

**SUBMISSION ON THE PROPOSED REGIONAL POLICY  
STATEMENT FOR THE WELLINGTON REGION 2009**

**Pursuant to Clause 6 of the First Schedule of the  
Resource Management Act 1991**

**To:** Greater Wellington Regional Council  
P O Box 11-646  
WELLINGTON

**Name of Submitter:** Meridian Energy Limited  
P O Box 2454  
Christchurch

**This is a submission on the Proposed Regional Policy Statement for the Wellington Region 2009.**

**The specific provisions of Proposed Regional Policy Statement that this submission relates to are detailed in Attachment 1.**

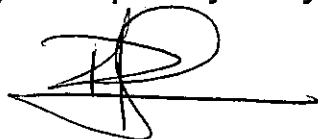
Meridian Energy Limited (*Meridian*) acknowledges that the Proposed Regional Policy Statement (*RPS*), in many respects, provides a constructive framework for enabling the development of renewable energy generation, associated transmission infrastructure, and other water related infrastructure in the Wellington Region. Meridian also acknowledges that important adjustments have been made to the RPS to address concerns raised by Meridian in its feedback on earlier drafts of the RPS. There remain, however, some provisions within the RPS that Meridian considers need to be amended to enhance consistency with the Resource Management Act 1991 (*RMA or the Act*) and to strengthen the policy framework. Those matters, together with suggested amendments and reasons, are detailed in Attachment 1.

**The decisions that Meridian seeks from the Council are detailed in Attachment 1.**

**Meridian wishes to be heard in support of this submission.**

**If others make similar submissions, Meridian may consider presenting a joint case with them at a hearing but reserves its right to present its submission individually and separately to any hearing.**

**Signed by:**

A handwritten signature in black ink, consisting of a stylized, cursive 'M' followed by a horizontal line extending to the right.

**Authorised signatory on behalf of Meridian Energy Limited**

**Address For Service: Meridian Energy Limited  
P O Box 2454**

**Christchurch**

**Contact Person:**

**Richard Turner**

**Telephone:**

**03 357 9707**

**Mobile:**

**021 756 391**

**E-mail:**

**richard.turner@meridianenergy.co.nz**

# **ATTACHMENT 1 TO THE SUBMISSION BY MERIDIAN ENERGY LIMITED ON THE PROPOSED REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION 2009**

## **MERIDIAN'S INTEREST IN THE RPS**

1. Meridian outlined, in its 14<sup>th</sup> May 2008 submission on the Draft RPS, the reasons why the company is interested in the Wellington Region's Regional Policy Statement. For completeness, those reasons are briefly re-stated here.
2. Meridian is New Zealand's largest electricity generator. Meridian is a limited liability company wholly owned by the New Zealand Government. The company is one of three formed from the split of the Electricity Corporation of New Zealand (ECNZ) on 1 April 1999. Meridian's core business is the generation, marketing, trading and retailing of electricity. Meridian generates electricity using only renewable energy resources.
3. Meridian's existing electricity generation assets include Project West Wind on the south-west coast of Wellington (which is currently under construction) and the Brooklyn Wind Turbine in Wellington City, along with longstanding generation facilities at:
  - Manapouri (a hydro-electricity generation scheme in Fiordland);
  - Waitaki (a hydro-electricity generation scheme in Canterbury);
  - Te Apiti (a wind farm at the southern end of the Ruahine Range); and
  - White Hill (a wind farm in Southland).
4. In addition, Meridian's application for a 31-turbine wind farm at Mill Creek (west of Wellington) was recently granted resource consents by the Porirua City, Wellington City and Greater Wellington Regional Councils but is subject to a number of appeals to the Environment Court. Meridian's Project Hayes Wind Farm in Central Otago is also currently being considered by the Environment Court.
5. The company is also exploring other renewable energy development opportunities elsewhere in New Zealand, including within the Wellington Region.
6. The company accounts for approximately 31% of New Zealand's electricity capacity and 74% of New Zealand's hydro storage capacity from its combined

assets. Meridian's hydro storage and generation operations are critical to New Zealand's day to day electricity requirements and to the sustainability of the national economy. They are also critical to the South Island's security of supply, particularly during dry years. During such times, generation from the North Island can be constrained by the available southward capacity on the "Cook Strait HVDC Cable". Meridian has approximately 200,000 residential and business customers – the largest being New Zealand Aluminium Smelters in Bluff (New Zealand's largest electricity user).

7. It is Meridian's view that, with some exceptions detailed below, the RPS appropriately recognises and responds to the challenges of enabling a sustainable energy future for New Zealand's foreseeable future.
8. New Zealand's population and demand for electricity are expected to continue to increase steadily. In this regard, Statistics New Zealand is expecting New Zealand's population to reach 5 million before 2041 while the Electricity Commission is forecasting national electricity demand growth to average close to 1.4% per annum until 2030.
9. The Government's intention is that the New Zealand Energy Efficiency and Conservation Strategy will enhance the sustainability of New Zealand's future economy. The Strategy seeks to champion renewable energy across electricity generation and transport, energy efficiency at home and at work, and the development and deployment of sustainable energy technologies.
10. The Government has also recently released the Government Policy Statement on Electricity Governance (*GPS*). The *GPS* states that investment co-ordination for renewable generation can be difficult and accordingly the Government's objectives include:
  - Undue barriers to investment in renewable electricity generation should be reduced or removed; and
  - The efficient uptake of renewable electricity generation should be promoted.
11. Meridian has a proven commitment to renewable energy generation, including wind energy generation. Meridian considers that the development of additional renewable energy generation capacity is essential to New Zealand's future economic and social sustainability.

