



The Planning Act

What Works & What Doesn't

Presentation to the
Land Matters Advisory Committee

November 10, 2020



Topics

1. What is a Planning Act?
2. What is the Purpose?
3. What Works?
4. What Doesn't Work?
5. Survey Comments
6. Opportunities
7. Questions



1.

What is a
Planning Act?



Planning Act

What is it?

- Provincial Legislation
- Key legislation in addressing land administration
- Provides ground rules for land use planning
- Describes how land uses may be controlled
- Describes who may control land uses

Planning Act

Contents

- Provides Definitions
- *Establishes the role of the Minister with respect to land use and development policy*
- *Institutes provisions for Special Planning Areas (SPAs)*
- *Institutes provisions and basis for Appeals*
- *Includes subset of 3 Regulations, subsidiary to the Act*
- *Provides basic requirements for Municipal Planning*

Planning Act

Context

- Passed in 1988
- Focused on Land Administration
- Successive Reports, Commissions, Round Tables, and Task Forces have identified a need to improve the land use planning framework in PEI.



2.

Purpose of the Planning Act



Purpose (Objects) of the PEI Planning Act

“Provide for efficient planning at the provincial and municipal level”

“Encourage the orderly and efficient development of public services”

“Protect the unique environment of the province”

“Provide effective means for resolving conflicts respecting land use”

“Provide the opportunity for public participation in the planning process”

Purpose of a *Planning Act*

- “Promote sustainable economic development in a healthy and safe environment within a provincial policy framework”
- “Provide for land use planning systems led by provincial policy”
- “Integrate matters of provincial interest into provincial and municipal planning decisions by requiring that all decisions be consistent with the Provincial Policy Statements and conform/not conflict with provincial plans.”

Purpose of a *Planning Act*

- “Provide for planning processes that are fair by making them open, accessible, timely and efficient”
- “Encourage co-operation and coordination among various interests”
- “Recognize the decision-making authority and accountability of municipal councils in planning”



3.

What Works?



What Works

The Good:

- Enables Provincial & Municipal Planning
- How we address Special Planning Areas
- Regulation-making Authority



4.

What
Doesn't
Work



What Doesn't Work

Identified Issues for Review

- Public interest regarding resource land in rural areas
- Clarifying the role between the Planning Act and LPA
- Enhancing consistency between other legislation
- Addressing land registration
- Enforcement limitations
- Enabling opportunities to establish regional/shared services;
- Exploring potential to utilize maps and graphics

What Doesn't Work

Challenges & Gaps

- Lack of Interest (Public & Province);
- Absence of Land Use Policies;
- Lack of Planning Tools & Definitions;
- Act does not allow for conclusive decision-making;
- Inconsistencies on processing and decision-making;
- Enforcement;
- Coastal Flood Risk Areas

What Doesn't Work

Current Approach to Planning & Development

- Ribbon (Strip) development;
 - Dispersed settlement patterns;
 - Loss of shore access;
 - Environmental degradation;
 - Loss of traditional character;
 - Viewscape erosion;
 - Incompatible economic development
-
- All of which can lead to undesirable and long lasting negative consequences.



5.

Land Matters
Survey
Comments



Land Matters Survey Comments

Slow Process

- 8 Respondents noted issues around land-related transactions.

“The process of obtaining subdivision approval and/or building permits etc. seems to be... unreasonably long.”
(R106)

Land Matters Survey Comments

Lack of Planning

- 25 Respondents noted a primary issue with current land policy is the absence of an overarching plan in PEI.

“There is basically no land use planning in the areas of the Province that are provincially regulated.” (R162)

“The Province lacks a land use plan and vision.” (R125)

“The main issues relate to the lack of clear objectives on the part of provincial government as it relates to land protection and planning” (R271)

Special Planning Areas

- 4 Respondents referenced Special Planning Areas (SPAs).

“Special Planning Areas surrounding Charlottetown are oppressive and unnecessary.” (R186)

Legislation Not Effective

- 4 Respondents noted what they perceived to be outdated legislation as the central issue with land policy in PEI.

“The existing legislation has not kept pace with reality.”
(R76)

“Our land mass is under pressure, many of our tools (legislation) are not equipped to handle the issues of the day.” (R245)



6.

Opportunities



Opportunities

Steps in the right direction

- 2016 Planning Act Amendments
- Using other Jurisdictions as a guide
- Land Use Policy/Zoning (Designating Agriculture for a start)

Key Points & Take Aways

1. The Planning Act is outdated & insufficient – there is **no vision**;
2. There are un-proclaimed amendments to the Planning Act;
3. Broadness and vagueness, lack of tools, and lack of land use policy has led to an unsustainable development trend. It will continue if the Planning Act is not modernized.



7.

Questions

