

**Proposed Change 1 to the Regional Policy
Statement for the Wellington Region**

**Section 42A Hearing Report
Hearing Stream 3 – Climate Change – Agricultural
Emissions**

**Topic: Climate Change – Agricultural Emissions
Process: Freshwater Planning Process and Schedule 1, Part 1
Process
Prepared by: Jerome Wyeth
Report Date: 31 July 2023
Hearing Date: 28 August to 6 September 2023**

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Executive Summary

1. This report considers submissions received by Greater Wellington Regional Council ('the Council') in relation to the relevant provisions of Proposed Change 1 to the Regional Policy Statement for the Wellington Region ('Change 1') as they apply to the Climate Change – Agricultural Emissions topic.
2. The Climate Change - Agricultural Emissions topic consists of the following provisions in Change 1:
 - Policy CC.5: Avoid increases in agricultural greenhouse gas emissions – regional plans
 - Policy CC.13: Managing agricultural greenhouse gas emissions – consideration
 - Policy CC.15: Improve rural resilience to climate change – non-regulatory
 - Method CC.5: Review regional response to reducing greenhouse gas emissions
 - Method CC.8: Programme to support low-emissions and climate resilient agricultural – non-regulatory methods.
3. The provisions in this topic were notified under both the Freshwater Planning Process (FPP) and Schedule 1, Part 1 Process of the Resource Management Act 1991 (RMA). Policy CC.15 and Method CC.8 were notified under the FPP and the rest were notified under the Standard Schedule 1 process. This report provides an assessment and recommendations in relation to the categorisation of provisions between these two processes.
4. A total of approximately 80 submission points and 78 further submission points were received on this topic. The submissions on this topic were wide ranging and request a range of different outcomes from retaining and strengthening the provisions as notified to completely withdrawing the Climate Change – Agricultural Emissions provisions from Change 1. The following key issues were raised in submissions and are covered by this report:
 - Whether Change 1 should address agricultural GHG emissions and the potential to duplicate or conflict with national policy and initiatives relating to agricultural GHG emissions.
 - The agricultural GHG emissions target in Policy CC.5 and whether this should be strengthened (i.e. to reduce GHG emissions) or deleted as it is unfairly targeting the agriculture sector in the region compared to other sectors and regions.
 - Concerns about the implementation challenges associated with Policy CC.5 and that these have not been adequately considered in the Section 32 Report for Change 1.

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- Concerns about the practical implementation of Policy CC.13 as a 'consideration policy' and the application of the policy to territorial authorities.
 - Questions and concerns about the responsibility for implementing non-regulatory Policy CC.15 and Method CC.8.
5. Other issues raised by submitters in relation to this topic are also covered in this report.
 6. As a result of analysing the key issues in submissions, I have recommended a number of amendments to the Change 1 provisions covered in this report. My key recommended amendments are:
 - Amendments to Policy CC.5 to achieve a reduction in agricultural GHG emissions to support the GHG emission reduction targets in Objective CC.3, while increasing the flexibility as to how this policy will be implemented through a future regional plan change.
 - Deleting Policy CC.13, as I consider that the costs of implementing this policy are likely to be greater than the anticipated benefits for reducing agricultural GHG emissions in the interim period until Policy CC.5 is given effect to.
 - Amendments to Method CC.5 to better align with, and support, the implementation of Policy CC.5.
 - Minor amendments to clarify the intent of Policy CC.15 and Method CC.8 and that both provisions are considered under the standard RMA Schedule 1 process.
 7. Having considered all the submissions and reviewed relevant statutory documents, I recommend that the Climate Change – Agricultural Emissions provisions in Change 1 are amended as set out in **Appendix 1** of this report.
 8. I have also undertaken a Section 32AA evaluation for my recommended amendments which is included within the analysis of submissions in this report.
 9. For the reasons outlined in this report, I consider that the proposed provisions, with the recommended amendments, will be the most appropriate means to achieve the relevant climate change objectives in the RPS.

Interpretation

10. This report utilises a number of abbreviations as set out in the table below.

Table 1: Abbreviations of terms

Abbreviation	Means
RMA	Resource Management Act 1991
Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Council	Greater Wellington Regional Council
ERP	Emission Reduction Plan, May 2022
FPI	Freshwater Planning Instrument
FPP	Freshwater Planning Process
GHG emissions	Greenhouse gas emissions
NAP	National Adaptation Plan, August 2022
NPS	National Policy Statement
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NRP	Operative Natural Resources Plan for the Wellington Region
P1S1	Part 1, Schedule 1 process
RPS	Operative Regional Policy Statement for the Wellington Region 2013
Section 32 Report	Section 32 Report for Proposed Change 1 to the Regional Policy Statement for the Wellington Region

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Ātiawa	Ātiawa ki Whakarongotai Charitable Trust
CDC	Carterton District Council
Forest and Bird	Royal Forest and Bird Protection Society of New Zealand Inc.

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Fish and Game	Wellington Fish and Game Council
Hort NZ	Horticulture New Zealand
Kāinga Ora	Kāinga Ora Homes and Communities
KCDC	Kāpiti Coast District Council
MDC	Masterton District Council
Muaūpoko	Muaūpoko Tribal Authority
Ngāti Toa	Te Rūnanga o Toa Rangatira
PCC	Porirua City Council
Rangitāne	Rangitāne O Wairarapa Inc
SWDC	South Wairarapa District Council
Te Tumu Paeroa	Te Tumu Paeroa – Office of the Māori Trustee
UHCC	Te Kaunihera o Te Awa Kairangi ki Uta, Upper Hutt City Council
WCC	Wellington City Council
WFF	Wairarapa Federated Farmers

1.0 Introduction

1.1 Purpose

11. This report is prepared under section 42A of the RMA. The purpose of this report is to provide the Hearing Panels with a summary and evaluation of the original and further submissions received on the Climate Change – Agricultural Emissions topic and make recommendations as to whether those submissions should be accepted or rejected, either in full or in part. It concludes with recommended amendments to the Change 1 provisions.
12. The recommendations are informed by technical evidence provided by Jake Roos, Team Leader, Climate Change at the Council, and the analysis and evaluation that I have undertaken. I have also considered the section 42A reports for Hearing Stream One being the 'Overview Report' and 'General Submissions Report' which provide the background to Change 1 and administrative matters relating to Change 1. I was also the author of the Climate Change – General Section 42A report which addresses matters relevant to this topic. These reports should be read in conjunction with this report.

1.2 Scope of this report

13. Change 1 has been notified via two plan-making processes under Schedule 1 of the RMA:
 - The FPP under section 80A and Part 4, Schedule 1 for the provisions that form the Freshwater Planning Instrument (FPI). These provisions are marked in the Change 1 document with the freshwater icon.
 - The standard plan-making process in P1S1.
14. This report addresses submission points and provisions under both the FPP and P1S1 processes. Table 1 below sets out the Change 1 provisions addressed in this topic and the process that they are being considered under.

Freshwater Planning Process	Part 1 Schedule 1
Policy CC.15	Policy CC.5
Method CC.8	Policy CC.13
	Method CC.5

1.3 Author

15. My name is Jerome Geoffrey Wyeth and I am employed by 4Sight Consulting – Part of SLR (4Sight), a planning and environmental consultancy. I hold the qualifications of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.

16. I have over 18 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work at 4Sight is policy planning for local and central government and I am 4Sight's National Policy Sector Lead. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues.
17. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land, climate change, renewable electricity generation and transmission, indigenous biodiversity and plantation forestry.
18. I was not directly involved in the development of the provisions for Change 1, although I did have some involvement in the Section 32 Report prior to notification focused on the climate change provisions that are being considered in Hearing Stream 3. I have now familiarised myself with the process that was followed to develop Change 1, the provisions addressed in this topic, and the relevant sections of the Section 32 Report.
19. I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court in December 2023. I have complied with that Code when preparing this written statement of evidence and I agree to comply with it when I give any oral evidence.
20. This scope of my evidence relates to the Climate Change – Agricultural Emissions topic. I confirm that the issues addressed in this statement of evidence are within my area of expertise.
21. Any data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
22. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.4 Supporting Evidence

23. The evidence which I have used or relied upon in support of the analysis and opinions expressed in this report includes the Section 32 Report for Change 1 and the technical evidence of Mr Ross referred to above.

1.5 Key Issues

24. A total of 80 submission points and 78 further submission points were received on the provisions relating to the Climate Change – Agricultural Emissions topic.

25. The following are considered to be the key issues in contention:

- Whether Change 1 should address agricultural GHG emissions and the potential to duplicate or conflict with national policy and initiatives relating to agricultural GHG emissions.
- The agricultural GHG emissions target in Policy CC.5 and whether this should be strengthened (i.e. to reduce emissions) or deleted as it is unfairly targeting the agriculture sector in the region compared to other sectors and regions.
- Concerns about the implementation challenges associated with Policy CC.5 and that these have not been adequately considered in the Section 32 Report.
- Concerns about the practical implementation of Policy CC.13 as a 'consideration policy' and that that it could apply to territorial authorities.
- Questions and concerns about the responsibility for implementing non-regulatory Policy CC.15 and Method CC.8.

