



INSTRUCTION MANUAL

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Strengthening Farmland Protection Assessment Toolkit
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About the Assessment Toolkit

The Strengthening Farmland Protection Assessment Toolkit is the product of a national project to identify principles and beneficial practices that represent land use planning solutions for protecting farmland in Canada. The four-year project (May 2012 to April 2017) involved a team of eight researchers from six universities.

As we discovered, there are few tools available to help assess land use plans. As far as we know, this is the only toolkit available to assess the strength of a legislative framework to protect farmland.

For more information about the Assessment Toolkit or research project, please contact

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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.

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Overview

The purpose of the Assessment Toolkit is to help planners, policy-makers, and concerned stakeholders to critically assess the strength of a government’s legislative framework to protect farmland. The legislative framework consists of policies, legislation (and by-laws), and governance structures related to agricultural land use planning at local (municipal; regional or upper-tier), and senior (provincial) levels of government.

The Assessment Toolkit can be used for different reasons:

- To assess local frameworks within its provincial context;
- To assess frameworks at the provincial level only;
- To guide the development of a new or revised legislative framework, and parts thereof.

When used to its full potential, the Assessment Toolkit supports a detailed analysis of both the legislative framework and the political context within which agricultural land use decisions are made. The Toolkit is flexible enough to allow users to select components of most interest to them.

Why assess the strength of a legislative framework?

Most often, the quality of a plan is most evident when there is a public outcry about a proposed land use change for a particular parcel. Otherwise, the quality of a plan is seldom discussed – and, if like most governments, rarely evaluated. How then do you know that a land use policy to protect farmland is good? How would you know an effective land use plan if you read one?

As noted in the academic literature on evaluating plan quality, “Planners can often differentiate high quality plans from low quality ones, but they are hard pressed to explicitly define the key characteristics of plan quality.”¹ Moreover, it is far easier to clarify an isolated policy than to explain how it relates to the whole plan or to articulate how one policy statement of a plan relates to another plan or policy.

It’s only when we pull back from isolated policy statements that we can see the full picture within which policies are developed. From the broadest perspective, the relation between agriculture, food, and public priorities is deeply connected to the society we want and the place of food and farmers within it. Over the past seventy years, the decline in the economic and social role of agriculture has accompanied a significant loss and degradation of the agricultural land base. Facing the relentless sprawl of urban development in the 1960s and 70s, some provinces enacted legislation to protect farmland. The legislative frameworks of Québec and British Columbia are among the most progressive in North America. Over the years, other provinces adopted clear statements of provincial interest to protect farmland. Yet, in spite of forty years of farmland protection policies and legislation, 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.

¹ Baer, W. C. (1997). General Plan Evaluation Criteria: An Approach to Making Better Plans, *Journal of the American Planning Association*, 63:3, 329-344. DOI: 10.1080/01944369708975926

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Today, the interest in local food and concern about food security shows that the place of agriculture and food within Canadian society has shifted again. On the one hand, we have a growing number of farmers markets and citizen-based initiatives like community gardens and local food councils. On the other, we have recent calls for agri-food policies at the provincial and national levels to address chronic unprofitability of the sector, diet and our health, intensity of environmental impacts, and threats of climate change. Responding to these shifts in public priorities falls, in part, within the domain of land use planning because every act of producing, processing, distributing, consuming, and disposing food has impacts on the land base.

The core purpose of land use planning is to make a desirable future that serves the public interest a visible part of today's decision making processes. The visible outcome is a land use plan and its legislative framework.

A government's expressed interest in protecting farmland is an expression of public interest. When adopted as policy or enacted as law, these interests form the basis for the legislative framework to protect farmland. In other words, the legislative framework represents the public interest in how a government wants to use the land in order to achieve its stated desirable future. But in politics, there are often gaps between what is expressed, what actions are taken, and what happens on the ground. At the same time, even with the best outcomes, there is usually room for improvement. Thus, it is critically important evaluate the strength of a legislative framework against the expressed interest of a government to protect farmland.

The Assessment Toolkit presumes that users are motivated to protect farmland in their area. It is a tool for assessing the strength of a local legislative framework, but what the users of this manual do with the results of their assessment is up to them. In this sense, the analyses of the Toolkit do not lead to prescribed outcomes. Rather, the results of your efforts provide you with a detailed assessment of your current legislative framework and help you to understand the present state of agricultural land use planning. It is up to the users of the Toolkit to determine whether the current strength of the legislative framework is consistent with the expressed interest of the government to protect farmland or serves the public interest.

