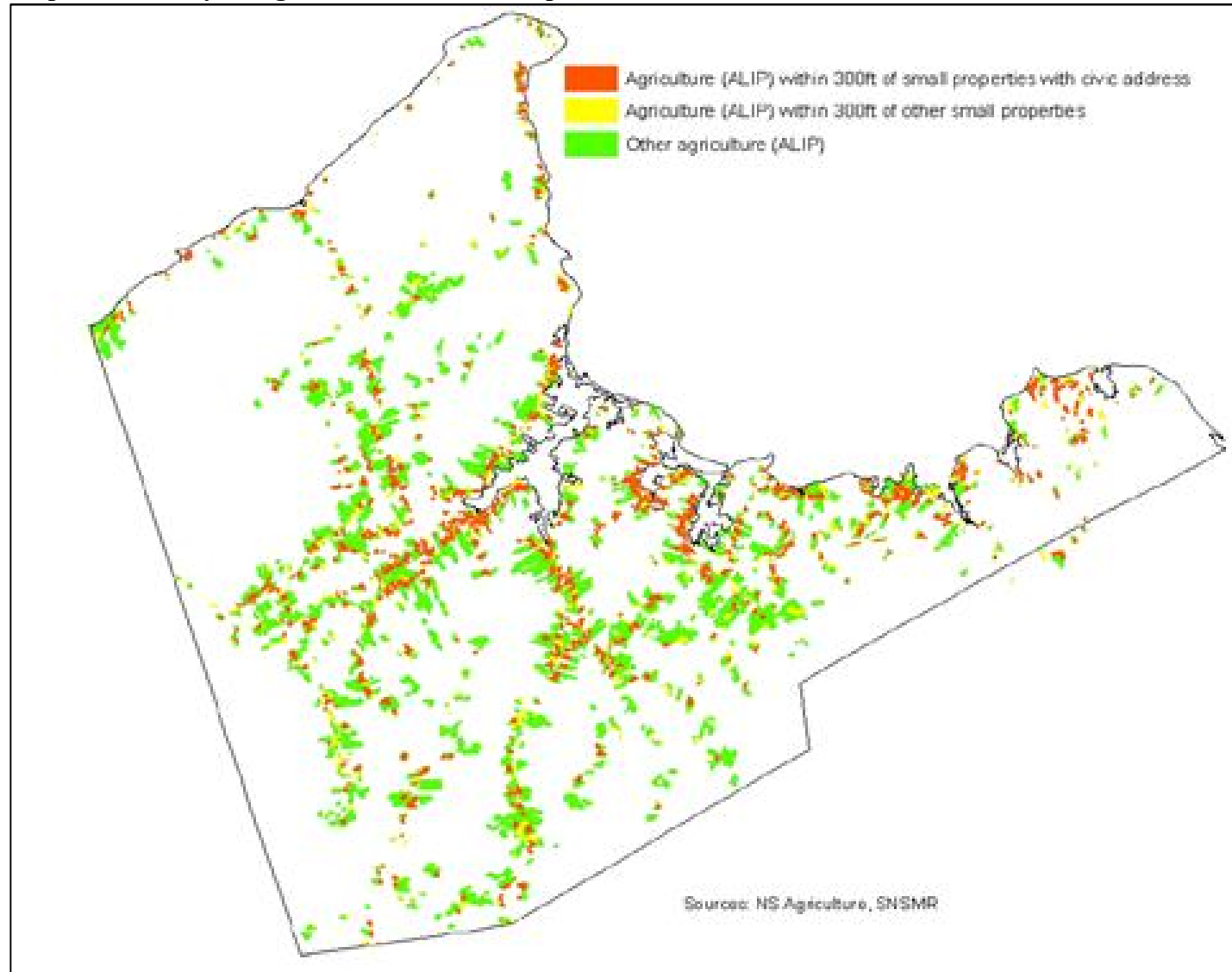
today the demographics are more mixed. Rural residents may be disconnected from agriculture (not just urban-based residents) (Informant 5). People residing in rural Tracadie, for example, work in urban areas like Antigonish Town. As noted, agriculture is not specially protected, but rather falls under the broader R1 designation that also includes residential units. R1 land, therefore, can be easily flipped from agriculture to residential (and even back again without any long term commitment to the farmland itself noted Informant 5).

Further, lands currently in agriculture may be easily removed for other forms of development. In Tracadie, the majority of the shore-line properties are old farms. Some years ago, these property owners of shore-line farmland used to rent out their land to local farmers in Tracadie. Now they are being sold as lots for shore properties which is allowed if the acreage is greater than 15 acres (whereas permission is required from the Planning Commission if less than 15 acres). This is all because farmland and basic housing are classified under R1.