26. This report addresses each of these key issues under the assessment of each provision in this topic below, as well as other relevant issues raised in submissions.

1.6 Pre-hearing Meetings

27. At the time of writing this report there have not been any pre-hearing meetings, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

2.0 Statutory Considerations

2.1 Resource Management Act 1991

28. Change 1 has been prepared in accordance with the RMA and in particular, the requirements of:

- Section 61 - Matters to be considered by regional council (policy statements)
- Section 62 - Contents of regional policy statements

2.2 National Direction

29. The Section 32 Report provides a detailed assessment of relevant national direction that Change 1 seeks to give effect to. This is also summarised in the Climate Change – General Section 42A report so is not repeated here. Both these reports note that there is currently an absence of specific RMA national direction on climate change mitigation to give effect to.

2.3 Section 32AA of the RMA

30. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations (1) *A further evaluation required under this Act—*

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

31. The required section 32AA evaluation for changes recommended as a result of consideration of submissions is contained within the analysis of submissions in this report.

2.4 Trade Competition

32. Trade competition is not considered relevant to the Climate Change – Agricultural Emissions topic within Change 1. There are no trade competition issues raised within the submissions on this topic that I am aware of.

3.0 Consideration of Submissions and Further Submissions

3.1 Overview

33. The Climate Change - Agricultural Emissions topic consists of three policies and two methods. The proposed Change 1 provisions addressed in this topic are as follows:
- Policy CC.5: Avoid increases in agricultural greenhouse gas emissions – regional plans
 - Policy CC.13: Managing agricultural greenhouse gas emissions – consideration
 - Policy CC.15: Improve rural resilience to climate change – non-regulatory
 - Method CC.5: Review regional response to reducing greenhouse gas emissions
 - Method CC.8: Programme to support low-emissions and climate resilient agricultural – non-regulatory methods.
34. The total number of submissions and further submissions on this topic are broadly allocated across these provisions as follows:
- 19 original submission points and 24 further submission points received on Policy CC.5
 - 22 original submission points and 15 further submission points received on Policy CC.13
 - 13 original submission points and 12 further submission points received on Policy CC.15
 - 12 original submission points and 13 further submission points received on Method CC.5
 - 14 original submission points and 14 further submission points received on Policy CC.13.

3.2 Report Structure

35. The issues raised in submissions are addressed by sub-topics within this report. Some submissions cross over several sub-topics and are therefore addressed under more than one sub-topic heading.
36. Clause 49(4)(c) of Schedule 1, Part 4 of the RMA allows the Freshwater Hearings Panel to address submissions (for the purpose of providing reasons for accepting or rejecting submissions) by grouping them either by the provisions to which they relate, or the matters to which they relate. Clause 10(3) of Schedule 1, Part 1 of the RMA also specifies that the Council is not required to address each submission individually. On this basis, I have undertaken my analysis and evaluation on a provisions-based approach, rather than a submission-by-submission approach.
37. This report should be read in conjunction with the submissions and the summary of those submissions. **Appendix 2** sets out my recommendations on whether to accept or reject individual submission points based on the analysis contained within this report.

38. Where I have recommended amendments to provisions as a result of relief sought by submitters, I have set this out in this report, with a further evaluation provided within the analysis of submissions within this report in accordance with section 32AA of the Act. I have also provided a marked-up version of the provisions with my recommended amendments in response to submissions in **Appendix 1**.

3.3 Format for Consideration of Submissions

39. For each sub-topic, my analysis of submissions is set out in this report as follows:

- Matters raised by submitters;
- Analysis;
- Section 32AA evaluation (where applicable); and
- Recommendations.

3.4 Categorisation of provisions into the Freshwater Planning Instrument

40. Section 80A of the RMA provides the relevant tests for determining which parts of Change 1 should form part of the Freshwater Planning Instrument (FPI):

(1) The purpose of this subpart is to require all freshwater planning instruments prepared by a regional council to undergo the freshwater planning process.

(2) A freshwater planning instrument means—

(a) a proposed regional plan or regional policy statement for the purpose of giving effect to any national policy statement for freshwater management:

(b) a proposed regional plan or regional policy statement that relates to freshwater (other than for the purpose described in paragraph (a)):

(c) a change or variation to a proposed regional plan or regional policy statement if the change or variation—

- (i) is for the purpose described in paragraph (a); or*
- (ii) otherwise relates to freshwater.*

(3) A regional council must prepare a freshwater planning instrument in accordance with this subpart and Part 4 of Schedule 1. However, if the council is satisfied that only part of the instrument relates to freshwater, the council must—

(a) prepare that part in accordance with this subpart and Part 4 of Schedule 1; and

(b) prepare the parts that do not relate to freshwater in accordance with Part 1 of Schedule 1 or, if applicable, subpart 5 of this Part.

41. Council undertook a process to categorise Change 1 provisions between the FPP and standard Schedule 1 process when Change 1 was notified in August 2022. This process applied the High Court decision on the Proposed Regional Policy Statement for the Otago Region - *Otago Regional Council v Royal Forest & Bird Protection Society of NZ Inc* [2022] NZHC 1777.
42. The scope of the FPI as notified in Change 1 is identified through the use of the \approx FW symbol next to the relevant provision. Justification for the allocation of each provision to the FPP is provided in Appendix E of the section 32 Report for Change 1.
43. The Section 80A(2)(c) tests were specified in paragraphs 202 and 192 of the above High Court decision as:
 - Give effect to parts of the NPS-FM that regulate activities because of their effect on the quality or quantity of freshwater, or
 - Relate directly to matters that will impact on the quality or quantity of freshwater.
44. Council applied these tests to determine whether a provision was in the FPI or not. The categorisation process was undertaken at a provision level without splitting provisions. Therefore, if part of a provision met either of the tests above, the whole provision was included in the FPI even if it related to other matters. Each provision was assessed independently and its relationships to other provisions did not form the basis for whether or not it was included in the FPI.
45. Change 1 was drafted in an integrated way, and many provisions therefore contribute to the purpose for which section 80A was enacted; to address the decline of freshwater quality. The fundamental concepts of Te Mana o Te Wai and an integrated approach - ki uta ki tai informed how the objectives, policies and methods of Change 1 have been drafted.
46. A number of submitters on Change 1 have raised concerns regarding the categorisation of provisions to the FPI. Winstone Aggregates, Forest and Bird, WIAL and WFF also attended Hearing Stream 1 to speak to their concerns regarding categorisation of Change 1 provisions to the FPI. The primary concerns raised are that too many provisions were notified in Change 1 as part of the FPI and that the justification for inclusion in the FPI was not clear enough in light of the High Court Decision outlined above.

3.4.1 Matters raised in submissions

47. WFF [S163.080] requests that the FW icon is removed from the Policy CC.15 [S163.080] and Method CC.8 [S163.0102].

3.4.2 Analysis

48. I have assessed each provision addressed by my section 42A report according to the two tests that were applied to categorise each provision in Change 1 to either the FPP or to standard Schedule 1 process at the time of notification. The result of my assessment is shown in the table below.

Provision in FPI	Section 32 report justification	Section 42A assessment
Policy CC.15	Many nature-based solutions directly protect, enhance or restore freshwater ecosystems, improve freshwater quality and benefit water flows and levels, particularly in the context of rural resilience. Clause (d) seeks to prioritise efforts that enhance freshwater and indigenous biodiversity.	I agree with the section 32 report assessment that Policy CC.15 addresses matters that will impact on water quality and quantity, including promoting nature-based solutions. However, in my opinion, Policy CC.15 is primarily focused on climate change adaptation and mitigation efforts to improve rural resilience to climate change. I therefore consider that Policy CC.15 does not have a direct enough association to matters that impact on water quality or quantity to be included in the FPI.
Method CC.8	Clause (d) and (e) support on-farm nature-based solutions, which often directly protect, enhance or restore freshwater ecosystems, improve freshwater quality and benefit water flows and levels. This method also contributes to achieving Objective 12 and 14.	Similar to my assessment of Policy CC.15 above, I agree with the section 32 report assessment that Method CC.8 addresses matters that will impact on water quality and quantity, including promoting nature-based solutions. However, in my opinion, Method CC.8 is primarily focused on action and information to improve rural resilience to climate change and to reduce agricultural GHG emissions. I therefore consider that Method CC.8 does not have a direct enough association to matters that impact on water quality or quantity to be included in the FPI.

3.4.3 Recommendation

49. As a result of the assessment undertaken in the table above, I recommend that Policy CC.15 and Method CC.8 are moved from the FPP into the standard Schedule 1 process and the two submissions from WFF seeking this relief are accepted in part (as these submissions seek wider relief).

3.5 Policy CC.5

3.5.1 Matters raised by submitters

50. Policy CC.5 as notified in Change 1 is as follows:

Policy CC.5: Avoid increases in agricultural greenhouse gas emissions – regional plan

Regional plans shall include objectives, policies, rules and/or methods to avoid changes to land use activities and/or management practices that result in an increase, in gross greenhouse gas emissions from agriculture.

