



THE PRESERVATION OF  
AGRICULTURAL LANDS  
SOCIETY (PALS)

*Working to Protect the  
Best Farmlands in Canada  
Since 1976*

**Winter 2025-26**

Tel. 905-468-2841  
PO. Box 1413, Niagara-on-the-Lake, ON L0S1J0  
Website: [www.palscanada.org](http://www.palscanada.org)  
E-Mail: [gracia.janes@bellnet.ca](mailto:gracia.janes@bellnet.ca)



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## PRESIDENT'S LETTER

Dear PALS Supporters,

As we approach our 50th year it is very hard to believe that the Government of Ontario could possibly do more to loosen protections of prime and specialty crop farm lands and natural areas. Nevertheless, since we last sent our newsletter out to you, Ontario's Regional Planning departments, such as Niagara's, have formally lost their over-sight planning authority; Ontario Conservation Authorities have been reduced from 36 to 7; and the mandated 10 year review of the Greenbelt Act and Plan has been unduly delayed. Meanwhile, in Niagara, the Town of Grimsby continues its long-term attempt to take fruit lands out of the Greenbelt and developers in Niagara-on-the-Lake and Niagara Falls successfully nibble away at our precious tender fruit and grape lands. However, it is somewhat encouraging that on November 26th, two independent MPPs from the NDP and Green Parties guided their proposed Bill 21, the "Protect Our Food Act", which aims to preserve Ontario's arable land, through its 1st reading in the Provincial Legislature. Let us hope that this Bill moves more speedily than usual to a final reading, and that the Greenbelt Review provides an opportunity to indeed strengthen the Greenbelt, rather than damage it further.

We will keep you posted.

Doug Woodard,  
President

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## AROUND THE NIAGARA REGION by Dr. John Bacher (PhD)

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### **Walker Industries Application for Uppers Lane Quarry Delayed**

Walker Industries application for the Uppers Lane Quarry has been delayed through the intervention at the Ontario Land Tribunal of a community group, lead by Niagara Falls resident Helene Cayer. Hearings have been postponed until 2026. One aspect of the difficulty the company is experiencing is loss of credibility with the Department of Fisheries and Oceans arising out of the discovery by PALS of a study the company issued concerning the state of the Ten Mile Creek. This creek was relocated by Walker Industries to facilitate a quarry expansion. A study by the company to facilitate a new sanitary landfill in this quarry, indicated that its past relocation was a total failure, the stream allegedly being devoid of any life. For its part, the Beaverdams Creek tributary proposed to be relocated does support breeding habitat for a significant game species, the Northern Pike.



Pelham Winter Scene © Natalia Shields

## **PALS Tribute to the Late Jim Bradley (1947-2025):** advocate of farmland preservation and long time PALS' supporter



Jim Bradley was a consistent advocate of farmland preservation and very early in his political career in the late 1970s, he supported PALS' efforts to have a hydro corridor serve as a permanent boundary to prevent urban sprawl on its unique fruit lands. Elected originally as an Opposition Liberal Ontario legislator, he soon distinguished himself by being the only member of his party to oppose a radical reduction in the area covered by the Niagara Escarpment Plan.

During his first five years as a Minister of Environment, Jim strengthened Niagara Escarpment planning by ending the placement of the Niagara Escarpment Commission in the Ministry of Housing. He also imposed a full environmental assessment on the proposed Ontario Waste Management incinerator in West Lincoln. This led to its termination following the finding that the landfill for ash from the facility would inevitably leak and contaminate ground water.

When he became an Opposition MPP again during the government of Premier Mike Harris, Jim became one of the most articulate critics of its gutting of land use planning policies. And, when the Liberals returned to power for the next 15 years, he was responsible for the Greenbelt, which gave legislated enforcement of the permanence of urban boundaries in Niagara adjacent to the unique fruit lands. Also as Minister of Transportation, Jim terminated the proposed mid-peninsula highway, which would have cut through huge tracts of Class One agricultural land, and attempted to give light rail public transit to Niagara if it would agree to stop all urban expansions, notably in Niagara Falls and Smithville.

One of his very last acts in life was to make a generous donation to PALS, whom he had helped over several years to support all our work to protect these, the best fruit lands, in Canada. This was particularly evidenced by his hand in promoting our "1995" Tender Fruit Land Program which the NDP had created, and would have paid farmers to place restrictive covenants on their land and protect tender fruit lands permanently, but was cancelled when the Conservative Premier Mike Harris came into office. (Subsequently when the Liberals were back in power, Jim worked with the Minister of Agriculture to help PALS come very close to achieving our goal within their planned climate change program, but was halted by another election.) We will miss his firm support!

