

Horizons Regional Council

MEDIA RELEASE

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Horizons' One Plan decision to be considered

The Environmental Court's decision following Environmental Defence Society and Wellington Fish and Game's declaratory proceedings against Horizons Regional Council has been made public.

The declaration focus was on the implementation of rules that reduce leaching of nutrients from farms. The two organisations sought clarification around assessments of consent applications under intensive land use rules in Horizons' One Plan.

Horizons chairman Bruce Gordon says the Council will need some time to read the Court's 81 page findings, so that they can fully understand the outcome.

"In order to ensure consent applications are in line with the decision and to give Council time to consider if they would like to respond, new applications will be suspended for the next 12 weeks. This includes those currently in the system for processing," says Mr Gordon.

"Through regulatory and non-regulatory measures farmers have been making good progress in nutrient management and environmental outcomes. We respect that farmers will be looking for certainty as we move forward. Staff will continue to be in contact with them as we work through this next phase," says Mr Gordon.

"The One Plan was New Zealand's first regulatory plan applied at this scale. We respect that we may not have got it completely right, however no one has said that we're not on the right path when it comes water quality improvement. Some groups have simply indicated that they would like to see faster implementation.

"Based on the decisions as they currently stand, we foresee a longer, more involved, and costly consent application process. It is unclear what this will achieve in terms of water quality, which is disappointing given we were on track for reducing in excess of 200 tonnes of nitrogen once all of the estimated 400 consents for dairy farms had been processed.

"Horizons has a significant monitoring programme across the Region, with 10 years of water quality trends (January 2006 - December 2015), 58 per cent of the 36 sites monitored for total oxidised nitrogen (TON) show improvement. None are in decline. In the Manawatu Catchment, 16 sites have improving trends for TON and none are declining. In the Manawatu there are also no declining trends for E.coli, sediment, and dissolved reactive phosphorus."

Horizons strategy and regulation manager Dr Nic Peet says the Court's decision will be useful for clarifying relationships between different sections of the Resource Management Act (RMA) and how Horizons' One Plan intersects with these.

“What the court judgement does do is clearly set out the legal requirements for consent applicants and council in considering those consents. The judgement very specifically did not question the legality of the consents already issued by Horizons. It identifies process steps for future consents,” says Dr Peet.

“Importantly the judgement did not attempt to translate policy in the plans as rules and it also did not, as the parties had contended, say animals that urinate and defecate directly onto paddocks were to be considered as discharges under the Plan or RMA.

“At all times Council has sought to appropriately apply its Plan in line with the RMA. Like any new piece of legislation it’s met some challenges along the way, the court process will help inform these challenges.”

Farmers who have any questions or concerns about their consents are advised to contact Horizons directly.

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