Explanation: As agriculture is the second largest emitter of greenhouse gases in the Wellington Region, contributing 34 percent of the region's greenhouse gas emissions, reducing emissions from the agricultural sector is critical to contribute

to achieving Objective CC.3. While central government is taking the lead on the policy approach to reduce agricultural greenhouse gas emissions through the use of a pricing mechanism (the Emissions Trading Scheme), this policy sets a minimum expectation that there should be no increase in agricultural greenhouse gas emissions in the Wellington Region.

As of 30 November 2022, regional councils are able to make rules to control the discharge of greenhouse gases having regard to the effects on climate change. A plan change process will determine the way in which Policy CC.5 is given effect to and will need to consider issues such as equity and the relationship with the national pricing approach for agricultural emissions.

51. There were approximately 19 original and 24 further submission points on Policy CC.5, seeking a range of different outcomes and amendments. These range from submissions requesting that the policy is strengthened (i.e. reduce agricultural GHG emissions rather than no increase in gross GHG emissions) through to submissions that strongly oppose Policy CC.5, particularly from the primary sector.
52. The submitters that support Policy CC.5, and requesting it be retained as notified, include KCDC [S16.018], Te Tumu Paeroa [S102.016], Ātiawa [S131.051] and Muaūpoko [S133.038]. Reasons given for support of Policy CC.5 include that the use of the word 'avoid' is positive and that the policy will contribute to reducing GHG emissions in the region and mitigating climate change. KCDC also note that they support Policy CC.5 because it is delivering on a legislative requirement that regional councils are responsible for and there are no unjustified requirements in Policy CC.5 for territorial authorities.
53. A number of submitters support Policy CC.5 in part and request minor amendments or seek clarification about how the policy will be implemented. For example, Robert Anker [S31.016], Phillip Clegg [S62.016] and Sarah (Dr) Kerkin [S96.012] all request Policy CC.5 is amended to replace the word 'gross' with 'net' to recognise that there are many situations where a change in agricultural practice will result in both an increase and a decrease in agricultural GHG emissions. The submitters consider that the focus of Policy CC.5 should be on the net change in GHG emissions, not just one side of the equation (i.e. reducing gross GHG emissions).
54. MDC [S166.045] requests clarification as to the impact of Policy CC.5 on farming and land use intensification. Specifically, MDC requests clarification as to whether this will result in resource consent requirements for farming activities and the potential impacts for farming in the region. MDC also requests clarification on whether the intent and impact of Policy CC.5 is to prevent any land use intensification due to the strong direction to 'avoid' any increase in gross agricultural GHG emissions. To address some of these areas of concern and clarification, MDC request involvement in the development of the future regional plan change to give effect to Policy CC.5.
55. Several submitters support Policy CC.5 in part and request it is strengthened. For example, Tony Chad [S95.003], Taranaki Whānui [S167.065], Rangitāne [S168.0119] and PCC [S30.029] seek amendments to the policy so that it has a

more ambitious goal to reduce agricultural GHG emissions, rather than simply focus on avoiding an increase in gross agricultural GHG emissions. This includes a suggestion from Tony Chad that regional plans should require agricultural activities to prepare carbon reduction plans.

56. Taranaki Whānui considers that the minimum expectation for the region should be a reduction in agricultural GHG emissions, given the climate change crisis and the critical role that agriculture plays in responding to this. Similarly, PCC notes that it will not be possible to achieve the targets in Objective CC.3 without a significant reduction in agricultural GHG emissions in the region, given that this sector is currently responsible for approximately 34% of regional emissions. PCC also considers that a target of no increase in GHG emissions from the agriculture sector seems inequitable, given that Change 1 proposes targets to reduce GHG emissions in other sectors and that this is contrary to Objective CC.2.
57. Forest and Bird [S165.038] requests that Policy CC.5 be expanded to capture other sectors (for example, the waste management sector (methane from landfills) and the expansion of ports (emissions from cruise ships)). Alternative wording requested by Forest and Bird is "*Regional plans shall include objectives, policies, rules and/or methods to avoid changes to land use activities and/or management practices that contribute to greenhouse gas emissions or result in an increase in gross greenhouse gas emissions from agriculture.*"
58. HortNZ [S128.022] also supports Policy CC.5 in part, but requests that the policy be refocused (or a new policy added) to recognise the benefits of enabling rural land use change that contributes to reducing gross GHG emissions from agriculture (including horticulture). HortNZ also raises concerns that the references to restricting changes in 'management practices' in Policy CC.5 may be too granular and specific. To address this concern, HortNZ requests the wording in Policy CC.5 be changed to focus on a 'change in intensity or type of agricultural land use' consistent with Policy CC.13.
59. The remaining submitters oppose Policy CC.5 which are a mix of territorial authority and primary sector submitters, being SWDC [S79.022], PCC [S30.029], CDC [S25.018], UHCC [S34.036], WFF [S163.046] and Dairy NZ [S136.015].
60. The key reasons for opposing Policy CC.5 identified by these submitters include concerns that Policy CC.5:
 - Introduces a strong target to avoid any increase in gross agricultural GHG emissions which could be inconsistent with, conflict with, or duplicate national policy initiatives currently in development, particularly He Waka Eke Noa. This is a concern noted by SWDC, WFF and DairyNZ. For example, DairyNZ raises concerns that "*...a regionalised approach to a national issue will lead to misalignment with national policies and instruments, confusion at local level, misallocation of resources and unintended consequences*".
 - Will result in sectors being treated in an inequitable manner without clear justification as to why agricultural GHG emissions is being dealt with

differently to other high emitting sectors, such as transport, industry and urban development (WFF), particularly as GHG emissions from the sector are generally reducing (CDC).

- Will result in emission leakage and a shift in agriculture to outside the region and New Zealand, leading to increases in global GHG emissions due to agricultural GHG emissions being less efficient elsewhere (DairyNZ).
- Will limit policy options for the future regional plan change through the direction to 'avoid' any increase in agricultural GHG emissions (CDC).

61. The other key concern raised by these submitters relates to the implementation of Policy CC.5, with a number of implementation issues and challenges identified. These include:

- Concern that Policy CC.5 is setting an initial framework for RMA plans targeting agricultural GHG emissions and the wider implications of this for regional and district plans (SWDC, CDC).
- Questions and concerns as to the thresholds and scale of rural activities that Policy CC.5 would apply to. It is unreasonable to require assessments of GHG emissions when there are minor changes in land use, or the outcome is positive from a climate change perspective. Policy CC.5 needs to be feasible to implement and not impose undue obligations on landowners (UHCC).
- It is unclear how fair and reasonable GHG emission reductions will be calculated and consistently applied in consenting processes (CDC).
- Concern the policy does not reflect the diverse and variable nature of farming systems (SWDC).
- The policy may result in perverse outcomes where land use change from pastoral farming to other uses results in a reduction in short-lived agricultural methane emissions, but an increase in long-lived carbon dioxide emissions (WFF).

62. The majority of submitters that oppose Policy CC.5 request that it be deleted as their first preference. Other submitters that oppose the policy request alternative relief. For example, PCC requests amendments to the policy to treat all sectors equally and UHCC requests confirmation that implementation of Policy CC.5 will only apply to regional councils. SWDC requests the word 'avoid' increases is replaced with 'manage' so as to not limit and restrict options for the future regional plan change while still achieving the intent of Policy CC.5.

3.5.2 Analysis

63. Policy CC.5 provides new, and potentially unprecedented, direction to manage agricultural GHG emissions under the RMA and has understandably attracted significant interest in submissions, both in support and opposition. The Section 32 Report sets out the rationale for Policy CC.5 as part of the proposed policy

approach to agricultural GHG emissions in Change 1¹. This states that the agricultural GHG emission policy package is primarily a non-regulatory one, but that the intent of Policy CC.5 is to set a minimum expectation there should be no increase in gross agricultural GHG emissions in the region. This direction is to be implemented through a future regional plan change process with flexibility as to how best achieve this.

64. In my opinion, there are four key issues in submissions on Policy CC.5:

- Issue 1 – Should the RPS address agricultural GHG emissions.
- Issue 2 - The agricultural GHG emission target (reduce or avoid an increase in gross GHG emissions).
- Issue 3 – The extent to which Policy CC.5 will duplicate or conflict with central government policy.
- Issue 4 – Implementation of Policy CC.5.

65. These key issues are addressed below followed by other matters raised in submissions.

Issue 1 – Should the RPS address agriculture GHG emissions

66. The Climate Change – General Section 42A Report and the Section 32 Report provide an explanation of the rationale for Change 1 addressing climate change and I will not repeat that detail here. However, in response to specific submissions on Policy CC.5, I make the following key points:

- There is clear direction internationally (e.g. IPCC) and nationally (e.g. Aotearoa New Zealand's first Emissions Reduction Plan, ERP) on the need to act now to reduce GHG emissions to avoid more costly reductions in the future and to reduce the risks of increasing significant adverse effects from climate change. As agricultural GHG emissions currently contribute approximately 34% of GHG in the region, a reduction from this sector is necessary to contribute to national and regional GHG emission targets, as noted by a number of submissions.
- I disagree with certain primary sector submitters that the agriculture sector is being unfairly targeted through Change 1. Objective CC.3 seeks a reduction in GHG emissions across all sectors to contribute to a 2050 net-zero target. The direction in notified Policy CC.5 to avoid increases in gross GHG emissions from agriculture is therefore more permissive than the direction to reduce GHG emissions from other sectors.
- As outlined above, the proposed agricultural GHG emission policy package in Change 1 is primarily a non-regulatory one supported by the direction in Policy CC.5 to avoid increases in agricultural GHG emissions through a future regional plan change.