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## **ACROSS THE PROVINCE**

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### **Proposed Hamilton Urban Expansions Should be Opposed by Hamilton City Council**

July 21, 2025

Dr. John Bacher (PhD) Researcher Preservation of Agricultural Lands Society. (PALS)

#### **1. Dangerous Urban Sprawl would be Triggered by Urban Boundary Expansions**

The Preservation of Agricultural Lands Society (PALS) is writing in opposition to a new round of proposed urban boundary expansions in the City of Hamilton, all of which will negatively impact the critical headwaters area of the municipality with important recharge functions. The expansions run directly counter to a well established policy of the municipality to confine its urban growth within its approved zoning envelope. They are triggered by private re-zoning applications which exploit recent weakening of provincial policy and anticipated changes in reviews of the Greenbelt and Niagara Escarpment plans.

PALS stresses at the outset that the background studies by the applicants for the urban expansion all trivialize the problem of increased hardening of the landscape, greater stream flashiness, and storm water pollution that are inherent in urban boundary expansions. These problems are most extreme but not limited to the proposed urban boundary expansion at 159 and 163 Sulphur Springs Road.

#### **2. Urban Boundary Expansion Sulphur Springs Road would Undermine Greenbelt and Niagara Escarpment Plans.**

Currently the proposed Sulphur Springs Road urban boundary expansion is prohibited through both the Niagara Escarpment and the Greenbelt Plans. It appears that both these plans are at the cusp of legislatively mandated ten year reviews. (the Greenbelt Plan seems to have been delayed in its mandated review, contrary

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## ACROSS THE PROVINCE

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### **2. Urban Boundary Expansion Sulphur Springs Road would Undermine Greenbelt and Niagara Escarpment Plans, cont'd.. by Dr. John Bacher (PhD)**

to its legislative mandate). That this is the case, seems to indicate that the City of Hamilton was correct in deeming the work required for a zoning application to be considered incomplete and that the Ontario Land Tribunal (OLT) erred in disputing this.

Since the Niagara Escarpment Plan was approved in 1983, the 10 hectare area along Sulphur Spring Road, which is subject to the current proposal for 75 low density residential units, has been designated entirely as Escarpment Natural and Escarpment Protection. For this long 42 year period PALS is not aware of any alterations of these areas through plan amendments to facilitate development. These designations have remained in place, and in effect, site alteration has been prohibited. As a result, the Niagara Escarpment, along its course from Georgian Bay to the Niagara River, has been one of the few areas of the Carolinian life zone, Canada's most biologically diverse area, where forest cover has significantly expanded. That a low density residential development is being proposed and deemed complete in terms of a planning application by the OLT is a disturbing development. It appears to anticipate, in the soon-to-be-announced mandated comprehensive review, a gutting of the Greenbelt and Niagara Escarpment Plans.

In summary, PALS stresses that what makes all of the urban expansions proposed at this time so egregious is the lack of any heed to normal land use planning principles. This has been long documented by the Hamilton Planning Department and confirmed by City Council. That these expansions may be headed to an adjudication by the OLT without provincial opposition, is a sign of a dramatic collapse of land use planning in Ontario.

{ \*The Hamilton City Council wisely turned the application down. }

### **Greenbelt Review Tied to Assault on Dundas Valley**

The cornerstone of the strength of the Niagara Escarpment Plan since it was approved in 1983 is that its Escarpment Natural and Escarpment Protection designations have not been altered. An attempted residential development in the Dundas Valley, which would impact negatively a trout stream, may challenge this important feature of the Greenbelt planning system. Designated as Escarpment Natural, the area is in effect, a private holding surrounded by the Dundas Valley Conservation Area.

To its credit, the City of Hamilton tried to deny the Dundas Valley development application as Incomplete. The developer appealed to the Ontario Land Tribunal (OLT), which reversed this decision, which was based on the recommendation of its Planning Department. The City of Hamilton was required to hold a Public Meeting under the Planning Act on the application. Any approval however, depends on the legislatively mandated review of the Escarpment, Oak Ridges Moraine and Greenbelt plans. This review will determine if there is any modification to the Escarpment Natural Area boundaries which currently prohibit the development.

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## QUOTABLES

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### **Excerpt from Ontario Federation of Agriculture Submission to the Standing Committee re: Bill 5 Unleashing Our Economy Act May 26, 2025**

“...Ontario has lost over 2.1 million acres of farmland since 1996 in the pursuit of urbanized settlement and employment areas. Without the proper planning tools in place, the SEZA (Special Economics Zone Areas) has the potential to accelerate this already unsustainable trend of farmland loss. If SEZA is used to expedite settlement or employment area developments, that purpose should be limited to existing urbanized areas and prioritize the efficient use of land, rather than enable urban sprawl. It's imperative that SEZA respect minimum distance separation between livestock facilities and residential uses (and other sensitive land uses). SEZA must also not be used to override the right to farm under the Farming and Food Production Protection Act (1998), which protects farmers from complaints about normal farm practices.

