



Plan Change 2 - Environment Court update and FAQs

Last updated 13 May 2025

Horizons has received a number of enquiries regarding the status of proposed Plan Change 2 (**PC2**) and the Environment Court appeal proceedings. The Environment Court decision has not been issued yet. Until then Horizons is unable to comment in any definitive way on the consenting requirements for existing Intensive Farming Land Uses (**IFLU**). However, as far as possible at this time, responses have been provided below. In many cases, the information is subject to the Court's decision and will be the subject of further guidance and advice from Horizons. In the meantime, feel free to contact us.

What is Plan Change 2?

PC2 is a proposed amendment to the One Plan, which addresses an issue that Horizons identified with the policy and rule framework for managing existing IFLU within targeted catchments in the region. The plan framework was not working as intended at the time the One Plan was made operative (as discussed below).

One Plan and Intensive Farming Land Uses

The One Plan regulates existing IFLU in targeted catchments where water quality is degraded by excess nitrogen. The One Plan requires consent for new IFLU throughout the region, to ensure any nitrogen leaching is limited. In the targeted catchments, consents are also required for existing IFLU, to limit nitrogen leaching.

IFLU include dairy farming, commercial vegetable growing, cropping and irrigated sheep and beef farming.

What were the issues for existing IFLU?

Originally, the One Plan managed existing IFLU in targeted catchments through two rules:

- **Controlled Activity Rule:** If the nitrogen leaching from an IFLU farm was less than the limits specified in Table 12 (estimated using Overseer*) and the activity met other conditions, the IFLU could be considered as a controlled activity. This means consent must be granted and may be subject to conditions.
- **Restricted Discretionary Activity Rule:** If the IFLU farm could not meet the nitrogen leaching limits in Table 12 or did not comply with the other conditions, the IFLU would need consent as a restricted discretionary activity. This means Horizons would assess the application against particular matters specified in the One Plan and it had a discretion whether to grant consent with conditions or decline consent.

However, over time, changes to Overseer and issues within the One Plan policy framework meant neither of these rule options were realistically viable. Overseer version changes meant that the nitrogen leaching limits in Table 12 became out of step with current Overseer estimates of nitrogen loss, even where there was no on-farm change and no actual increase in nitrogen leaching from the land (in some cases the estimates were far higher). These changes impacted on the ability for existing IFLU to meet Table 12 limits. Also, the policy framework was found to contain an unforeseen obstacle that prevented the grant of consent where Table 12 limits were exceeded.

Horizons notified PC2 in 2019 to address those issues.



*Table 12 was originally Table 14.2.

What is the status of PC2 now?

Horizons 2021 decision on PC2 was appealed by several parties, with the hearing process of that appeal concluding with closing submissions in August 2024.

The Council is now waiting for the Environment Court's decision.

Does PC2 still rely on Overseer?

PC2 does not delete Table 12. Horizons proposed PC2 provisions retain Table 12 as a controlled activity pathway, but address the issues with Overseer version changes through amendments and ensures the Table 12 limits remain comparable with current Overseer versions. All parties before the Environment Court agreed with these changes.

What will consenting requirements be?

As was the case originally under the One Plan, resource consent will be required for existing IFLU in targeted catchments – in this case, either as a controlled activity or a discretionary activity, depending on the extent of nitrogen leaching loss from the farming activity. To avoid doubt (noting PC2 addresses existing IFLU* in targeted catchments only) new IFLU will still require resource consent under the One Plan.

The controlled activity pathway – including whether there are controlled activity pathways in addition to meeting Table 12 – is to be determined by the Environment Court.

If the controlled activity pathway(s) are not met with respect to nitrogen leaching loss limits, consent will be required as a discretionary activity.

If the activity fails to meet one of the other standard conditions (e.g. stock exclusion), but meets the nitrogen limits, consent will be required as a restricted discretionary activity.

Horizons will be able to confirm the consenting pathways and provide further advice once the Environment Court releases its decision.