¹ Section 32 Report, pages 134 to 146.

67. For these reasons, it is important in my opinion to retain high-level policy direction in Change 1 to manage agricultural GHG emissions in a way that contributes to achieving the GHG emission reduction targets in Objective CC.3. However, I agree with submitters that there are a number of issues with Policy CC.5 as notified which I discuss below.
68. Note that I have also addressed the concerns of WFF and DairyNZ in relation to the agricultural GHG emission targets in Objective CC.3 in the Climate Change – General Section 42A Report.

Issue 2 – The agricultural GHG emission reduction target

69. As explained above, the intent of Policy CC.5 as notified is to 'act now' by setting a 'minimum expectation' that there should be no increase in agricultural GHG emissions. Submitters raised inequity issues with this approach from both sides – some submitters consider that the target should be to reduce GHG emissions consistent with other sectors, while primary sector submitters considered that the agricultural sector was being unfairly targeted.
70. In my opinion, it is more equitable and effective for Policy CC.5 to provide high-level direction that agricultural GHG emissions in the region are to be reduced (rather than not increased) to contribute to Objective CC.3 without specifying a specific reduction target for agricultural GHG emissions at this point of time. As noted above and by submitters, a reduction in agricultural GHG emissions is necessary to achieve Objective CC.3 – the key questions are what level of reduction is needed, when, and how this is best achieved. These are complex questions which will require detailed policy work and ongoing conversations with all relevant stakeholders to develop fair, equitable and cost-effective regional policy that complements national policy.
71. I therefore recommend that Policy CC.5 is amended to require regional plans to “*support reductions in agricultural greenhouse gas emissions from 2019 levels to contribute to the Objective CC.3 2050 net-zero emission target.*” This responds to a number of submission points requesting that Policy CC.5 is amended to provide direction to reduce agriculture GHG emissions and I recommend these submissions are accepted. This also responds to the submissions raising concerns with the strong focus on avoiding increasing in gross agricultural GHG emissions and I recommend these are accepted in part.
72. This recommended amendment above is also intended to shift the focus of Policy CC.5 from regulating land-use change and management practices to supporting reductions in agricultural GHG emissions (discussed further below in relation to implementation).

Issue 3 - Duplication/conflict with central government policy

73. A key concern raised by some submitters, particularly the primary sector, is that Policy CC.5 will duplicate, conflict with, or undermine central government policy on agricultural GHG emissions and, in particular, the extensive work that has been undertaken through He Waka Eke Noa. In my view, these concerns reflect a misunderstanding of the intent of Policy CC.5 – which is not to undermine central

government policy, but rather to set clear direction to act now to reduce gross agricultural GHG emissions, while also aligning with central governments work with the sector to develop policy and supporting initiatives to reduce agricultural GHG emissions, which is ongoing.

74. This general intent was articulated in the Section 32 Report which states that by the time Policy CC.5 is implemented through a future regional plan change process *“it is expected that the national approach to agricultural greenhouse gas emissions will be adopted by central government, which will enable the regional plan provisions to be aligned and ensure there is not unnecessary duplication and associated compliance costs”*².
75. In my view, this statement usefully clarifies the intent of Policy CC.5 which is to allow flexibility for the future plan change to ensure that it complements national policy. I recommend amendments to better reflect this policy intent in the explanation to Policy CC.5. In my view, this (and other recommended amendments to Policy CC.5) may help address the concerns raised by submitters on this issue.
76. I therefore recommend that submissions raising concerns about Policy CC.5 conflicting with national policy are accepted in part, to the extent they are satisfied that the necessary alignment between regional and central government policy on agricultural GHG emissions will occur through the future regional plan change process. I also recommend amendments to the explanation of Policy CC.5 so that it is less focused on central government developing an emission pricing scheme for agricultural GHG emissions as this remains unclear.

Issue 4 – Implementation of Policy CC.5

77. I agree with submitters that there are a number of practical challenges and questions about how Policy CC.5 can be best implemented through a future regional plan change. The Section 32 Report does not provide a detailed assessment of options to implement Policy CC.5, on the basis that this will occur through the future regional plan change process (including to meet RMA section 32 requirements). Policy CC.5 is also deliberately worded in a way that provides flexibility for that future regional plan change to *“determine the most cost-effective approach ... and ensure alignment with the national policy response once this is confirmed by central government”*³.
78. I agree with the general approach in Policy CC.5 to provide high-level direction on the outcome to be sought by a future plan change (i.e. to support reductions in agricultural GHG emissions), while providing flexibility as to how this is best achieved. However, I do recommend several amendments to Policy CC.5 to provide further flexibility as to how it is implemented. This is necessary, in my view, to address concerns about how the notified policy may unnecessarily impact and restrict land use activities and management practices and to provide more flexibility in its approach (as requested by SWDC, for example).

² Ibid, pg.135.

³ Ibid, pg. 146.

79. To address these concerns, I recommend that the words “*avoid changes in land use activities and/or management practices*” are deleted from Policy CC.5 as:

- This wording assumes the regional plan change will include rules to manage changes in land-use activities and management practices, but it is not clear yet whether this is the most efficient or effective approach to achieve the intended outcome. I also agree with HortNZ that regional rules focused on changes to management practices is a too granular and specific scale for Policy CC.5 to generally apply.
- The direction to ‘avoid’ any changes in land-use activities and management practices that increase gross agricultural GHG emissions, regardless of scale, is likely to be overly onerous and restrictive for some land-use activities. In my view, there should be flexibility for the regional plan change process to determine what scale any ‘avoid’ direction should apply to and how to best achieve a reduction in agricultural GHG emissions at a regional scale.

80. Accordingly, I recommend that Policy CC.5 is amended to simply state that regional plans shall include objectives, policies and methods to support reductions in agriculture GHG emissions, without specifying whether that should involve regional rules and/or controls on land use change or management practices. In my opinion, this will better ensure there is sufficient flexibility for the future regional plan change to determine the most effective and efficient approach based on a better understanding of reasonably practicable options (regulatory and non-regulatory), costs, benefits and alignment with national policy.

81. My recommended amendment to Policy CC.5 responds to issues raised by a number of submissions discussed above regarding the implementation of Policy CC.5 and I recommend that these are accepted in part, to the extent they are satisfied with these recommendations. I recommend that submissions requesting that CC.5 is deleted with no alternative relief sought are rejected.

82. Another option I considered in responding to submissions on Policy CC.5 was to recommend that this policy be deleted and rely instead on the direction in Policy CC.8 (with recommended amendments) to manage agricultural GHG emissions. Policy CC.8 provides general direction for regional and district plans to include provisions to reduce GHG emissions from all sectors. I have evaluated this policy in the Climate Change – General Section 42A report and recommended that this policy is amended to apply a hierarchy approach to prioritise reducing gross GHG emissions. However, my preference is for Policy CC.5 to be retained as standalone policy to set clear direction on the importance of reducing agriculture GHG emissions and, when combined with Method CC.5, to provide added assurance it will be implemented to achieve the desired outcome.

83. There were also other more specific submission points on Policy CC.5 where I do not recommend any amendments as follows:

- I do not recommend Policy CC.5 applies to other sectors as requested by Forest and Bird. In my view, this is the role of Policy CC.8 which I discuss in the Climate Change – General Section 42A Report.
- I do not recommend that Policy CC.5 is amended to specifically refer to the benefits of rural land use change that contributes to reducing gross GHG emissions as requested by HortNZ. While this may form part of the future regional plan change, it is too specific for Policy CC.5 in my view, which is intended to be flexible for the reasons outlined above.

3.5.3 Section 32AA evaluation

84. In accordance with section 32AA, I consider that my recommended amendments to Policy CC.5 are the most appropriate way to achieve the relevant RPS objectives for the following reasons:

- The amendments to Policy CC.5 will be more effective in achieving Objective CC.3 by setting high-level direction to reduce (rather than avoid increasing) agricultural GHG emissions. These amendments will also be more effective in achieving Objective CC.2 which seeks to transition to a low-emission region in a way that is equitable between sectors.
- The amendments will be more efficient to achieve the relevant RPS objectives through reframing the policy to be less focused on regulating land-use change and management practices and more focused on supporting the sector to reduce GHG emissions which may be through regulatory and non-regulatory methods. The amendments also provide more flexibility for Council to work with the sector to determine the most cost-effective approach to support reductions in agricultural GHG emission through the future regional plan change process in a way that complements national policy. I expect these efficiency benefits will result in less costs on the primary sector and the wider community while achieving the same environment benefit and these costs and benefits will be assessed in more detail in the plan change that gives effect to Policy CC.5.