With regard to measuring the strength of a legislative framework, the Assessment Toolkit presumes that a "strong" framework is one that protects farmland, and a "weak" framework is one that does not. Accordingly, the Toolkit assumes that protecting farmland is a positive part of the public interest in a desirable future and the place of food and farmers within it.

Structure of the manual

The manual is organised in three parts, as listed on the next page. The primary tools to evaluate the legislative framework represent what we consider to be the core materials that must be completed as the foundation of an assessment. The secondary tools, which examine the political context, are also important but may not be included in every assessment; it's up to the user. To complete the assessment of the legislative framework, your primary tasks are to collect documents, compile and analyse the data, and then complete an assessment report. The instructions in this manual will guide you through the assessment process.

**Strengthening Farmland Protection Assessment Toolkit
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List of contents of toolkit

Name of Tool	Description	Name of electronic file
Instruction Manual	Instructions for how to use the Assessment Toolkit.	
Primary Tools: Legislative Framework	These tools are the core of the assessment and must be completed.	
Strengthening Farmland Protection: Assessment Report	Template. The report is the primary product of the assessment that captures everything you will do.	AgLUP Toolkit Final report TEMPLATE.docx
How to complete the Legislative Framework Table	Instructions.	AgLUP Toolkit Legislative Framework table.docx
How to complete the Content Analysis: Legislation	Instructions.	AgLUP Toolkit content analysis Legislation.docx
How to complete the Content Analysis: Policy	Instructions.	AgLUP Toolkit content analysis Policy.docx
How to assess the strength of the legislative framework	Instructions.	AgLUP Toolkit Assess Strength.docx
Secondary Tools: Political Context	These tools are used to assess the political context.	
How to complete the Policy Regime Analysis	Instructions.	AgLUP Toolkit policy regime analysis.docx
How to complete the Stakeholder Analysis	Instructions.	AgLUP Toolkit stakeholder analysis.docx
Supporting Materials	These materials are for optional components of the assessment.	
Interview Guide	Survey instrument.	AgLUP Toolit interview guide.docx
Workshop outline Participant worksheet: issues and opportunities Strength assessment poster for sticky dots	Instructions. Worksheet. Worksheet.	AgLUP Toolkit Workshop outline.docx AgLUP Toolkit workshop worksheets.docx AgLUP Toolkit workshop dot scale.pptx

Primary tools: legislative framework

The Assessment Toolkit can be used for different reasons and users may be driven by different interests. Regardless of differences among users, the primary reason to use the Toolkit is to assess the strength of the legislative framework for protecting farmland. In this section we explain the tools you will use to complete these tasks, as listed in the following table.

Name of Tool	Description	Name of electronic file
Strengthening Farmland Protection: Assessment Report	Template. The report is the primary product of the assessment that captures everything you will do.	AgLUP Toolkit Final report TEMPLATE.docx
How to complete the Legislative Framework Table	Instructions.	AgLUP Toolkit Legislative Framework table.docx
How to complete the Content Analysis: Legislation	Instructions.	AgLUP Toolkit content analysis Legislation.docx
How to complete the Content Analysis: Policy	Instructions.	AgLUP Toolkit content analysis Policy.docx
How to assess the strength of the legislative framework	Instructions.	AgLUP Toolkit Assess Strength.docx

Strengthening Farmland Protection: Assessment Report

The results of the analyses you will complete as part of the assessment are carried forward in some form into the Assessment Report. To support this task, the Toolkit includes a template prepared in MS Word. You can complete all of the individual analyses and then populate the template. Or, you can work your way through the template one section at a time. There are instructions and prompts included in the report template. In effect, the template also serves as a guide. You can get a quick sense of what is in the report template by reviewing the table of contents (see the box on the next page).

**Assessment Report
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 - Political context and policy regimes
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 - Content analysis of documents
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 - Stakeholder analysis
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How to complete the Legislative Framework Table

The primary purpose of the Toolkit is to assess the breadth and quality of the legislative framework. Therefore, identifying the elements of the legislative framework is the first thing to do. The instructions in this tool will help you to complete the Legislative Framework table. The legislative framework consists of policies, legislation (acts and by-laws), and governance structures related to agricultural land use planning at local (municipal; regional or upper-tier), and senior (provincial) levels of government.

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How to complete the Content Analysis: Legislation and Policy

There are two tools to guide you through the content analysis, one for legislation documents and one for policy documents. The two tools are very similar and described here together.