## **MERIDIAN'S COMMENTS ON THE PROPOSED RPS**

12. Meridian commends the Council's initiative of including within the RPS specific discussion of the benefits of renewable energy generation and specific objectives and policies responding to this issue.
13. Meridian endorses the proposed objectives and policies that address the benefits of renewable energy generation and the importance of transmission infrastructure. Those provisions are not sufficient, in Meridian's view, to fully respond to the reality of the future challenges presented by New Zealand's energy needs. There are other objectives and policies in the RPS that present potential obstacles to the sustainable use and development of renewable energy. In many cases, this arises because of a lack of clarity about what specific values are important in a regional sense.
14. Meridian is looking to the RPS to provide greater clarity so that the weighing of complex issues and values that occurs within reviewed district and regional plans and for individual development projects is assisted by clear policy guidance. Accordingly, suggested amendments to the RPS are detailed in the following sections. The relief outlined in the following sections is Meridian's preferred relief but the Company is willing to accept any other relief that gives effect to the submission and Part 2 of the RMA.

<p><b>Proposed RPS Section:</b></p>	<p><b>Objective 3</b> (Table 2 page 21)</p>
<p><b>Requested Decision 1:</b></p>	<p>Either combine Objective 3 with Objective 4 to read:</p> <p><b>'Objective 4</b></p> <p><i>The natural character of the coastal environment and wetlands, lakes and rivers and their margins, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.'</i></p> <p>Or retain as a separate objective, but amend to read:</p> <p><b>'Objective 3</b></p> <p><i>The natural character of the coastal environment, wetlands, lakes and rivers and their margins, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna within the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.'</i></p> <p>Or make other amendments to the wording of Objective 3 to address the issues detailed below.</p>
<p><b>Submission &amp; Reasons:</b></p>	<p>Objective 3 is opposed: Objective 3 departs from the scheme of the RMA expressed in section 6 (a) and (b). In particular, the wording extends absolute protection to natural and physical resources and values that are not given that level of protection by section 6 of the RMA ('habitats', 'features', 'landscape values'). The concern of section 6 of the RMA is with the 'natural character of the coastal environment', '<u>outstanding</u> natural features and landscapes', '<u>significant</u> habitats of <u>indigenous fauna</u>'. Section 6 does not direct that protection must be absolute but that it must be 'from inappropriate subdivision, use and development'. The objective, as proposed, is inconsistent with section 6 of the RMA and should be amended to reflect the wording and emphasis of section 6 of the RMA.</p>

<b>Proposed RPS Section:</b>	<b>Objective 4</b> (Table 2 page 23)
<b>Requested Decision 2:</b>	Objective 4 is supported: Retain the words of Objective 4 either as proposed or in combination with Objective 3 amended as suggested in Requested Decision 1 above.
<b>Submission &amp; Reasons:</b>	Objective 4 is consistent with the scheme of the RMA and is supported.

<b>Proposed RPS Section:</b>	<b>Objective 7</b> (Table 2 page 25)
<b>Requested Decision 3:</b>	Amend Objective 7 to read:  <b><i>Objective 7</i></b>  <i>The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development'</i>  Or make other amendments to the wording of Objective 7 to ensure it focuses on protection from the adverse (or significant adverse) effects of <u>inappropriate</u> subdivision, use and development (rather than the adverse effects of all development).
<b>Submission &amp; Reasons:</b>	Partial opposition: As worded, the objective seeks protection from all adverse effects of all subdivision, use and development. This is not practically possible and is not consistent with the scheme of the RMA. The wording should be amended to focus on the protection of these values from adverse effects of inappropriate subdivision, use and development.

<b>Proposed RPS Section:</b>	<b>Chapter 3.3 Energy, infrastructure and waste</b>  (Discussion para. 2 page 27)
<b>Requested Decision 4:</b>	Amend the text to acknowledge Project West Wind in addition to the energy generation facilities listed.
<b>Submission &amp; Reasons:</b>	Partial opposition: The list of existing renewable energy generation facilities is incomplete and Project West Wind is an obvious omission from the list. At the time of notification the project is generating electricity into the National Grid.

<b>Proposed RPS Section:</b>	<b>Chapter 3.3 Energy, infrastructure and waste</b> <b>Issue Statement (1. Energy – page 29)</b>
<b>Requested Decision 5:</b>	Amend the text to read:  <b><i>'1. Energy</i></b>  <i>The Wellington region is dependant on externally generated electricity and overseas-sourced fossil fuels and is therefore vulnerable to supply disruptions and energy shortages. However, significant renewable energy resources exist within the region. Development of some of those resources, at appropriate locations within the region, may be necessary to address that vulnerability. The development of renewable energy resources has the potential to create adverse effects and conflicts of values. Some compromises may be necessary in order to achieve a sustainable energy future.'</i>  Or make similar amendments to address the issue described below.
<b>Submission &amp; Reasons:</b>	Partial opposition: The description of issues abbreviates the real issues arising in the foreseeable future to such an extent that they are understated. What is missing is acknowledgement of the issue that, in order to overcome New Zealand's vulnerability to supply disruptions and energy shortages, development of available renewable energy resources at appropriate locations within the region must be contemplated. Further, development of renewable energy resources creates the potential for conflicts between values and some compromises to some values may need to be made in order to progress to a sustainable energy future.