3.5.4 Recommendations

85. I recommend that Policy CC.5 is amended as follows:

Policy CC.5: ~~Avoid increases in Reducing~~ agricultural greenhouse gas emissions⁴ – regional plans

Regional plans shall include objectives, policies, ~~rules and/or~~ methods to support reductions in agricultural greenhouse gas emissions from 2019 levels to contribute to the Objective CC.3 2050 net-zero emissions target. ~~avoid~~

⁴ Note the Climate Change – General Section 42A Report recommends a new definition of 'greenhouse gas emissions' to replace the two separate definitions of 'greenhouse gases' and 'emissions' proposed in Change 1.

~~changes to land use activities and/or management practices that result in an increase, in gross greenhouse gas emissions from agriculture.~~

Explanation: ~~As agriculture is the second largest emitter of greenhouse gases in the Wellington Region, contributing 34 percent of the region's greenhouse gas emissions, reducing emissions from the agricultural sector is critical to contribute to achieving Objective CC.3. While central government is taking the lead on the policy approach to reduce agricultural greenhouse gas emissions through the use of a pricing mechanism (the Emissions Trading Scheme), Policy CC.5 seeks to complement this by directing regional plans to include provisions to support reductions in agricultural emissions. This will be supported by non-regulatory Policy CC.15 and Method CC.8 that seek to support change and improved management practices at a farm level to reduce greenhouse gas emissions. this policy sets a minimum expectation that there should be no increase in agricultural greenhouse gas emissions in the Wellington Region.~~

~~As of 30 November 2022, regional councils are able to make rules to control the discharge of greenhouse gases having regard to the effects on climate change. This policy is intended to provide flexibility as to how agricultural greenhouse gas emissions are reduced through a future regional plan change process which A plan change process will determine the way in which Policy CC.5 is given effect to and will need to consider issues such as equity and the relationship with the national pricing approach for agricultural greenhouse gas emissions to ensure that these are complementary.~~

86. Accordingly, I recommend that submissions in relation to Policy CC.5 are accepted, accepted in part or rejected as set out in **Appendix 2**.

3.6 Policy CC.13

3.6.1 Matters raised by submitters

87. Policy CC.13 as notified in Change 1 is as follows:

Managing agricultural gross greenhouse gas emissions – consideration

When considering an application for a resource consent, associated with a change in intensity or type of agricultural land use, particular regard shall be given to:

- (a) reducing gross greenhouse gas emissions as a priority where practicable, and
- (b) where it is not practicable to reduce gross greenhouse gas emissions, achieving a net reduction in greenhouse gas emissions, and
- (c) avoiding any increase in gross greenhouse gas emissions.

Explanation: As agriculture is the second largest emitter of GHG in the region, contributing 34 percent of the region's GHG emissions, reducing emissions

from this sector is critical to contribute to achieving Objective CC.3. As of 30 November 2022, consent authorities may have regard to the effects of discharges into air of greenhouse gases on climate change in considering an application for a discharge permit or coastal permit. Where resource consent is required in association with a change in land use intensity or type of agricultural land use, the policy requires a hierarchy of effort, seeking to reduce gross greenhouse gas emissions in the first instance, followed by achieving a net reduction, with a minimum expectation that any increase in gross emissions is avoided.

88. There were approximately 22 original and 15 further submission points on Policy CC.13, seeking a range of different outcomes and amendments. Three iwi submitters support Policy CC.5 and request that it is retained as notified, being Te Tumu Paeroa [S102.024], Ātiawa [S131.086] and Muaūpoko [S133.047]. Reasons for supporting Policy CC.13 from these submitters include the climate change benefits to be achieved by the policy.
89. Other submitters support Policy CC.13 in part and request minor amendments or clarification on how the policy will be implemented. For example, Robert Anker [S31.025], Phillip Clegg [S62.024] and Sarah (Dr) Kerkin [S96.020] all request that the word 'gross' be replaced with 'net' to recognise that there are many situations where a change in agricultural practice will result in both an increase and a decrease in GHG emissions. The submitters consider that the focus of Policy CC.13 should be on the net change in GHG emissions not just one side of the equation (avoiding increasing gross GHG emissions).
90. MDC [S166.052] seeks clarification as to whether the intent of Policy CC.13 is to limit dairy farming intensification. If this is the intended outcome of Policy CC.13, MDC seeks clarification as to how communities reliant on dairy farming are going to be supported and not adversely impacted by the implementation of the policy.
91. Other submitters request that Policy CC.13 is strengthened. For example, Forest and Bird [S165.067] requests stronger, more directive language in the policy, including replacing 'particular regard shall be given' with 'ensure', including a clear link to Objective CC.3 targets, and removing the words 'where practicable'. Rangitāne [S168.0128] also supports the removal of the words 'where practicable' on the basis that it weakens the strength of the policy and reduces the likelihood that it will lead to a reduction in agricultural GHG reductions.
92. Taranaki Whānui [S167.0102] requests that Policy CC.13 be amended to focus on reducing GHG emissions. As with Policy CC.5, Taranaki Whānui considers the minimum expectation for agricultural GHG emissions in the region should be that they are reduced, given the climate crisis and the role agriculture plays. Similarly, Rangitāne requests that Policy CC.15 is amended to focus on reducing agricultural GHG emissions, rather than just avoiding an increase in gross emissions from this sector.

93. All territorial authorities in the Wellington Region (except for MDC and SWDC) raise concerns and questions about Policy CC.13 being applied to land-use decisions. KCDC [S16.026], CDC [S25.036], PCC [S30.061], UHCC [S34.037], HCC [S115.062] and WCC [S140.063] all consider that Policy CC.13 should be limited to discharges of GHG emissions to air managed by the regional council rather than land use controls on agriculture GHG emissions by territorial authorities. The requested amendments to address this issue by these submitters include making it clear that the policy only applies to the regional council or replacing the words 'resource consent' with 'discharge permit'.
94. HortNZ requests substantial amendments to Policy CC.13 [S128.038, S128.039 and S128.040]. Key amendments requested by HortNZ include a request for a definition of 'agricultural greenhouse gas emissions', to understand how the policy will apply to the broader primary sector. Similar to its submission on Policy CC.5, HortNZ requests amendments to Policy CC.13 to ensure that the policy allows land use change to horticulture to achieve reductions in GHG emissions. HortNZ also requests that the explanation to Policy CC.13 makes it clear that this policy only applies in the interim before Policy CC.5 is implemented by a future regional plan change.
95. Policy CC.13 is opposed by SWDC [S79.041], Dairy NZ [S136.016] and WFF [S163.067]. Key reasons for opposing Policy CC.13 by these submitters include:
- Applying this policy at a 'farm level' will result in a sinking lid on agricultural activities and will force afforestation on rural communities to offset emissions.
 - Policy CC.13 is not sufficiently robust to protect rural environments, communities, and economies from inequitable allocation of the costs of avoiding, remedying or mitigating the effects of climate change.
 - Policy CC.13 may lead to outcomes that are inconsistent with national approaches to reduce agriculture GHG emissions.
 - There is a lack of detail in how this policy will be implemented through the resource consent process, including what information will be accepted by Council.
 - Policy CC.13 only focuses on penalising increases in agriculture GHG emissions rather than rewarding reductions.
 - The Section 32 Report fails to justify why regulatory intervention of this type is warranted, and whether the benefits of the policy will outweigh the costs.
96. While opposing Policy CC.13, SWDC proposes that this could be replaced with an alternative policy framework that:
- Does not result in a sinking lid to agriculture and forces afforestation on rural communities.

- Recognises that some GHG emissions from agriculture are unavoidable, but also that constant offsetting to reduce net emissions will remove agricultural uses from the land.
- Recognises that local food supply is necessary to reducing GHG emissions from transport.

3.6.2 Analysis

97. The intent of Policy CC.13, as articulated in the Section 32 Report, is to provide an interim 'consideration policy' until Policy CC.5 is implemented. This would ensure that agricultural GHG emissions are assessed when considering a resource consent application required for a 'change in intensity or type of agricultural land use'. Policy CC.13 also sets out a 'hierarchy' for considering agricultural GHG emissions which prioritises reducing gross agricultural GHG emissions, followed by achieving a net reduction in agricultural GHG emissions, with the last step of the hierarchy providing direction to avoid any increase in gross agricultural GHG emissions.
98. I understand and support the general intent of Policy CC.13 to provide some consideration of agricultural GHG emissions in the interim period until Policy CC.5 is developed and implemented. However, in my opinion, there are a number of practical challenges and issues with implementing Policy CC.13, confirmed by the strong feedback from some submitters. I consider that there will also be uncertainties and costs associated with the implementation of Policy CC.13 that, in my opinion, are likely to outweigh any emissions reduction benefits from this interim 'consideration' policy.
99. First, is the question of what situations would trigger Policy CC.15 as a relevant consideration policy – i.e. what are the resource consents required for "a change in intensity or type of agriculture land use". As currently drafted, this is unclear and would seem to apply to any resource consent application involving a change in land-use type or intensity regardless of scale and whether there would be in material changes in GHG emissions from that land-use change.
100. Related to this is the question of scale and how to assess changes in gross and net agriculture GHG emissions, particularly for smaller scale changes in land-use. While I understand the agricultural sector is broadly moving towards a system of accounting on-site GHG emissions and there are a range of tools to assist, my understanding is that there is no agreed method at this point of time. I also agree with submitters that it could be overly onerous to assess changes in gross and net GHG emissions (where applicable) for small-scale and potentially beneficial changes in the intensity and type of agricultural land-use.
101. Additionally, as with Policy CC.5, I am concerned about the direction at the last step of the hierarchy to avoid any increase in gross GHG emissions, regardless of scale, from a change in agriculture land-use intensity or type. This direction could be overly onerous and restrictive for small-scale land-use

change. It may also limit land-use change that may result in a better long-term climate change outcome.