- How to complete the Content Analysis: Legislation
- How to complete the Content Analysis: Policy

The main benefit of completing the content analyses of legislation and policy documents is to gain a more detailed understanding of the legislative framework – of what is in it and what is not. The tool guides you through the process of reviewing the documents and compiling the data into tables. The tables are valuable means to capture details of the legislative framework and describe the contents in summary form. The structure of the tables is provided; they should be modified to suit the area of study.

How to assess the strength of the legislative framework

After you work with the tools to complete the content analyses, your next task is to reflect upon all of the results in order to assess the overall strength of the legislative framework. Ultimately, this is the most important piece of the assessment. However, as explained in the tool, the means to assess the overall strength of a legislative framework includes a lot of room for interpretation. Here is where you will draw upon several core benefits of the Assessment Toolkit, including a detailed introduction to the four principles of land use planning that are used as criteria for the evaluation. The four principles are: maximise stability, integrate public priorities across jurisdictions, minimise uncertainty, and accommodate flexibility. Each of these principles is explained in the tool. The tool guides you through the process of using the four principles as criteria. Examples are provided

Secondary tools: political context

In this section we explain the two tools, as listed in the following table, that you will use to analyse the political context in which agricultural land use decisions are made.

Name of Tool	Description	Name of electronic file
How to complete the Policy Regime Analysis	Instructions.	AgLUP Toolkit policy regime analysis.docx
How to complete the Stakeholder Analysis	Instructions.	AgLUP Toolkit stakeholder analysis.docx

How to complete the Policy Regime Analysis

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, you will examine the interaction of three current policy regimes: global competitiveness, farmland preservation, and food sovereignty. Each of these regimes is described in the policy regime analysis tool. A policy regime and its changes refer to the combination of issues, ideas, interests, actors and institutions that are involved.

The intent of this analysis is to assess the presence and level of influence of different interests and public priorities on agricultural land use planning within your area. The policy regime analysis tool instructs you about what documents to analyse and how to identify relevant statements. Instructions are provided about how to compile these statements into a set of tables. The results presented in the tables are then summarised by level of influence. In the end, you will be able to answer the following questions:

- To what extent are different ideas and interests prevalent among agricultural land use documents?
- Which ideas and interests have the most influence?
- How does each policy regime influence agricultural land use decisions?

How to complete the Stakeholder Analysis

The results of the stakeholder analysis help to understand the political context in which agricultural land use decisions are made. The purpose of the analysis is to assess the level of influence, importance, and involvement of groups and institutions that have a vested interest in agricultural land use planning within your area. Stakeholders might include farmers and ranchers organisations, food security groups, food policy councils, land trusts, etc. The instructions provided in the stakeholder analysis tool lead you through the steps to identify stakeholders; complete a profile of each stakeholder, and assess overall level of interest and power of all stakeholders.

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Supporting materials

The following documents are presented as ‘supporting materials’ because they are two optional components of the assessment process. The components are interviews with key informants and a public workshop.

Name of Tool	Description	Name of electronic file
Interview Guide	Survey instrument.	AgLUP Toolit interview guide.docx
Workshop outline	Instructions.	AgLUP Toolkit Workshop outline.docx
Participant worksheet: issues and opportunities	Worksheet.	AgLUP Toolkit workshop worksheets.docx
Strength assessment poster for sticky dots	Worksheet.	AgLUP Toolkit workshop dot scale.pptx

Interview Guide

Completing an assessment of a legislative framework is a demanding task. It requires a comprehensive understanding of policies, laws, and regulations governing agricultural land at local and provincial levels. For those who are not fully engaged in agricultural land use planning the process will be a long and intense learning process. For this reason, it can be very beneficial to draw upon the expertise of others at critical points in the process. One of these critical points is after you develop preliminary conclusions and recommendations. At that point, you will have an opportunity to bounce your ideas off people who have different perspectives and knowledge. The key informant interview guide is designed to structure the interview based on the preliminary results of your assessment. As noted above, the nature of the assessment itself lends itself to interpretation. Using key informant interviews is a valuable means to correct errors of interpretation and identify areas of bias.

Workshop outline

Engaging the public in the assessment process provides several benefits. First, a public workshop provides an opportunity for you to share your preliminary results with a wider audience, which may also have a broader range of perspectives and interests. The people who attend the workshop are most likely to have particular interests in farmland and agricultural land use planning, or your invitations could be targeted to these people. The feedback from members of the public provides a mechanism to check the quality of your results. Finally, a public forum to discuss farmland protection is a valuable opportunity to raise the issue as a matter of public interest. The materials in the toolkit include a suggested outline for the workshop along with a workshop for participants and a ‘poster’ that you can use in the workshop to capture participants’ own views of the state of agricultural land use planning for farmland protection.