<b>Proposed RPS Section:</b>	<b>Objective 9 (Table 3 page 30)</b>
<b>Requested Decision 6:</b>	Retain Objective 9 unchanged.
<b>Submission &amp; Reasons:</b>	Objective 9 is supported: Objective 9 is necessary to enable appropriate development of renewable energy resources in the Region.



<b>Proposed RPS Section:</b>	<b>Objective 10</b> (Table 3 page 31)
<b>Requested Decision 7:</b>	Retain Objective 10 unchanged.
<b>Submission &amp; Reasons:</b>	Objective 10 is supported: Objective 10 appropriately recognises the values of infrastructure that is essential to the sustainability of the Region.

<b>Proposed RPS Section:</b>	<b>Chapter 3.4 Fresh Water</b> <b>Issue Statement</b> (page 35)
<b>Requested Decision 8:</b>	Expand the issue statement by inserting a fifth issue to read as follows (or similar wording to address the shortcoming discussed below):  <i>'5. Water is essential for sustaining people and communities</i>  <i>The water in the region's rivers, streams and lakes is a natural resource of vital importance for sustaining the wellbeing of people, communities and the regional economy. Water needs to be available for use to meet the foreseeable needs of current and future generations.'</i>
<b>Submission &amp; Reasons:</b>	Partial opposition: The issue statement is incomplete because it fails to acknowledge the value of water as an important resource for sustaining economic and human wellbeing and the importance of enabling use of water for that purpose.

<b>Proposed RPS Section:</b>	<b>Objective 12</b> (Table 4 page 36)
<b>Requested Decision 9:</b>	Amend Objective 12 to read:  <b>'Objective 12</b>  <i>Fresh water is available for use and development and the quantity or quality of fresh water:</i>  <i>(a) meet the range of uses and values for which water is required;</i>  <i>(b) safeguard the life-supporting capacity of water bodies; and</i>  <i>(c) meet the reasonably foreseeable needs of future</i>

	<p><i>generations'.</i></p> <p>Or amend Objective 14 in the manner suggested in Requested Decision 10 below;</p> <p>Or insert a new objective or make other amendments to address the issues discussed below.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial opposition: Objective 12 fails to acknowledge the value of water as a natural resource essential for, and available for, sustainable use and development to meet social and economic needs.</p>

<b>Proposed RPS Section:</b>	<b>Objective 14</b> (Table 4 page 39)
<b>Requested Decision 10:</b>	<p>As an alternative to Requested Decision 9 above, amend Objective 14 to read:</p> <p><b>'Objective 14</b></p> <p><i>Fresh water is available for use and development and is used efficiently and is not wasted.'</i></p> <p>Or make other amendments to address the issue described below.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial support: Objective 12 fails to acknowledge the value of water as a natural resource essential for, and available for, sustainable use and development to meet human needs. The RPS needs to acknowledge this important value of the resource in either Objective 12 or 14.</p>

<b>Proposed RPS Section:</b>	<b>Policy 19</b> (Table 4 page 40)
<b>Requested Decision 11:</b>	<p>Relocate Policy 19 to follow from an objective (either Objective 12 or 14) amended in the manner suggested in Requested Decisions 9 or 10 that addresses the value of water for use and development.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial support: Policy 19 should more appropriately be derived from an objective that acknowledges the importance of and value of water for use and development to meet human and economic needs (such as the amended Objectives 12 or 14 suggested in Requested Decisions 9 and 10 above).</p>

<b>Proposed RPS Section:</b>	<b>Chapter 3.7 Landscape</b>
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	<b>Issue Statement</b> (page 47)
<b>Requested Decision 12:</b>	<p>Amend the issue statement by replacing the word 'particularly' with potentially in the paragraph preceding the issue statement:</p> <p><i>'Urban and rural residential developments are bringing new types and patterns of land use into peri-urban areas, as well as into more rural and remote areas. This <b>potentially particularly</b> affects more sensitive landscapes – such as on ridgelines and the coast. Modern earth-moving machinery can reshape landform so quickly and drastically that natural patterns of land, drainage and vegetation cover are dramatically altered or destroyed. Even small changes in land use and development patterns can have cumulative impacts on landscapes.'</i></p> <p>Amend the issue statement by separating the discussion of issues for outstanding natural features and landscapes from the discussion for landscapes that have 'amenity values' as follows (or similar):</p> <p><i>The regionally significant resource management issues for landscape are:</i></p> <ol style="list-style-type: none"> <li><i>1. The potential for inappropriate subdivision, use or development to modify or destroy the defining characteristics and values of outstanding natural features and landscapes.</i></li> <li><i>2. The potential for inappropriate subdivision, use and development to compromise the defining amenity values of significant amenity landscape</i></li> </ol> <p><i>The adverse effects of some subdivision, land use and development activities have the potential to adversely affect the defining characteristics and values of outstanding natural features and landscapes or the amenity values of significant amenity landscapes.</i></p>
<b>Submission &amp; Reasons:</b>	<p>Partial opposition: The issue statement infers that the issues arising for outstanding natural features and landscapes are of the same order as for 'significant amenity landscapes'. The issue statement should clarify that there is a distinction in the interest that the RMA takes in these separate matters under sections 6 and 7 of the RMA.</p>

<b>Proposed RPS Section:</b>	<b>Objective 17</b> (Table 7 page 48)
<b>Requested Decision 13:</b>	<p>Split Objective 17 to separately address outstanding natural features and landscapes and 'significant amenity landscapes' as follows (or similar):</p> <p><b>'Objective 17</b></p> <p><i>The region's outstanding natural features and landscapes are</i></p>