102. Overall, I consider that the implementation costs from Policy CC.15 are likely to exceed the GHG emission reduction benefits from this consideration policy during the interim period until Policy CC.5 is implemented. I also consider that the approach to manage agricultural GHG emissions by Council is best addressed in a more comprehensive manner through the future regional plan change. This will enable these issues, options, benefits and costs to be considered in a much more detailed way and documented through the supporting section 32 evaluation.

103. Accordingly, I recommend that Policy CC.15 is deleted. This is consistent with the relief sought by SWDC, Dairy NZ, and WFF and I recommend those submissions are accepted.

104. I do not recommend that 'agricultural emissions' is defined as requested by HortNZ as I do not consider that this is necessary given my recommendation to delete Policy CC.15. However, that does not preclude this term being defined in the future regional plan change that gives effect to Policy CC.5.

3.6.3 Section 32AA evaluation

105. In accordance with section 32AA, I consider that my recommended amendment to delete Policy CC.13 will be an appropriate way to achieve the relevant RPS objectives for the following reasons:

- Deleting Policy CC.13 will not be any less effective in reducing GHG emissions and achieving the relevant climate change objectives in Change 1 for the reasons set out above.
- Conversely, deleting Policy CC.13 will be more efficient in achieving the objectives but avoiding unnecessary consenting uncertainties, complexities and costs for the primary sector, local authorities in the region and the wider community as set out above.

3.6.4 Recommendations

106. I recommend Policy 13 is deleted. Accordingly, I recommend that submissions on Policy CC.15 are accepted, accepted in part or rejected as set out in **Appendix 2**.

3.7 Policy CC.15

3.7.1 Matters raised by submitters

107. Notified Policy CC.15 in Change 1 is as follows:

Improve rural resilience to climate change – non-regulatory

Support rural communities in their climate change adaptation and mitigation efforts, including by:

- (a) providing practical and easily accessible information on climate change projections at a local level,
- (b) promoting and supporting land management practices and/or land uses that improve resilience to climate change, including nature-based solutions,
- (c) promoting and supporting land management practices and/or land uses that will reduce gross greenhouse gas emissions,
- (d) giving preference to climate change efforts that also deliver benefits for indigenous biodiversity, land, fresh and coastal water.

Explanation: This policy promotes and supports low emission agriculture and increased rural resilience to climate change.

108. There were approximately 13 original and 12 further submission points on Policy CC.15 seeking a range of different outcomes and amendments. Several submitters support Policy CC.15 and request that it is retained as notified, including Hort NZ [S128.050], Muaūpoko [S133.049], Sustainable Wairarapa Inc [S144.010], Fish and Game [S147.076], Forest and Bird [S165.082], Ātiawa [S131.0107], Taranaki Whānui [S167.0125] and Rangitāne [S168.0131]. Reasons for supporting Policy CC.15 by these submitters include its references to nature-based solutions and general intent of the policy to support land management practices that improve climate change resilience and reduce gross GHG emissions.
109. Two submitters request specific clarification on the scope, intent and implementation of Policy CC.15. Ngāti Toa [S170.075] requests clarification on whether Policy CC.15 covers methane emissions from landfills. MDC [S166.054] requests clarification as to whether the intent of Policy CC.15 was to limit dairy farming intensification and, if this is the intent, how communities reliant on dairy farming are going to be supported. MDC also requests that they are involved in the implementation of any policies relating to improving rural resilience to climate change.
110. PCC [S30.0125] and UHCC [S34.041] both request Policy CC.15 be amended to clarify that it only applies to regional council functions as they consider that policy extends beyond the RMA functions and powers of territorial authorities. UHCC also seeks further changes to clarify what 'nature-based solutions' mean in a rural context and how nature-based solutions will be achieved through a non-regulatory policy. UHCC is also concerned that Policy CC.15 does not consider how benefits will be apportioned when something is generated or demanded in an urban or rural area. UHCC requests that the Policy CC.15 is amended to only apply to regional councils and ensure it can be achieved.
111. The only submitter to fully oppose Policy CC.15 is WFF [S163.080] on the basis that this issue should be addressed as part of the full RPS review scheduled for 2024. WFF also consider the proposed overarching Objective A and Objective B in its submission provide a more concrete pathway to achieve a similar result.

3.7.2 Analysis

112. Policy CC.15 is proposed to be included in Chapter 4.4 (non-regulatory policies) of the RPS which includes “*non-regulatory actions required to help achieve the objectives of this Regional Policy Statement*”. Policy CC.15 was broadly supported by submitters and, in my opinion, provides a key non-regulatory policy to help achieve a reduction in agriculture GHG emissions as discussed above in relation to Policy CC.5.
113. In relation to the submission of Ngāti Toa seeking clarification on whether the policy covers methane emissions from landfills, that is not the intent or scope of Policy CC.15 as I understand. However, there are some provisions in Change 1 relating to GHG emissions from waste which I discuss in the Climate Change – Energy, Waste and Industry Section 42A report. I therefore recommend that this submission point from Ngāti Toa is accepted in part to the extent the submitters is satisfied that GHG emissions from waste are addressed in the Climate Change – Energy, Waste and Industry topic.
114. In relation to the submission of MDC, it is not the intent of Policy CC.15 to limit land-use intensification per se as the policy is more focused on encouraging and supporting management practices to reduce GHG emissions and improve resilience to climate change. However, there may some actions and changes in land management practices resulting from Policy CC.15 that limit land-use intensification. I therefore recommend that this submission point from MDC is accepted in part to the extent the submitter is satisfied by this explanation.
115. I do not agree that Policy CC.15 should be limited to regional council functions as requested by PCC and UHCC. While I expect that Council will be primarily responsible for implementing Policy CC.15, territorial authorities also have an important role supporting climate resilience and mitigation efforts in their communities. I also understand that a number of territorial authorities are actively involved in working with their communities on climate change mitigation and resilience efforts. I therefore recommend these submission points from PCC and UHCC are rejected.
116. In relation to the concerns from UHCC about how ‘nature-based solutions’ will be implemented in a rural context, nature-based solutions are discussed in detail in the Climate Change – Nature Based Solutions Section 42A Report. The other actions of Policy CC.15 (e.g. providing accessible information, achieving co-benefits) are reasonably clear in my view as to how they are to be implemented. I also understand these actions are reasonably aligned with work currently underway with rural communities to improve resilience to climate change. I therefore recommend no change to Policy CC.15 in response to this submission point from UHCC.
117. I recommend the submission from WFF is rejected for the same reasons discussed elsewhere in this report and other section 42A reports.

3.7.3 Recommendations

118. I recommend that Policy CC.15 be retained as notified. Accordingly, I recommend that submissions in relation to Policy CC.15 are accepted, accepted in part or rejected as set out in **Appendix 2**.

3.8 Method CC.5

3.8.1 Matters raised by submitters

119. Notified Method CC.5 in Change 1 is as follows:

Review regional response to reducing agricultural greenhouse gas

Monitor changes in agricultural land use and land management practices and review the regional policy approach by 31 December 2024, responding to any predicted changes in greenhouse gas emissions from the agricultural section in the Wellington Region and any new national policy direction.