However, all the potential pathways involve a range of on farm management practices being adopted to manage nitrogen leaching on farm (including good and best management practice) to meet the limits specified in the rules.

The extent of mitigation will depend on individual farm circumstances. These mitigation practices are well understood by many farmers; however, Horizons will be providing further guidance.

In general terms, the more farm nitrogen leaching losses are reduced through mitigation or land use, the better placed people will be to navigate the consenting pathways.

*IFLUs are existing if they were established before 9 May 2013 (or 24 August 2010 for dairy only).

What if someone cannot meet the nitrogen leaching requirements for a controlled activity after PC2?

If someone operates an existing IFLU in a targeted catchment, and they are unable to meet the leaching limits for a controlled activity consent, they will need to apply for a discretionary activity consent.

PC2 was notified to restore the consenting framework for IFLU, and Horizons expectation is that the amended One Plan will be adhered to, with all farmers who require consents applying for them once PC2 is made operative. Further advice on timeframes may be required once the Environment Court issues its decision.

What are the requirements for a controlled activity consent?

A resource consent application with an accompanying Assessment of Environmental Effects (AEE) will be required for controlled activity consent applications, having regard to the matters of control in the plan, and the body of work (including modelling outcomes) relating to the relevant limit(s). The specific requirements will depend on the consenting pathways confirmed by the Environment Court. Again, further advice will be provided after the Environment Court's decision.



However, it is anticipated that with any pathway, a comprehensive nutrient management plan (**NMP**) will be required, setting out the on-farm practices and practice changes that are going to be implemented to ensure the nitrogen leaching limits are met on an ongoing basis. The NMP must include as a minimum details of the farm system, mapped farm soils, climate and rainfall data, any sensitive receiving environments (like streams, natural wetlands), drains, farm inputs, and the mitigation measures proposed.

What are the requirements for a discretionary activity consent?

A discretionary consent will need to address a greater amount of information and provide a broader and a more detailed AEE than a controlled activity application.

For a discretionary activity consent, a comprehensive AEE will be required, assessing the effects of contaminant discharges from your farm (including nitrogen, phosphorus, sediment and faecal contamination) on matters likely to include groundwater, downstream water quality, instream ecological values, Māori cultural values, downstream drinking water supplies, recreational values (e.g. the impact of pollution on swimming holes). Additional statutory requirements under the RMA will also need to be addressed, including any relevant Treaty Settlement legislation.

The AEE will need to be detailed, and well justified against the plan requirements in support of the grant of resource consent. Importantly, while a controlled consent must be granted, a discretionary consent may be declined by Horizons.

Can some make an application themselves or will they need a farm adviser or specialist to do this?

We recommend people obtain advice around the requirements for their consent application/s. While Horizons will provide some guidance regarding application forms/templates and information requirements, people will need to obtain their own technical advice to inform any consent application. Technical advice will be required from (at least) a farm advisor in support of a controlled activity application. The complexity of discretionary activity applications will need the assistance of an RMA specialist and/or advisors with relevant technical expertise depending on the range of effects anticipated from the activity.

Either way, farmers know their farm environment and on-farm practices – so we suggest they start putting together the key information likely to be needed in an application (see below).

What should IFLU farmers do at the moment?

Horizons' advice to all existing IFLU farmers in the targeted catchments is:

- Start engaging with industry groups (e.g., Federated Farmers, DairyNZ, Beef+Lamb, Horticulture NZ) now. Many of these groups have been active throughout the PC2 appeal, and should be able to give support and advice in preparing for the consenting process.
- Collect as much information as possible about farm/s leaching rate/s. This may include previously prepared base Overseer files, stock transport records, and fertiliser records, among other sources.
- Be prepared to quantify any nitrogen leaching reductions (and related farm practice changes) made since 2012/13, and be prepared to make further reductions (depending on what form of PC2 the Court approves).
- Once PC2 becomes operative, apply for resource consent as soon as possible.
- Monitor Horizons website and talk to a Horizons Rural Advice or Consent Officer if there are any questions.