Ontario's farmers and rural residents deserve to have their livelihoods protected and their quality of life sustained. OFA recommends the Act be amended by prohibiting the creation of special economic zones that would have negative impacts on the agricultural system. Farmers depend on long-term certainty in order to plan

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## QUOTABLES

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### Excerpt from Ontario Federation of Agriculture Submission to the Standing Committee re: Bill 5...cont'd..

not just what crops to grow, but how their farm businesses should grow for decades to come. The Ontario Ministry of Agriculture, Food and Agri-Business (OMAFA) is in the process of creating an agricultural impact assessments guideline that would require the strategic placement of non-agricultural developments, and the mitigation or minimization of negative effects on the agricultural system. Ontario should take advantage of the work being done by OMAFA and require special economic zones that affect agricultural systems (especially prime)

**Book Review:** by Dr. John Bacher (PhD)

***“Protecting the Niagara Escarpment”*, Friesen Press, 2025 by Donald H. Avery**

The high drama seen recently to attempt to gut the Greenbelt, shows the reasons why more people need to be informed as to what role it serves in land use planning. An investigation by the Royal Canadian Mounted Police, (RCMP) into the possible illegalities around this attempt has been going on for two years. As other instruments of land use planning collapse around Ontario, the surviving Greenbelt, created only in 2005, is more important than ever. This historic battle to create and then protect the Niagara Escarpment is thoroughly chronicled by Donald Avery, an Emeritus Professor of History at Western University in his book “Protecting the Niagara Escarpment”.

The strongest part of the Greenbelt is its double protection through the combination of the Niagara Escarpment Plan (NEP) and the Niagara Escarpment Commission. (NEC). This is because unlike other parts of the Greenbelt Plan, site alteration within the Escarpment is governed by development control administered by the NEC. Another feature, which has been acted upon, is that the NEC can require the rehabilitation of damaged sites, such as illegal dumps.

Avery provides a good explanation for why the NEC was given strong powers through provincial statute. This involved the 1962 Milton Quarry Gap. It emerged from the actions of “a rogue company”, Dufferin Industries, “defacing the Escarpment” through “clear-cutting trees along its quarry boundaries, creating an ugly gap in the rock face.” Blasting here on part of the Niagara Escarpment which overlooks the 401 expressway, “produced a surge of public support for government action to protect the escarpment from further desecration.”

At the launch of “Protecting the Niagara Escarpment” held in Owen Sound by the Niagara Escarpment Foundation, Avery indicated that PALS’ biographical work on Mel Swart was vital to his understanding of the relationship between Escarpment Protection and that of the Niagara Fruit Belt. Here Avery describes concerns for perpetuating “frequent views and vistas across the fruit lands and Lake Ontario.”

Avery also describes how the 1976 Preliminary Proposals for the Niagara Escarpment Plan, which triggered a destructive Populist backlash, corrected by the 2005 creation of the Greenbelt and a Ministerial Zoning order two years earlier, had strong policies to protect the Niagara Fruit Belt. It had policies to protect these precious lands from urban sprawl through a designation called, “Special Agriculture”

The gutting of the plan area at a May 8, 1976 Cabinet meeting, he laments, took place “on the lands of most intense urban pressure [including the entire Niagara Fruit Belt] and “lands south of Hamilton up to the southern border of Hamilton.” This negated the fruit belt study work by land use planner Leonard Gertler, whose findings would be resurrected through PALS’ founder Bob Hoover’s testimony at the 1978-81 Ontario Municipal Board and PALS’ securing a southerly expansion of the Greenbelt in 2005, through what Gertler termed the “shadow” fruit belt.

Avery details the destructive impact of editorials in the St. Catharines Standard in stoking the Populist backlash that killed the 1976 Preliminary Proposals. It charged the Niagara Escarpment Commission with spouting “Marxist” precepts while confiscating private property.

Avery also praises how a key PALS founder legislator Mel Swart stood up to an “angry mob” in Orangeville, which had been “deluged by emotional lies and distortions.” He also details the “dirty tricks” employed at this time by foes of Escarpment Planning, which included the distribution of “live 410 shotgun shells.”

One of the most surprising aspects of his book is the author’s description of Walker Industries a company, which he reveals is a major operator not just in the Niagara Region, but through the entire length of the Niagara Escarpment.