	<p><i>identified and their values are protected from inappropriate subdivision, use and development.</i></p> <p><b>Objective 17A</b></p> <p><i>The region's significant amenity landscapes are identified and their defining characteristics and values are maintained and enhanced.'</i></p> <p>Or make other amendments to address the issue described below.</p>
<b>Submission &amp; Reasons:</b>	<p>Objective 17 is opposed: The objective introduces the concept of 'significant amenity landscapes' and accords them the same level of protection as section 6 (b) of the RMA accords to outstanding natural features and landscapes. That proposition is not consistent with the scheme of the RMA and fails to give appropriate leadership and guidance on the management and protection of landscape values that have genuine regional importance. In addition, the objective accords them absolute protection and does not state what they are to be protected from which is not consistent with the scheme of section 6 (b) of the RMA which correctly focuses on protection of their values <u>from</u> 'inappropriate subdivision, use and development'.</p>

<b>Proposed RPS Section:</b>	<b>Objective 27</b> (Table 10 page 66)
<b>Requested Decision 14:</b>	<p>Amend Objective 27 to read:</p> <p><b>'Objective 27</b></p> <p><i>Adverse effects on the cultural relationships of Maori with their ancestral lands, water, sites, waahi tapu and other taonga are avoided, remedied or mitigated.'</i></p> <p>Or make other amendments to address the issue discussed below.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial support: The need to recognise and provide for the relationship of Maori to their ancestral lands, water, sites, waahi tapu and other taonga is acknowledged however a question is raised as to why adverse effects must be managed only by strict avoidance of all adverse effects. This is not consistent with the scheme of section 5 of the RMA which clearly allows for remediation and mitigation as well as (or as alternatives to) avoidance.</p>

<b>Proposed RPS Section:</b>	<b>Policy 3: Discouraging development in areas of high natural character in the coastal environment – district and regional</b>
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	<b>plans</b> (page 81)
<b>Requested Decision 15:</b>	<p>Amend Policy 3 to read:</p> <p><i>'District and regional plans shall include policies, rules and/or methods that discourage:</i></p> <p><i>(a) new subdivision; and</i></p> <p><i>(b) inappropriate use or development</i></p> <p><i>on land in the coastal environment that has high natural character.'</i></p> <p>Amend the explanation to Policy 3 to reflect the amended approach set out in Requested Decision 15.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial opposition: The wording of Policy 3 (and of Policy 35 which is intended to have effect in tandem with Policy 3) misconstrues the intent of section 6 of the RMA by seeking to discourage all development. By contrast, section 6 (a) seeks to protect the natural character of the coastal environment (and not just the areas of 'high' natural character) from inappropriate subdivision, use and development. Not all forms of use and development are inherently inappropriate in the coastal environment. Policy 3 (and Policy 35) should be amended to more accurately reflect the scheme of the RMA.</p>

<b>Proposed RPS Section:</b>	<b>Policy 6: Recognising the benefits from regionally significant infrastructure and renewable energy – regional and district plans</b> (page 83)
<b>Requested Decision 16:</b>	<p>Amend Policy 6 by adding the following or similar text:</p> <p><i>'District and regional plans shall include policies and rules that recognise:</i></p> <p><i>(a) .....</i></p> <p><i>(b) .....</i></p> <p><i>( c ) the operational and technical constraints affecting the location of renewable energy development activities and regionally significant infrastructure which derive from the reliance of those activities on natural and physical resources or conditions that exist in only limited areas of the region.'</i></p> <p>Amend the explanation to Policy 6 to reflect the expanded approach set out in Requested Decision 16.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial support: It may be appropriate for district plans and regional plans to include rules in addition to policies. For example, rules that clarify the consent status of renewable energy development or infrastructure activities or rules that establish assessment criteria for development proposals. In addition, recognition of the benefits that can be derived from renewable energy development and infrastructure addresses only part of the issue. In general, the locations for renewable</p>

	<p>energy facilities are dictated by the location of the suitable energy source (be that hydro, wind or potentially tide). Similarly, the location of infrastructure usually associated with energy generation (such as transmission lines and access roads) is tied to and constrained by the location of the energy generation facility. The policy should be expanded to acknowledge that constraint. It is noted that this constraint is acknowledged in Policy 38 as a valid consideration. Policies 6 and 38 should be made more consistent by requiring recognition of this constraint in plan policies.</p>
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<b>Proposed RPS Section:</b>	<b>Policy 7: Protecting regionally significant infrastructure – regional and district plans (page 84)</b>
<b>Requested Decision 17:</b>	<p>(a) Amend Policy 7 to read:</p> <p><i>'District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible subdivision, use and development occurring under, over or alongside the infrastructure.'</i></p> <p>(b) Amend the explanation to Policy 7 to reflect the amended approach set out in Requested Decision 17.</p> <p>(c) Further amend paragraph 2 of the explanation to Policy 7 (4<sup>th</sup> and 5<sup>th</sup> bullet points) to read:</p> <ul style="list-style-type: none"> <li>• <i>'the electricity transmission network (as defined by the National Policy Statement on Electricity Transmission 2008)</i></li> <li>• <i>facilities for the generation and transmission of electricity where that electricity is supplied to the electricity transmission network (as defined by the National Policy Statement on Electricity Transmission 2008)'</i></li> </ul> <p>(d) Further amend the paragraph of the explanation at the bottom of page 84 to reflect the amendment to NPS terminology.</p> <p>(e) Further amend paragraph 3 of the explanation to Policy 7 to read:</p> <p><i>'Incompatible subdivisions, land uses or activities are those which adversely affect the efficient operation of infrastructure or its ability to give full effect to any consent or other authorization or restrict its ability to be maintained....'</i></p>
<b>Submission &amp; Reasons:</b>	<p>Partial support: Regionally significant infrastructure needs to be protected equally from incompatible subdivision as from incompatible new land uses or activities.</p> <p>There is a definition of 'electricity transmission network' given in the National Policy Statement on Electricity Transmission which is current and accurate. That should be used in preference to the</p>

