

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First Schedule of the Act

BETWEEN **ARATIATIA LIVESTOCK LIMITED**
(ENV-2018-CHC-029)

FEDERATED FARMERS
(ENV-2018-CHC-040)
Appellants

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

AND **HAMISH ENGLISH**
Section 274 Party
(and further section 274 parties as continued on next page)

**BRIEF OF REBUTTAL EVIDENCE OF HAMISH ENGLISH
S274 PARTY**

Dated: 22 February 2022

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**AND ARATIATIA LIVESTOCK LIMITED
(CIV-2018-CHC-40)**

AND CAMPBELL'S BLOCK

AND D AND G PULLAR

AND DIRECTOR-GENERAL OF CONSERVATION

AND FAIRLIGHT STATION

**AND FEDERATED FARMERS OF NEW ZEALAND
(CIV-2018-CHC-029)**

AND GUNTON FARMS

AND FISH AND GAME COUNCIL OF NEW ZEALAND

AND PETER CHARTRES

AND TE RUNANGA O NGAI TAHU

AND ROBERT GRANT

**AND ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND INCORPORATED**

AND STONEY CREEK STATION

AND THE TERRACES LIMITED

AND WILKINS FARMING COMPANY LIMITED

- 1 My name is Hamish English and I outlined my background and experience in my evidence in chief. I am a section 274 party to appeals lodged by Aratiatia Livestock Limited (ENV-2018-CHC-029) and Federated Farmers (ENV-2018-CHC-040).
- 2 I support the position of Appellants Aratiatia Livestock, and Federated Farmers and I agree with the evidence that has been filed in support of the Appellants.
- 3 I can also confirm that having reviewed the section 274 evidence of Sean Patrick Wilkins I agree with his statements about intensive winter grazing as they are similar to my own experience. Therefore I do not repeat the points made by Mr Wilkin in my statement below.
- 4 In my rebuttal evidence I wish to comment on the evidence of Mr McCallum-Clark who says at paragraph 113 that I have implied in my evidence that it will be a simple exercise to obtain certification for a farm management plan. I deny making any such implied statement.
- 5 In paragraph 116 Mr McCallum-Clark states that a resource consent is a more appropriate assessment process for intensive winter grazing. I disagree with this opinion. Mr McCallum-Clark has based his conclusion on an example where he perceives difficulties arising from estimating the loss of contaminants from winter grazing. That would appear to be another way of saying that the information or science does not exist to precisely measure or compare the effects of contaminant losses. It is outside of my experience to comment on whether or not that is actually the case, but it seems to me that, the information limits Mr McCallum-Clark refers to, exist even if a resource consent is required.
- 6 I would find it very frustrating to be required to apply for a resource consent where I have to prove that granting a resource consent is appropriate, but the information is not available to support an application for resource consent. My main concern is that it would prove to be practically impossible to have a resource consent granted.
- 7 I find it difficult to understand the position that a resource consent should be necessary as Mr McCallum-Clark does not elaborate on how he would expect a resource consent process to resolve a lack of existing information or science. He also does not explain why a resource consent will result in a better outcome than using a farm management plan to define the scope of a permitted activity rule.

- 8 I consider that the deletion of provisions sought in the Aratiatia appeal is an appropriate outcome on its own. However, if the Court was of the view that additional plan provisions were required, I support the idea of a farm management plan being used as a requirement of a permitted activity rule for managing the effects of intensive winter grazing.
- 9 As a farm management plan is prepared to organise farm operations and guide farm planning, it would be a good way to ensure that the environmental outcomes the Regional Council is seeking are achieved at a farm level.
- 10 It makes sense to use the farm management plan because they are already prepared for other purposes so the duplication of effort and cost is avoided. There are also savings as application costs and compliance costs are also minimised.
- 11 A farm management plan is also tailored to the climate, season and particular farm circumstances which provides the flexibility needed to operate a farm and look after livestock well.
- 12 I do not think a resource consent would offer that same degree of flexibility because the conditions of a resource consent would not reflect the farm specific circumstances and differences between farm properties and farming systems in use.
- 13 I do not wish to comment on the mechanics or wording of the rules and definitions that have been proposed as I did not attend the Joint Expert Conference (because I am not an expert witness in this matter).
- 14 As I state in my evidence in chief, having the flexibility to respond to particular seasonal conditions is a very important to minimise the impact on the environment.
- 15 Therefore, I support the removal of the provisions agreed at the expert witness conference.
- 16 If a further provision is considered necessary to define the scope of a permitted activity for winter grazing, I support an outcome where winter grazing can be managed in a flexible way so that the particular

circumstances of a farm, the climate and seasonal fluctuations are taken into account.

Dated: 22 February 2022

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Hamish English