120. There were approximately 12 original and 13 further submission points on Method CC.5 seeking a range of different outcomes and amendments. A number of submitters support Method CC.5 and request that it is retained as notified. This includes Te Tumu Paeroa [S102.034], HortNZ [S128.058], Ātiawa [S131.0167] and Taranaki Whānui [S167.0169]. Reasons for supporting Method CC.5 from these submitters include that it is appropriate to continue to review the approach to reducing agriculture GHG emissions to align with national policy direction and that it is appropriate to target the agricultural sector given its high contribution to regional emissions.
121. Two submitters request Method CC.5 be strengthened. Forest and Bird [S165.0112] requests Method CC.5 is amended to cover all emitting sectors, rather than being limited to agricultural emissions. Rangitāne [S168.020, S168.0120 and S168.0129] requests a clearer and stronger commitment to action resulting from the review signalled in Method CC.5. Rangitāne requests that this includes a commitment to notify a plan change to respond to the outcomes of the review and/or any new national direction by 31 December 2024. Rangitāne also requests that they are involved in this review, noting the value of indigenous solutions which have proven to be “massive contributors” to mitigating climate change.
122. Two submitters neither expressly support nor oppose Method CC.5, but request clarification on how the method will be implemented. MDC [S166.075] requests to be involved in the design of the review of the regional approach to reducing agricultural GHG emissions. Ngāti Toa [S170.071] requests clarification as to how Method CC.5 will reduce agriculture GHG emissions, as it is unclear what the regional response will look like to achieve this.
123. DairyNZ [S136.020] and WFF [S163.096] oppose Method CC.5 and request it be deleted. Both submitters consider Method CC.5 should be deleted on the basis the issue should be deferred to the 2024 review of the RPS. DairyNZ notes that this delay will enable the RPS review process to leverage

DairyNZ's existing rural networks, databases and environmental expertise to achieve the ambitious approach to climate change mitigation. WFF notes they are concerned Method CC.5 unfairly targets agriculture, rather than applying to all sectors.

3.8.2 Analysis

124. I have discussed Policy CC.5 in detail above, in terms of the work that needs to be undertaken to develop an appropriate regional plan change to give effect to this policy and achieve the intended outcome in an efficient and effective manner. In this context, it seems premature for Method CC.5 to focus on reviewing the regional response to reducing agricultural GHG emissions by December 2024, given an approach to implement Policy CC.5 is likely to still be in development (or recently notified).
125. In my opinion, it would be more effective for Method CC.5 to focus on undertaking the necessary technical and policy work and stakeholder engagement to inform the regional plan change to give effect to Policy CC.5. I expect this work would include a more detailed review of GHG emissions from rural land-use in the region, an evaluation of regulatory and non-regulatory methods to reduce GHG emissions, stakeholder engagement, and identification of ways to best complement national policy and initiatives.
126. I therefore recommend that Method CC.5 be amended to refocus on undertaking the necessary work and engagement to confirm the preferred approach to implement Policy CC.5 by December 2024. My recommended amendments to Method CC.5 to achieve this are shown below and in **Appendix 1**. This responds to the submissions of Rangitāne and Ngāti Toa in part and is also partly a consequential amendment to my recommended amendments to Policy CC.5.
127. I expect that both MDC and Rangitāne will be involved in the implementation of Policy CC.5 and Method CC.5 so recommend that this aspect of their submission is accepted.
128. I do not recommend that Method CC.5 is amended to apply to all GHG emitting sectors as requested by Forest and Bird. As discussed above, I have recommended that Method CC.5 be amended to focus on supporting the implementation of Policy CC.5, recognising the extensive work and engagement that needs to be undertaken to confirm the most effective and efficient approach for to be included in a regional plan change. I therefore recommend that Method CC.5 retain its focus on agricultural GHG emissions.
129. I recommend that the submissions from WFF and DairyNZ to delete Method CC.5 are rejected for the reasons set out above and in other section 42A reports.

3.8.3 Section 32AA evaluation

130. In accordance with section 32AA, I consider that my recommended amendments to Method CC.5 are an appropriate way to achieve the relevant RPS objective as these make the method more focused and workable to help

implement Policy CC.5 in a cost-effective manner and contribute to the achievement of Objective CC.3. While these recommended amendments will impose some initial costs on Council and relevant stakeholders to confirm the best option to implement Policy CC.5, it is my opinion that this will be outweighed by longer-term benefits of more effective and efficient future plan change supported by a section 32 evaluation to confirm this.

3.8.4 Recommendations

131. I recommend that Method CC.5 be amended as follows:

Method CC.5: ~~Confirm Review~~ regional response to reducing agricultural greenhouse gas emissions

Monitor changes in agricultural land use and land management practices and review the regional policy approach by By 31 December 2024, Wellington Regional Council confirm the preferred option to implement Policy CC.5, taking into account changes in agricultural land use and land management practices, responding to any predicted changes in greenhouse gas emissions from the agriculture~~al~~ sector~~ion~~ in the Wellington Region, regulatory and non-regulatory responses, and relevant any new national policy direction and initiatives.

132. Accordingly, I recommend that submissions in relation to Method CC.5 are accepted, accepted in part or rejected as set out in **Appendix 2**

3.9 Method CC.8

3.9.1 Matters raised by submitters

133. Notified Method CC.8 in Change 1 is as follows:

Programme to support low-emissions and climate-resilient agriculture-non-regulatory methods'

By June 2024, develop a targeted climate change extension programme to actively promote and support changes to reduce agricultural greenhouse gas emissions and increase rural land use resilience to climate change, including by:

- (a) providing practical and easily accessible information on projected climate change impacts at a local level,
- (b) providing base data held by the regional council to support the development of farm greenhouse gas emission profiles,
- (c) promoting and supporting actions to reduce agricultural gross greenhouse gas emissions and/or increase climate resilience,
- (d) identifying appropriate areas and species for tree planting/natural regeneration in farm plans as part of implementing the regional spatial forest plan (see Method CC.4),
- (e) identifying other on-farm nature-based solutions that will increase the resilience of a farm system and/or catchment to the effects of climate change,

(f) supporting central government and industry climate change programmes/initiatives.

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134. There were approximately 14 original and 14 further submission points on Method CC.8, seeking a range of different outcomes and amendments. A number of submitters support Method CC.8 and request it be retained as notified, including Te Tumu Paeroa [S102.037], Peter Thompson [S123.013], Sustainable Wairarapa Inc [S144.018], Ātiawa [S131.0144], Fish and Game [S147.0103] and Taranaki Whānui [S167.0176]. Reasons for supporting Method CC.8 include that the method will assist with the transition to a low emission region, the method actively promotes and supports changes to reduce agricultural GHG gas emissions and increase rural land use resilience to climate change.
135. Forest and Bird [S165.0118] supports Method CC.8, but requests it be expanded to apply to all emitting sectors and not be limited to agricultural GHG emissions. As alternative relief, Forest and Bird requests another similar method be inserted into Change 1 to support other sectors transition to low/zero carbon.
136. Other submitters support Method CC.8 in full or in part, but request minor amendments to address their concerns. More specifically:
- SWDC [S79.052] requests the chapeau of Method CC.8 be amended to require the climate change extension programme to be undertaken in partnership with appropriate stakeholders.
 - HortNZ [S128.061] requests an amendment to clause (c) to include a reference to land-use change to horticulture as a means of reducing GHG emissions.
 - GWRC [S137.011] requests the method is amended to include 'and implement' to clarify that the climate change extension programme requires resources to implement.
 - Rangitāne [S168.0154 and 168.0188] requests a range of amendments to Method CC.8, including an amendment to make it clear that offering incentives is part of the climate change extension programme. Rangitāne also requests an amendment to clause (d) to include a preference for planting indigenous vegetation/natural regeneration in farm plans as part of implementing the regional spatial forest plan.
137. Other submitters request clarification as to how Method CC.8 is intended to work in practice. For example, MDC [S166.077] requests clarification on how the climate change extension programme will align with central government and primary industry initiatives in this area.

138. WFF [S163.0102] opposes Method CC.8 and requests it be deleted. Similar to its submissions on other Change 1 provisions, WFF requests Method CC.8 be deleted on the basis this issue should be deferred to the 2024 full review of the RPS. WFF also requests that the FW icon is deleted from Method CC.8.

3.9.2 Analysis

139. In my opinion, the intent of Method CC.8 is generally sound, and it provides a key non-regulatory method as part of the agricultural GHG emission policy package as described in the Section 32 Report. Method CC.8 is also broadly supported by submitters, with the majority of submitters requesting it be retained as notified, or with minor amendments. I therefore recommend that Method CC.8 is retained and the one submission from WFF requesting that it is deleted be rejected.
140. In terms of the specific amendments requested, I agree with the submissions of SWDC and GWRC and I recommend Method CC.8 is amended to make it clear that the extension programme should be developed with relevant stakeholders and implementation should commence by June 2024. I do not recommend any amendments in response to the submission of HortNZ. While a transition to horticulture with less GHG emissions may be an outcome from clause (c), it is not necessary to provide this level of specificity in the method and I prefer the general direction to promote and support actions to reduce agricultural GHG emissions.
141. In terms of the submission of Rangitāne, I do not recommend Method CC.8 be amended to commit to providing incentives as part of the method. While incentives may form part of the targeted climate change extension programme, there is no specific funding to provide targeted incentives at this point of time. Similarly, I do not recommend that Method CC.8(d) be amended to include a clear preference for indigenous planting, as that matter is addressed in detail in the analysis of submissions on provisions seeking an increase in regional forest extent, including Method CC.4, in the Climate Change – Climate Resilience and Nature Based Solutions Section 42A Report.

3.9.3 Section 32AA evaluation

142. In accordance with section 32AA of the RMA, I consider that my recommended amendments to Method CC.8 are an appropriate way to achieve the relevant RPS objective as these are only minor amendments to improve clarity and intent. This may assist with more efficient and effective implementation of Method CC.8.