	<p>expression 'national electricity grid'.</p> <p>Protection from reverse sensitivity effects arising with incompatible activities is not just a matter of maintaining an efficient level of operation. Regionally significant infrastructure must be able to operate to the full extent of its consent or other RMA authorization.</p>
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<b>Proposed RPS Section:</b>	<b>Policy 10: Promoting energy efficient design and small scale renewable energy generation – district plans</b> (page 85)
<b>Requested Decision 18:</b>	<p>Amend Policy 10 to read:</p> <p><i>'District plans shall include policies and, where appropriate, rules that:</i></p> <p><i>(a) promote energy efficient design and the use of small scale renewable energy generation; and</i></p> <p><i>(b) provide for energy efficient alterations to existing buildings.'</i></p>
<b>Submission &amp; Reasons:</b>	Partial support: It may be necessary and appropriate to include rules as well as policies to promote or enable these measures.

<b>Proposed RPS Section:</b>	<p><b>Policy 11: Maintaining and enhancing aquatic ecosystem health in water bodies; and</b></p> <p><b>Policy 12: Allocating water - regional plans</b></p> <p>(page 86)</p>
<b>Requested Decision 19:</b>	<p>Amend Policy 11 to read as follows (or similar to address the issues raised below):</p> <p><i>'Regional plans shall include polices, rules and/or methods that:</i></p> <p><i>(a) enable sustainable use of water and require, as a minimum, that water quality, flows and water levels, and aquatic habitat are sufficient to maintain the life supporting capacity of the aquatic ecosystem'</i></p> <p>Amend Policy 12 to read as follows (or similar to address the issues raised below):</p> <p><i>'Regional plans shall include policies and/or rules that:</i></p> <p><i>(a) establish allocation limits for the total amount of water that can be taken from rivers and groundwater without compromising the life-supporting capacity of the aquatic ecosystem; and</i></p> <p><i>(b) establish guidelines or assessment criteria for determining</i></p>

	<p><i>the appropriate balance between use and development of water resources to meet human needs and maintaining or enhancing aquatic ecosystem health.'</i></p> <p>Amend the explanation to Policies 11 and 12 to reflect the above suggested amendments.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial opposition: There are three, potentially conflicting and inconsistent, policy aims prescribed in Policies 11 and 12. They separately refer to:</p> <ul style="list-style-type: none"> <li>• 'maintaining or enhancing aquatic ecosystem health'</li> <li>• not 'compromising' aquatic ecosystem health</li> <li>• 'taking into account' the aquatic ecosystem health of rivers, lakes and wetlands</li> </ul> <p>The resulting policy framework is confusing. It is not clear which of these approaches is actually required. The policies should be amended to adopt a consistent management approach. An approach that focused on maintaining life supporting capacity of waterways would be consistent with section 5 of the RMA.</p> <p>In addition, neither Policy 11 nor Policy 12 addresses or provides any direction on the legitimacy of using and developing water resources to meet human and economic needs. The policies should be expanded to provide that perspective and balance the policies that, as worded, favour protection of waterways in natural state.</p>

<b>Proposed RPS Section:</b>	<b>Policy 16: Protecting aquatic ecological function of water bodies – regional plans (page 88)</b>
<b>Requested Decision 20:</b>	Delete sub-clause (d) from Policy 16 and amend the explanation to reflect that amendment.
<b>Submission &amp; Reasons:</b>	Partial opposition: Policy 16 is premised on the assumption that all in-stream water storage is undesirable or inappropriate and that only off-line water storage should be enabled. That assumption is not correct.

<b>Proposed RPS Section:</b>	<b>Policy 17: Protecting significant values of rivers and lakes – regional plans (page 89)</b>
<b>Requested Decision 21:</b>	<p>Amend Policy 17 to read as follows (or similar):</p> <p><i>'Regional plans shall include policies and rules that:</i></p> <p><i>(a) Protect the significant indigenous ecosystems associated with the rivers and lakes listed in Appendix 1; and</i></p>



	<p><i>(b) Maintain and, where practicable, enhance the significant amenity and recreational values associated with the rivers and lakes listed in Appendix 1.</i></p> <p>Amend the explanation to Policy 17 to reflect this amendment.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial opposition: Protection is a reasonable management approach for the significant indigenous ecosystems referred to in sub-clause (b) on the basis that this is consistent with section 6 (c) of the RMA. Absolute protection is not a necessary or appropriate management approach for the 'significant amenity and recreational values' referred to in sub-clause (a). An appropriate management approach, consistent with the scheme of the RMA, would be maintenance and enhancement of those values.</p>