## **Book Review:** by Dr. John Bacher (PhD) *“Protecting the Niagara Escarpment...”*, cont’d..

One of the most surprising aspects of his book is the author’s description of Walker Industries, a company which he reveals is a major operator not just in the Niagara Region, but through the entire length of the Niagara Escarpment. It is a major landowner in the Fort Erie area impacted by PALS successful efforts to defeat the proposed Canadian Motor Speedway and our ongoing attempts to restrict the urban expansion of Niagara Falls onto the shadow fruit belt.

The most revealing dispute involving Walker Industries concerned a seven year attempt by the Township of Clearview to have a road constructed into the Escarpment Natural Area. The road was part of a deal between the municipality and Walker Industries. This was defeated in 2002 as Development would offend “the objectives of the NEP’s two most sensitive land use designations: Escarpment Natural Area and Escarpment Protection Area.” It would have also caused “environmental harm, in particular to cold water streams and would damage steep Escarpment slopes.”

### **Excerpts from PALS Brief on Draft Highway 413 Preliminary Design and Assessment of Environmental Impacts - December 5th, 2025**

**By Dr. John Bacher (PhD)**

Researcher, Preservation of Agricultural Lands Society (PALS)

#### **1. Debate Over Construction of Highway 413 is an Important One for the Future of Ontario**

At the outset, PALS recognizes that the protracted debate over the construction of the proposed Highway 413 is an important one for the province of Ontario. We were deeply involved in the consultations which led to the original cancellation of this project, and have subsequently been involved in efforts to have these revived.

Our concern is motivated by the fact that this project is to be built on some of Canada’s best Class One agricultural Land, with excellent micro-climate. Class One lands in the Carolinian life zone are far more productive for agriculture than such lands in harsher climatic regions. This climate is also the basis for it to be part of Canada’s most species- diverse ecological zone, the Carolinian region. This makes the study area for the expressway a refuge for an important variety of Threatened and Endangered species.

#### **2. Draft Environmental Impact Statement (EIS) is full of Reasons why Subject Lands Should be Free of any Site Alteration Save Ecological Restoration.**

To read the Draft EIS is to be educated in why the proposed corridor should be free of any site alteration except to save ecological restoration areas. This is why most of the subject lands are part of the Ontario Greenbelt, intended to provide a landscape dominated by woodlands and agriculture to contain urban sprawl where most of Canada’s best farmlands exist.

#### **3. Draft EIS Acknowledges Agricultural Significance of Subject Lands**

All the Greenbelt lands in the study area are also in agricultural zoning. The disruption to existing farmers is acknowledged, although minimized by the notion that these individuals will be compensated financially by the sale of their lands. This is in effect a backhanded compliment to the agricultural significance of the subject lands in the context of a surrounding landscape which is increasingly dominated by land speculators.

There is a helpful segment of the draft EIS which deals with how the building of the 413 will contribute to urban sprawl. It notes for instance that “there are some pockets of the alignment in the Town of Caledon that are not currently planned for development that will be consumed by the project.” It is also admitted that “land not already slated for urban development will be required for the highway itself.” Many of these lands are some 1,317 acres of Class One farmland located in Caledon.

The draft EIS captures how the negative impact on agriculture will spread beyond the actual lands consumed by the 413. It documents how, the “Construction of Highway 413 will lead to irreversible loss of designated agricultural lands and will effect tile drainage systems...Fuel spills and winter salt application on highway surfaces among other operations related to Highway 413 may lead to the contamination of nearby agricultural lands.”

The draft EIS also illustrates major loss of Class One farmland in Vaughan. This amounts to 388.7 acres.

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## QUOTABLES

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### Excerpts from PALS Brief on Draft Highway 413...Cont'd..

#### 4. Indigenous Communities Have Opposed Loss of Agricultural Land

It is clear from the draft EIS that one of the important concerns cited by Indigenous communities regarding the 413 is loss of agricultural land. The study notes that, “Some Indigenous communities have also told MTO that the potential loss of land or change in the quality of the land is of particular concern.”

It further notes that such a landscape degradation “can be particularly distressing for individuals who have strong connections to their land and community in its current state.” The draft statement notes that, “Throughout the consultation and engagement process, MTO has been told by Indigenous communities that areas in the Study Area have cultural significance including for harvesting and ceremony.”

#### 5. Indigenous Communities State Traditional Practices Threatened by 413

The draft EIS details numerous examples of how the natural environments and species threatened by the 413 are seen as a threat by Indigenous communities. It notes that, “Some Indigenous communities have communicated to MTO that their ability to practice traditional activities such as harvesting, in the lands within the Study area is difficult and that further development in the area (eg) the Project may impact their ability to exercise harvesting rights.”

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