3.9.4 Recommendations

143. I recommend minor amendments to Method CC.8 as follows:

Method CC.8: Programme to support low-emissions and climate-resilient agriculture-non-regulatory methods

By June 2024, develop **and start implementing** a targeted climate change extension programme, **with mana whenua/tangata whenua and relevant stakeholders**, to actively promote and support changes to reduce agricultural **greenhouse gas emissions** and increase rural land use resilience to climate change, including by:

- (a) providing practical and easily accessible information on projected climate change impacts at a local level.
- (b) providing base data held by the regional council to support the development of farm **greenhouse gas emission** profiles.
- (c) promoting and supporting actions to reduce agricultural **gross greenhouse gas emissions** and/or increase climate resilience.
- (d) identifying appropriate areas and species for tree planting/natural regeneration in farm plans as part of implementing the regional spatial forest plan (see Method CC.4).
- (e) identifying other on-farm nature-based solutions that will increase the resilience of a farm system and/or catchment to the effects of climate change, **and**
- (f) supporting central government and industry climate change programmes/initiatives.

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144. Accordingly, I recommend that submissions in relation to Method CC.8 are accepted, accepted in part or rejected as set out in **Appendix 2**.

3.10 Remaining general submissions

145. There are a number of general submissions on Change 1 that relate to each topic at a broad level and these general submissions are being considered as appropriate within each section 42A report. Many of these general submissions on Change 1 are broad in nature with wide-ranging relief, including opposing Change 1 in its entirety and requests to review Change 1 provisions from legal and plan drafting perspective. Where appropriate, these have been analysed alongside individual provisions in the earlier sections of this report. This section of the report addresses the key issues raised in these remaining general submissions on Change 1 as relevant to this topic.

3.10.1 Matters raised by submitters

146. KCDC [S16.0104] made a general submission point requesting deletion of all unnecessary explanatory text, stating that these explanations have no legal status and therefore should be used sparingly and only when appropriate in the RPS. KCDC also consider that some of the policy explanations contain content that should be included in the relevant policies.

147. A number of territorial authorities made general submissions raising concerns about the scope of Change 1 provisions in achieving the purpose of the RMA and the role of RPS, and in relation to the requirements in Change 1 for territorial authorities. For example:

- KCDC [S16.0103] consider that several of the provisions in Change 1 set requirements for district plans to regulate 'free-market activities' (e.g. transportation mode choice, restoration and enhancement activities). KCDC is concerned that certain Change 1 provisions require actions or changes in behaviour that district plans cannot regulate, and therefore these should be pursued by Council through non-regulatory methods.
- KCDC [S16.0106] raise general concerns that the Change 1 provisions are not supported by the RMA, statutory planning documents or a robust evidence base, particularly where regulatory methods are proposed. KCDC request that provisions in Change 1 are deleted where these do not meet this test.
- PCC [S30.0117] raises concerns that Change 1 includes requirements for territorial authorities that are beyond their section 31 RMA functions and more consideration needs to be given as to how Change 1 provisions are allocated in the context of the respective functions of regional councils and territorial authorities under sections 30 and 31 of the RMA.

148. There are also a number of general submission points relating to the drafting of Change 1 provisions and the language used – some of which has been considered in relation to specific provisions above. Additional general submission points and requests from submitters relating to the drafting of Change 1 provisions include:

- Outdoor Bliss [S110.023] requests that stronger language is used throughout Change 1, including replacing words such as "encourage" and "non-regulatory" with "implement".
- KCDC [S16.0100] requests that verbs in the policies should be replaced with verbs used within the RMA and other higher order planning documents.

149. UHCC [S34.0111/0116/0117/0120] made general comments that there are fundamental issues with the Change 1 provisions that require significant revision or deletion to ensure the Change 1 is legally robust and practical to implement. To address these concerns, UHCC requests that Council undertake a full legal and planning review of the Change 1 provisions to ensure these give effect to higher order documents and are supported by sufficient evidence. UHCC also requests that Council should further consider the practicalities associated with threshold-based provisions, to determine if these are the most appropriate method to achieve a policy.

150. PCC [S30.099] notes that clear and concise definitions are critical to assist in interpretation and implementation of the RPS. PCC requests that further definitions are provided where terms are unclear and where this would assist in interpretation and implementation. No specific examples have been provided by PCC.

151. Another general issue raised in submissions relates to the Section 32 Report supporting the Change 1 provisions. In particular, KCDC [S16.0106] and UHCC [S34.0118] have raised concerns regarding the sufficiency of the Section 32 Report. A key issue raised by these submitters is that the Section 32 Report it is not sufficiently evidenced and does not evaluate whether many of the regulatory provisions are the most appropriate method of achieving the RPS objectives.
152. PCC [S30.0123], WCC [S140.002] and Kāinga Ora [S158.001/044] all made general comments opposing the 'consideration policies' in Chapter 4.2 of the RPS. PCC opposes consideration policies on the basis that they often duplicate or conflict with 'regulatory' policies and represent overreach without sufficient section 32 analysis or evidence. PCC are concerned the 'consideration policies' will result in unnecessary regulatory costs due to their drafting. WCC raise concerns about the inconsistent statutory weighting afforded to the consideration policies (i.e. consider v have particular regard to). Kāinga Ora question the role of the consideration policies in a RPS given that they read like assessment criteria and are not associated with any rules.
153. Forest and Bird [S165.060] have raised concerns with the introduction wording above the table in Chapter 4.2, stating that the introduction wording incorrectly states that the listed policies need to be 'given particular regard' when changing or varying regional and district plans, noting instead that the correct wording is 'given effect to'.

3.10.2 Analysis

154. In relation to the request by KCDC to delete unnecessary explanations, I note that section 62(1)(d) of the RMA requires that RPS includes explanations of policies. A RPS may also include an explanation of objectives and methods. In the context of this topic, I do not consider that there are unnecessary or lengthy explanations but rather these are appropriate for the nature of each policy. Policy CC.5 has a more detailed explanation as this is a new, more detailed policy that requires more explanation of its intent and intended implementation in my view. Conversely, Policy CC.15 has a more succinct one sentence explanation as that is all that is required in my opinion.
155. I have considered the issues of scope of the Change 1 provisions in terms of the purpose of the RMA and the RMA functions of regional councils and territorial authorities raised by several submitters. and agree in part with these submissions. I consider that Policy CC.5 and Method CC.8 are appropriate directed at Council and regional plans and Policy CC.15 and Method CC.8 are appropriately directed at both Council and territorial authorities in the region. I consider that the provisions are achievable under the RMA within the functions of regional councils and territorial authorities to manage the adverse effects of activities on the environment for the reasons outlined earlier in this report. I also consider this issue in section 3.7 of the Climate Change – General Section 42A Report where I conclude that addressing the adverse effects of climate change is directly relevant to

achieving the purpose of the RMA and the role of a RPS to address resource management issues of significance to the region. I therefore recommend that these general submissions from KCDC and PCC are accepted in part noting that other section 42A authors may make different recommendations in relation to these general submission points.

156. In relation to the general submission points relating to the drafting of Change 1 provisions, I consider that the wording of provisions in this topic is appropriate. I have also recommended a number of amendments to the wording of the policies and methods to help clarify intent and assist with effective interpretation and implementation.

157. In relation to the sufficiency of the Section 32 Report and evidence for the Change 1 provisions, I have considered these submissions in the broader context of proposed climate change provisions in the Climate Change – General Section 42A Report as well as the specific provisions in this topic relating to agricultural GHG emissions. At a broad level I consider that there is sufficient analysis in the Section 32 Report and the Section 32AA analysis within this report to justify the provisions in this topic and my recommended amendments. Also, as noted above in relation to Policy CC.5 and Method CC.5, these provisions will be given effect to through a future regional plan change that will be supported by a more detailed analysis of benefits and costs through the supporting section 32 evaluation. I therefore recommend the submissions of KCDC and PCC are accepted in part, noting that these general submission point will also be addressed in other Section 42A reports.

158. I have considered the general submission points from Kāinga Ora, PCC and WCC on the 'consideration' policies in Chapter 4.2 of the RPS in some detail in paragraph 145 to 150 of my section 42A report for Hearing Stream 2 and will not repeat that analysis and recommendations here. In relation to this topic, I recommend that the one consideration policy (Policy CC.13) is deleted. I therefore recommend that these general submission points on the consideration policies are accepted in part.

3.10.3 Recommendations

159. I recommend that general submissions are accepted, accepted in part or rejected as set out in **Appendix 2**.

4.0 Conclusions

160. A range of submissions have been received in support of, and in opposition to the provisions relating to Climate Change – Agricultural Emissions topic of Change 1.

161. After considering all the submissions and reviewing all relevant statutory and non-statutory documents, I recommend that Change 1 should be amended as set out in **Appendix 1** of this report.

162. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of Change 1 and other relevant statutory documents, for the reasons set out in the Section 32 and Section 32AA evaluations undertaken.

Recommendations:

I recommend that:

1. Change 1 is amended in accordance with the changes recommended in **Appendix 1** of this report; and
2. The Independent Hearings Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix 2** of this report.