<b>Proposed RPS Section:</b>	<p><b>Policy 19: Prioritising water abstraction for the health needs of people – regional plans</b> (page 90)</p>
<b>Requested Decision 22:</b>	<p>Amend Policy 19 to read:</p> <p><b><i>'Policy 19: Enabling water abstraction for the health needs of people – regional plans</i></b></p> <p><i>Regional plans shall include policies and/or rules that ensure the allocation of water from any river or groundwater source provides sufficiently for the abstraction of water to meet the reasonably foreseeable future health needs of people, including:</i></p> <p>(a)...</p> <p>(b) ...'</p> <p>Amend the explanation to Policy 19 to reflect that amendments.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial opposition: Section 14 of the RMA actually states: '(b) In the case of fresh water, the water, heat or energy is required to be taken for –</p> <p>(i) An individual's reasonable domestic needs; or</p> <p>(ii) The reasonable needs of an individual's animals for drinking water, - .....or</p> <p>(e) The water is required to be taken for fire-fighting purposes'.</p> <p>The RMA does not give an express 'priority' to the activities or needs referred to in Policy 19 in the sense that expression infers some prior interest. It allows the use of water for these purposes without the need for any consent in certain circumstances (i.e. where there are not adverse effects on the environment). The language of Policy 19 should reflect that.</p>

<p><b>Proposed RPS Section:</b></p>	<p><b>Policy 22: Identifying indigenous ecosystems and habitats with significant biodiversity values – district and regional plans</b> (page 92)</p>
<p><b>Requested Decision 23:</b></p>	<p>Amend Policy 22 as follows:</p> <p><i>'District and regional plans shall identify indigenous ecosystems and habitats <b>that have been assessed as having with significant indigenous biodiversity values using that meet one or more of the following ecological significance</b> criteria:</i></p> <p><b><u>Primary Assessment Criteria</u></b></p> <ul style="list-style-type: none"> <li>(a) <i>Representativeness: high representativeness values are given to particular ecosystems and habitats that were once typical and commonplace in a district or in the region, and: <ul style="list-style-type: none"> <li>(i) are no longer commonplace; or</li> <li>(ii) are poorly represented in existing protected areas.</li> </ul> </i></li> <li>(b) <i>Rarity: the ecosystem or habitat has biological physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare.</i></li> <li>(c) <i>Diversity: the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area.</i></li> <li>(d) <i>Ecological context of an area: the ecosystem or habitat: <ul style="list-style-type: none"> <li>(i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or</li> <li>(ii) provides seasonal or core habitat for threatened indigenous species.</li></ul></i> </li> </ul> <p><b><u>Secondary Assessment Criteria</u></b></p> <ul style="list-style-type: none"> <li>(e) <b><u>Key ecological processes remain viable or still influence the site; and key ecosystems within the site are known to be or are likely to be resilient to existing or potential threats under some realistic level of management activity</u></b></li> <li>(f) <i>Tangata whenua values: ..... '</i></li> </ul>
<p><b>Submission &amp; Reasons:</b></p>	<p>The decision process, with a two-tiered selection, is considered to better reflect best practice and the scope of criteria proposed reflect the wording endorsed by the Environment Court.</p>
<p><b>Proposed RPS Section:</b></p>	<p><b>Explanation to Policy 22</b> (page 92)</p>

<b>Requested Decision 24:</b>	<p>Amend the explanatory text to Policy 22 as follows:</p> <p><i>'Policy 22 will ensure.....criteria. To be identified as having significant biodiversity values, an indigenous ecosystem or habitat must <b>meet at least one fit-one or more of the Primary Assessment Criteria listed criteria. (Representativeness, Rarity, Diversity or Ecological Context). Any assessment of indigenous ecosystems and habitats undertaken under Policy 22 should include field verification of sites for inclusion.</b></i></p>
<b>Submission &amp; Reasons:</b>	<p>The amendment is necessary to reflect the changes suggested to Policy 22.</p>

<b>Proposed RPS Section:</b>	<p><b>Policy 24: Identifying outstanding natural features and landscapes – district and regional plans (page 93)</b></p>
<b>Requested Decision 25:</b>	<p><b>Policy 24: Identifying outstanding natural features and landscapes – district and regional plans</b></p> <p><i>'District and regional plans shall identify outstanding natural features and landscapes using the following criteria</i></p> <p><i>(a) Natural science values: these values relate to the geological, ecological, topographical and natural elements, patterns and processes:</i></p> <p><i>(i) Representativeness: the combination of natural components that form the feature or landscape and is a good example of its type.</i></p> <p><i>(ii) Research and education: all or parts of the feature or landscape are important for natural science research and education.</i></p> <p><i>(iii) Rarity: the feature or landscape is unique or rare within the district or region, and few comparable examples exist.</i></p> <p><i>(iv) Ecosystem functioning: the presence of healthy ecosystems is clearly evident in the feature or landscape.</i></p> <p><i>(b) Aesthetic values: these values relate to sensory appreciation of the feature or landscape:</i></p> <p><i>(i) Coherence: the patterns of land cover and land use are in harmony with the underlying natural pattern of landform and there are no significant discordant elements of land cover or land use.</i></p> <p><i>(ii) Vividness: the feature or landscape is visually striking and is widely recognised within the local and wider community for its memorable and sometimes iconic qualities.</i></p> <p><i>(iii) Naturalness: the feature or landscape appears largely</i></p>

