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**PART II**  
**REGULATIONS**

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**EC1999-5**

**PRINCE EDWARD ISLAND LANDS PROTECTION ACT**  
**EXEMPTION REGULATIONS**  
**AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 5 January 1999.)

Pursuant to clause 17(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council made the following regulations:

**1. The Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88) are amended by the addition of the following:**

**21.** The purchase by Cavendish Farms, A Division of Irving Pulp and Paper Limited of approximately 0.29 acres of land, being Provincial Property Number 442756, located at New Annan in Lot 19, Prince County, is exempt from the application of section 5 of the Act.

Cavendish Farms, A  
Division of Irving  
Pulp and Paper  
Limited

**2. These regulations come into force on January 16, 1999.**

**EXPLANATORY NOTES**

The exemption from the application of section 5 of the Act allows the corporation to acquire the land. The exemption was granted on compassionate grounds to enable the owners of a residential property located adjacent to the Cavendish Farms potato processing plant in New Annan to sell their land in fulfilment of an agreement made with corporation following construction of the processing plant.

Certified a true copy,

Lynn E. Ellsworth  
Clerk of the Executive Council

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## EC1999-11

**PLANNING ACT  
REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 5 January 1999.)

Pursuant to section 8.1 of the *Planning Act* R.S.P.E.I., Cap. P-8, Council made the following regulations:

**1. Section 3 of the Planning Act Regulations (EC601/77) is amended by the insertion of the following:**

detrimental impact

“detrimental impact” means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new buildings or developments with regard to

- (i) real property value,
- (ii) competition with existing businesses,
- (iii) viewscales, or
- (iv) development approved pursuant to subsection 9(1) of the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9;

**2. Subsection 15(1) of the regulations is revoked and the following substituted:**

Refusal to issue permit

- 15.** (1) No building permit shall be issued if the proposed building structure, or its alteration, repair, location, or use or change of use
- (a) does not conform to these regulations, other regulations adopted pursuant to the Act or the relevant sections of the *Environmental Protection Act*, the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11, the *Lands Protection Act*, the *Provincial Building Code Act* R.S.P.E.I. 1988, Cap. P-24, or the *Roads Act*;
  - (b) would precipitate premature development or unnecessary public expenditure, or would place undue pressure on the municipality or the province to provide services;
  - (c) would have a detrimental impact; or
  - (d) would result in a fire hazard to the occupants or to neighbouring buildings or structures.

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**3. Subsection 25(2) of the regulations is revoked and the following substituted:**

(2) No person shall be permitted to subdivide land if the proposed subdivision

Refusal of  
permission to  
subdivide

(a) does not conform to these regulations, other regulations adopted pursuant to the Act, or the relevant sections of the *Environmental Protection Act*, the *Fire Prevention Act*, the *Lands Protection Act*, the *Provincial Building Code Act*, or the *Roads Act*;

(b) would precipitate premature development or unnecessary public expenditure, or would place pressure on the municipality or the province to provide services; or

(c) would have a detrimental impact.

**4. These regulations come into force on January 5, 1999.**

EXPLANATORY NOTE

This amendment adds the definition of “detrimental impact” to clarify how this concept may be applied during consideration of proposals for building permits and subdivisions under subsections 15(1) and 25(2) of these regulations.

Certified a true copy,

Lynn E. Ellsworth

Clerk of the Executive Council

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**REGULATIONS INDEX**

Chapter Number	Title	Original Order Reference	Amendment	Authorizing Order and Date	Page
L-5	<b>Prince Edward Island Lands Protection Act</b> Exemption Regulations	EC368/88	s.21 [added] [eff] Jan. 16/99	EC1999-5 (05.01.99)	1
P-8	<b>Planning Act</b> Regulations	EC601/77	s.3 s.15(1) [R&S] s.25(2) [R&S] [eff] Jan. 5/99	EC1999-11 (05.01.99)	2-3