

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management
Act 1991 ("the Act")

AND

IN THE MATTER of an appeal under clause 14 of
the Act against the decision of the
Manawatū-Whanganui Regional
Council on Proposed Plan Change
2 to the Horizons One Plan

BETWEEN **ANDREW DAY**
Appellant

AND **MANAWATŪ-WHANGANUI
REGIONAL COUNCIL**
Respondent

NOTICE OF APPEAL

Dated: 2 June 2021

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NOTICE OF APPEAL TO ENVIRONMENT COURT
AGAINST DECISION OF MANAWATŪ-
WHANGANUI REGIONAL COUNCIL

TO: The Registrar
Environment Court
WELLINGTON

1. I ANDREW DAY appeal against a decision of the
Manawatū-Whanganui Regional Council on the
following plan:
Proposed Plan Change 2 to the Horizons One Plan
("PC 2")
2. I made a submission on PC 2.

3. I am not a trade competitor for the purposes of Section 308D of the Resource Management Act 1991.
4. I received notice of the Decision on 21 April 2021.
5. The Decision was made the by the Manawatū-Whanganui Regional Council.
6. The part of the Decision that I am appealing is:
All of PC2 with the exception of the use of Overseer 6.2.3 to update Table 14.2 (but not the values themselves within Table 14.2).
7. The reasons for my appeal are:
 - 7.1. The PC2 decision appears to show little regard to the fundamental concept of Te Mana o te Wai which I understand to be at the heart of the National Policy Statement 2020, but rather sets up the protection of the most intensive farms as a priority for the region, even in instances where their business's are untenable in their present configuration.
 - 7.2. Policy 14-5: Management of intensive farming land use provides a consenting pathway for "the lesser of 80% of the land's nitrogen leaching baseline or the 75th percentile nitrogen leaching loss for the relevant water management zone", with a further pathway (in 14-6(d)) based on (unspecified) good management practices.
 - 7.3. In PC 2, by including "grandparenting" resource allocation as an option for consent applicants, Horizons will perversely allocate the most resource in resource constrained catchments to those most responsible for the need to regulate resource use in those very same catchments.
 - 7.4. The introduction of "grandparenting" as a consenting option is not only inequitable to other businesses of the same type operating in the catchments at lower intensity, but it also clearly signals to other resource users not captured by the rule stream in either the same or other catchments that their self-selected intensity can set their resource allocation.
 - 7.5. Allowing farmers to rely on intensity of farm production systems to protect their capital base from both potential regulation and the intensity of their fellow farmers, is highly unlikely to result in

improved water quality across the region.

7.6. The Environment Court (EC) (twice) and the High Court (HC), which I was a party to, have already favoured the 'Natural Capital' approach, with the use of Land Use Capability (LUC) mapping of catchments, to allocate Nitrogen Loss (N-loss) limits to farmers.

8. I seek the following relief:

- 8.1. The formal recognition of the ability of farmers within the same Water Management Zone (WMZ) to trade N-loss entitlements, within Table 14.2 limits, rather than leaving it as a "matter of common sense" (paragraph 3.2-6 of the Decision)
- 8.2. Recalibration of Table 14.2 using Overseer 6.2.3 or a subsequent version, following the same methodology as the original table.
- 8.3. If the EC sees merit in providing a consenting pathway for farms with intensities beyond what Table 14.2 allows for, that this potential pathway is based upon the Natural Capital of the land farmed.
- 8.4. Such other and further relief as would meet the concerns in this appeal and in my original submission.

9. I attach the following documents to this notice:

- 9.1. A copy of my submission;
- 9.2. A copy of the decision;
- 9.3. A list of the names and addresses of persons to be served with a copy of this notice.



Mr Andrew Day
2 June 2021