	<p><i>unmodified by human activity and the patterns of landform and land cover appear to be largely the result of intact and healthy natural systems.</i></p> <p><i>(c) Expressiveness (legibility): the feature or landscape clearly shows the formative natural processes that led to its existing character.</i></p> <p><i>(d) Transient values: the consistent and noticeable occurrence of transient natural events, such as seasonal change in vegetation or in wildlife movement, contributes to the character of the feature or landscape.</i></p> <p><i>(e) Shared and recognised values: the feature or landscape is widely known and is highly valued for its contribution to local identity within the immediate and wider community....'</i></p>
<b>Submission &amp; Reasons:</b>	<p>The criteria better reflect current practice and wording endorsed by the Environment Court. For example, historic influences have little to do with the naturalness of a feature or landscape – usually they have worked <del>to</del>worked to diminish naturalness (eg gold mining, bush clearance, construction of roads and settlements, etc. Historic influences surely have more to do with heritage landscapes which is a s 6(f) matter.</p>

<b>Proposed RPS Section:</b>	<b>Explanation to Policy 24</b>
<b>Requested Decision 26:</b>	<p>Amend the second paragraph of the Explanation to Policy 24 as follows:</p> <p>'The Wellington Regional Council, district and city councils are required to assess landscapes and natural features against all the criteria, but may use additional criteria. An outstanding landscape or natural feature must fit one or more of the listed criteria and will be exceptional and out of the ordinary in accordance with that criteria <u>and where</u> the natural components will dominate over the influence of human activity.</p>
<b>Submission &amp; Reasons:</b>	<p>The amendment better reflects current practice in applying the criteria included in the Policy.</p>

<b>Proposed RPS Section:</b>	<b>Policy 26: Identifying significant amenity landscape values – district and regional plans (page 94)</b>
<b>Requested Decision 27:</b>	<p>Delete all proposed criteria and replace them with criteria that derive more explicitly from the definition of 'amenity values' in the</p>

	RMA. Make consequential amendments to the Explanation to the Policy.
<b>Submission &amp; Reasons:</b>	The criteria do not have a clear foundation in the RMA and there is the potential to confuse these landscape values (valued in terms of section 7 of the RMA) with the values and protections intended by section 6 (b) of the RMA.

<b>Proposed RPS Section:</b>	<b>Policy 28: Avoiding subdivision and development in areas at high risk from natural hazards – district plans</b> (page 96)
<b>Requested Decision 28:</b>	Amend Policy 28 to read:  <i>'District Plans shall:</i>  <i>(a) identify areas at high risk from natural hazards; and</i>  <i>(b) include policies and rules to avoid subdivision and inappropriate development in those areas (with exceptions for essential infrastructure of regional significance where necessary).'</i>  Amend the explanation to Policy 28 to reflect that amendment.
<b>Submission &amp; Reasons:</b>	Partial opposition: The policy seeks to avoid all subdivision and development in those areas. That may be appropriate for example in the case of urban residential or coastal residential development. There are, however, some forms of 'development' such as flood protection or transmission infrastructure or energy generation that need to locate in areas that may be subject to hazards – particularly hazards arising from climate change over time. The policy should be amended to focus on inappropriate development rather than all development.

<b>Proposed RPS Section:</b>	<b>Chapter 4.2 Regulatory policies – matters to be considered</b> (page 101)
<b>Requested Decision 29:</b>	Amend Chapter 4.2 so that it is clear that the policies in the proceeding section must be given effect to in accordance with sections 67 (3) and 75 (3) of the RMA.
<b>Submission &amp; Reasons:</b>	The preamble to Chapter 4.2 is opposed: This submission point seeks clarification of how the stated intention of Chapter 4.2 (that policies be 'given particular regard') can be achieved given the RMA's clear direction (in sections 67 (3) and 75 (3)) that regional and district plans must 'give effect to' the provisions of a Regional Policy Statement. For those purposes, the provisions include those in Chapter 4.2.

<b>Proposed RPS Section:</b>	<b>Policy 34: Preserving the natural character of the coastal environment – consideration (page 102)</b>
<b>Requested Decision 30:</b>	Amend sub-clauses (b) and (g) of Policy 34 to read:  <i>'(b) protecting the special values of estuaries and bays, beaches and dune systems (including the unique physical processes that occur within and between them) from inappropriate subdivision, use and development so that healthy ecosystems are maintained;'</i>  <i>'(g) protecting scientific and geological features from inappropriate subdivision, use and development.'</i>  Amend the explanation to Policy 34 to reflect those amendments.
<b>Submission &amp; Reasons:</b>	Partial opposition: The elements of natural character in the coastal environment mentioned in (b) and (g) are not matters that are required to be protected absolutely by the RMA. By contrast, section 6 requires protection 'from inappropriate subdivision, use and development' and that is considered to be the appropriate management approach.

<b>Proposed RPS Section:</b>	<b>Policy 35: Discouraging development in areas of high natural character in the coastal environment – consideration (page 103)</b>
<b>Requested Decision 31:</b>	Amend Policy 35 to read:  <i>'When considering a notice of requirement or a change, variation or replacement to a district or regional plan, particular regard shall be given to discouraging new subdivision and inappropriate use or development on land in the coastal environment with high natural character.....'</i>  Delete sub-clause (c) from Policy 35.  Amend the explanation to Policy 35 to reflect these amendments.
<b>Submission &amp; Reasons:</b>	Partial opposition: The wording of Policy 3 (and of Policy 35 which is intended to have effect in tandem with Policy 3) misconstrues the intent of section 6 of the RMA by seeking to discourage all development. By contrast, section 6 (a) seeks to protect the natural character of the coastal environment (and not just the areas of 'high' natural character) from inappropriate subdivision, use and development. Not all forms of use and development are inherently inappropriate in the coastal environment. Policy 3 (and Policy 35) should be amended to more accurately reflect the scheme of the RMA.  Sub-clause (c) is opposed: In the context of areas of high natural character, this policy is unnecessary.