There is also no correspondence between the class of soil and development. Certainly the Eastern Plan notes the importance of agriculture and the protection of CLI. 2, 3 soil (Antigonish Eastern District Plan, 1994). As Map 4 above shows, the Tracadie area on the coast is where both the best farmland land, CLI 2, is located and where prime residential lots are being developed (R1 appears more or less the same in both Central and Eastern Plans in terms of minimum lot sizes: Central minimum lot area: 29,000 sq. feet.; Eastern is 20,000 sq. feet) and types of dwellings (e.g. single detached dwellings, mobile homes, seniors' homes, campgrounds, hotels/motels) (Antigonish Eastern District Plan, 1994, pp. 29-30). In such a scenario, a neighbour would just suddenly start to see construction on the farmland of the neighbour-developer. Hypothetically, Mattie Farms Ltd. could have built a hotel or a campground on the farmland and have been within the R1 designation (subject to approval by the Department of Environment) without reference to the MCA, which in such a case would have just issued permits. Even the MCA itself may not know the cumulative extent of sub-division development and building permits being issued. For instance, a farmer may just come in to see the Development Officer with a survey showing how his/her farmland has been parceled up. Data from the Province shows the potential broader impact of these trends. In Antigonish County, over 2,000 properties with less than 2 ha. are on agricultural land, which is the 6<sup>th</sup> highest in NS tied with Pictou County. 121 ha. has been lost to urban development since 1998 (Devanney, 2010). Map 5 shows the extent to which agricultural land sits in close proximity to residential units, especially close to bodies of water like in Tracadie. Currently, planners are in the dark about the extent to which re-zoning of this kind is going on within the R1 designation, since there no recent data on this and it is hard to track (Informant 3). This also increases uncertainty to a significant extent.



**Map 5: Proximity of Agriculture to Small Properties**



(Devanney, 2010, Profile of Agricultural Land Resources)

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

Foreign ownership of farmland does not appear to be an issue in the MCA. However, development pressures ranging from wealthy people purchasing cottages, to the buying up of land by investor-owned corporations, may be emerging in the Province. One informant observed that out-of-province farmland ownership is not yet a big problem in Antigonish County, and Nova Scotia in general, but perhaps a looming one since Nova Scotia has a good climate with cheap land prices compared to the rest of the country (Informant 5). Cottage development on coastal properties is more immediate a concern. For example, like Muskoka, Ontario, the Bras d'Or Lake coast line in Cape Breton is beginning to resemble cottage country with extensive residential expansion on lake shores that are barely zoned (except for septic placement regulations). Our informant said that very weak regulations at a county level can be worse than no regulations at all because the former gives local citizens the illusion that there are controls in place, when in fact that may not be the case (Informant 3).

### Food sovereignty

In MCA legislation and policy documents, there is little in the way of acknowledgement of activities that could be categorized as coming under food sovereignty, such as the re-booting of local food systems, new entrants' programs, organic farms, food hubs etc. There is no evidence that new ideas associated with food sovereignty have changed agricultural land use planning. Several informants agreed with this assessment, adding that even in regards to the ICSP, there is no tight link with the planning documents. One informant said that the planning system here was nowhere near food sovereignty, that the issues are much more basic than that (Informant 3). Another informant was surprised at the weakness of the legislative framework for food sovereignty described in our report, adding that this is an issue that the local food movement will have to take on board so that stronger policies are put in place (Informant 6). Several informants opined that food sovereignty would not be an idea that most Councilors would even be familiar with – mainly just farmland preservation in terms of our three regimes. The lack of an obvious food sovereignty interest in the MCA may also relate to the relatively weak political presence of alternative small lot farmers who would appear to be, as noted in the sub-section *The Local Food Movement*, few in number and largely unorganized as a distinct interest group. Other informants were less critical, however, pointing out that in the case of the ICSP, a staff person has been responsible for implementing aspects of the ICSP into the practices and processes of the MCA, including sustainable procurement, alternative energy and other activities (Informant 4). And while food sovereignty has not been reflected in actual planning documents, these perspectives come into other municipal activities such as the support of the farmers markets and the Antigonish Exhibition, which are doing well on their own terms: "Municipal Council has not seen the need to be that interventionist in regards to introducing food sovereignty. Nor have we been approached to be more interventionist by the community." (Informant 4).

Another informant said that supply-management itself is a part of food sovereignty: "It keeps production, distribution, and consumption local. So many people are connected to the supply chain like trucks, processing and there are no booms and busts like oil. Milk is steady."

