

# MAJOR CHANGES PROPOSED TO QUEBEC'S LAND USE PLANNING AND DEVELOPMENT REGIME: FOCUS ON ENVIRONMENTAL IMPACTS

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The Quebec government recently introduced [Bill 16, An Act to amend the Act respecting land use planning and development and other legislative provisions](#). In this bulletin, we will go over the major changes sought by the bill in the area of environmental protection.

First of all, Bill 16 proposes the addition of several clauses in the preamble of the *Act respecting land use planning and development* (the "**Act**"), one of which refers specifically to the essential role of land use planning and development in the protection of natural environments and the fight against climate change:

AS land use planning and development are essential to the sustainable use of the territory and as they contribute to the creation of quality living environments, **the protection of natural environments** and agricultural land, the development of dynamic and authentic communities and **the fight against climate change;**

Bill 16 also proposes adding the fight against climate change (including adaptation to it), the conservation and enhancement of natural environments and biodiversity, and the preservation and development of natural resources as territorial planning purposes under the Act.

At the regional level, Bill 16 introduces changes to the land use and development plans ("LUDPs") that regional county municipalities ("RCMs") (and some cities) are required to adopt and keep updated. LUDPs would have to provide for the protection and availability of water resources and are key instruments in territorial planning, as the planning by-laws of municipalities forming part of a given RCM must comply with them. A similar addition is proposed to the content of the planning program municipalities are required to adopt and update.

The bill also proposes a change involving regional by-laws. RCMs already have the power to adopt regional by-laws that establish standards for taking into account any factor that subjects land occupation to restrictions related to public safety or environmental protection. Bill 16 would enable the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks to require an RCM to amend a regional by-law if the Minister

deems that, considering the distinctive features of the locality, it does not adequately protect wetlands and water bodies.

Finally, Bill 16 would allow municipalities to adopt a by-law, effective for two years, prohibiting any work or use of an immovable property that could create needs exceeding the capacity of a water-supply, sewer or water-purification system or result in insufficient water resources or deterioration of their quality. While such a by-law would be adopted after public consultation, the “freeze” would take effect as soon as the draft by-law is tabled with the municipal council. **This new category of by-laws could have a considerable impact on real-estate, commercial and industrial projects.**

Bill 16 was awaited by municipal stakeholders, many of whom deplore the fact that the land use planning and development regime does not allow some current issues to be dealt with. As these issues include environmental protection and climate change, the government’s willingness to include them in the principal planning instruments is not surprising. Our team will be monitoring the progress of Bill 16 over the coming months.

by [Martin Thiboutot](#)

### **A Cautionary Note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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