(Informant 5). This informant added that there is a change about how people think about the local agricultural land base. People in Antigonish Town, in particular, really like the idea of local food, farmers markets, organic produce etc. Local food is an expanding niche market, one that increasingly involves conventional, or bigger, farms who have been switching to organic crops and grass fed beef. He cited one of his neighbours, hitherto a conventional farmer, who has cattle, sheep, and pig on grass fed fields – 20 years ago this would have been unthinkable, but today is more common. The problem in Nova Scotia, however, is that these niche markets are not linked to big urban markets like in Toronto. East Coast Organic Milk, for example, went bankrupt due to the small 400,000 liter market it only had (Informant 5). The increase in public consciousness in Antigonish, and more broadly, around local food may also be attributable to activists such as Vandana Shiva who, while touring NS, may have helped to make the time ripe for the issue of food sovereignty to emerge (Informant 6).

### Stakeholder analysis

In terms of the extent to which existing agricultural plans have integrated multiple perspectives among difference civic organizations, it appears that the Central Antigonish MPS has not integrated multiple perspectives such as those of citizens, local organizations, and environmental groups. Developers have the greater power and influence. The strong pro-development interests may also speak to a weakening capacity issue at the district and municipal issues. Perhaps the NSFA has had some influence in the cultural acceptance of farming as an important feature of the local economy among the municipal officers and representatives. One informant said that the question of influence is hard to assess because there is not much in the way of planning and when planning does happen it is on a case by case basis: “But at the same time, there is no one stakeholder who overly influences local government. It is not too industrialized here. People in Antigonish are generally happy with the status quo.” (Informant 5). Public support for the protection of farmland in Nova Scotia also remains unclear.

### **Conclusion**

This conclusion seeks to answer concisely the following question: What principles and practices within the agricultural land use planning legislative framework are most beneficial for protecting farmland in the MCA? Although the integration between the SPI and the municipal documents is weak, the SPI still has an influence on the local legislative context as evidenced in the mentioning of the *MGA 1998* in the introduction to the MPS document. The authority of the Province to reform and more dynamically integrate the levels remains an important tool in the protection of farmland. While at present there does not seem to be much effort at greater provincial-municipal cooperation to work to strengthen land use policies that protect farmland, there may be changes afloat to correct this gap in legislative integration. At the municipal level, the recognition at the MCA level of the historical importance of farming in Antigonish could potentially slow down the re-zoning of farmland into non-farmland uses. Farming and farmers remains a key pillar of the local economy and community of Antigonish. There is also a dynamic local food movement centred around St. FXU which could be poised to take on board the question of farmland protection as part of its emerging strategic thinking on local food security.

Beyond this legislative context, the application of the principles of stability, uncertainty, and flexibility reveal a weak legislative framework with a gap in the actual protection of farmland in the MCA. Stability is weak given that references to the protecting of farmland in the Antigonish Central Plan area legislative documents are not strong. While there are general acknowledgements to be consistent with the *MGA 1998*, their detailed elaboration in planning documents is lacking. Local governance mechanisms are also not effective in protecting farmland. This in turn has greatly increased the uncertainty around the way decisions are made in regards to farmland protection. Several cases have shown the ease in which rural designation agriculture can be changed to multi-use for development purposes. An added factor may be that the MCA does not have a strong history of land use planning in general, including in coastal protection (Nicol, 2006). These factors, as found in the MPS and LUB in the Central Antigonish Plan area, can be traced to the weak integration between the provincial statement of interest on agriculture and their detailed incorporation into municipal planning documents (and the other plan areas). More than one informant felt that in fact the four principles of this report are trying to get at a planning system for Agr.LUP that is not actually in place at the municipal level in Nova Scotia at this time.

Tentatively, the key beneficial planning practices would be the following. First, the Province should re-assert its authority in the public interest to re-integrate the SPI on agriculture with the lower order of government. This would ideally strengthen local legislative frameworks by requiring local governments to integrate their plans with the SPI. Clear statements of local interest to protect farmland in the MCA's MPS would improve the stability of the plan. Second, the wording in the SPI on the protection of agricultural land should be strengthened to unambiguously support the protection of all agricultural land. Finally, the Province should reconsider how current agricultural policy, broadly speaking, can better serve the public interest in farmland protection.

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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

	<b>Legislative Context (Provincial)</b>	<b>Background</b>	<b>Vision, Goals, Objectives</b>	<b>Local policies</b>	<b>Maps</b>
<b>0</b>	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
<b>0</b>	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