<b>Proposed RPS Section:</b>	<b>Policy 38: Recognising the benefits from regionally significant infrastructure and renewable energy – consideration</b> (page 105)
<b>Requested Decision 32:</b>	<p>Add to Policy 38 consideration of potential reverse sensitivity effects as follows:</p> <p><i>( c ) the need to protect regionally significant infrastructure and renewable energy generation facilities from potentially adverse effects of reverse sensitivity arising from the establishment of incompatible subdivision, use and development nearby.'</i></p> <p>Amend the explanation to reflect this amendment.</p> <p>Further amend the explanation (4<sup>th</sup> and 5<sup>th</sup> bullet points) to read:</p> <ul style="list-style-type: none"> <li>• <i>'the electricity transmission network (as defined by the National Policy Statement on Electricity Transmission 2008</i></li> <li>• <i>facilities for the generation and transmission of electricity where that electricity is supplied to the electricity transmission network (as defined by the National Policy Statement on Electricity Transmission).'</i></li> </ul> <p>Clarify how the interim effect of Policy 37 can be achieved by way of an 'explanation'.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial support: The potential for reverse sensitivity is a potentially significant risk for regionally significant infrastructure and renewable energy generation facilities and should be a consideration when amending district and regional plans.</p> <p>Request for clarification: It is not clear whether it is sufficient to implement the interim or transitional effect of Policy 37 (until policies are included in the district plan) by way of an 'explanation' in this way or whether a policy provision is required to achieve this.</p> <p>The definition of 'electricity transmission network' given in the National Policy Statement on Electricity Transmission is to be preferred to 'national electricity grid'.</p>
<b>Proposed RPS Section:</b>	<b>Policy 39: Maintaining and enhancing aquatic ecosystem health in water bodies – consideration</b> (page 105)
<b>Requested Decision 33:</b>	Amend Policy 39 to read as follows (or similar to address the issues raised below):

	<p><i>'When considering.....particular regard shall be given to:</i></p> <p><i>(a) requiring, as a minimum, that water quality, flows and water levels, and aquatic habitat are sufficient to maintain the life supporting capacity of the aquatic ecosystem'</i></p> <p>Amend the explanation to Policy 39 to reflect the above suggested amendment.</p>
<b>Submission &amp; Reasons:</b>	<p>Partial opposition: There are three, potentially conflicting and inconsistent, policy aims prescribed in Policy 39 and in Policies 11 and 12. They separately refer to:</p> <ul style="list-style-type: none"> <li>• 'maintaining or enhancing aquatic ecosystem health'</li> <li>• not 'compromising' aquatic ecosystem health</li> <li>• 'taking into account' the aquatic ecosystem health of rivers, lakes and wetlands</li> </ul> <p>The resulting policy framework is confusing. It is not clear which of these approaches is actually required. The policies should be amended to adopt a consistent management approach. An approach that focused on maintaining life supporting capacity of waterways would be consistent with section 5 of the RMA.</p>

<b>Proposed RPS Section:</b>	<b>Policy 42: Protecting aquatic ecological function of water bodies – consideration</b> (page 108)
<b>Requested Decision 34:</b>	<p>Amend clause (d) of Policy 42 to refer to the 'maintenance and enhancement' of significant amenity and recreational values in Appendix 1, rather than their protection.</p> <p>Either delete reference to 'natural flow regimes' in clause (f) or clarify what is actually anticipated by natural flow regimes, given the need for rivers to provide for the sustainable take and use of water for social and economic wellbeing.</p>
<b>Submission &amp; Reasons:</b>	<p>Clause (d) of Policy 42 is inconsistent with the scheme of Section 6 and 7 of the RMA in that it seeks to protect values which under section 7 (c) of the RMA are only proposed to be maintained and enhanced.</p> <p>The phrase 'natural flow regimes' in clause (f) lacks clarity and potentially gives the impression that the a flow regime without abstraction should be maintained in waterbodies. While Meridian considers that this is not the intention of clause (f), amendment to the clause is required in order to confirm the intent of the Regional Council.</p>

	<b>Policy 46: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values –</b>
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<b>Proposed RPS Section:</b>	<b>consideration</b> (page 110)
<b>Requested Decision 35:</b>	Amend Policy 46 to clarify more precisely which ecosystems and habitats are to be protected and for what reason.  Also amend Policy 46 to include in the consideration of 'inappropriateness' the other valid matters referenced in Part 2 of the RMA (including reference to the benefits to be derived from the development of renewable energy) and the functional or operational constraints affecting location of regionally significant infrastructure.
<b>Submission &amp; Reasons:</b>	The expression 'may affect indigenous ecosystems, habitats or areas with significant indigenous biodiversity value' are all-encompassing and should be made more precise and directive as to which ecosystems and biodiversity values require protection.  Policy 46 requires a determination as to whether an activity is 'inappropriate' and thereby potentially ring-fences the extent of considerations to only those expressed in this policy (that is, to the exclusion of others elsewhere in the RPS which recognise the benefits to be derived from renewable energy).

<b>Proposed RPS Section:</b>	<b>Policy 48: Avoiding adverse effects on matters of significance to tangata whenua – consideration</b> (page 112)
<b>Requested Decision 36:</b>	Amend Policy 48 to read:  <i>'When considering .....particular regard shall be given to avoiding, remedying or mitigating adverse effects on:.....'</i>
<b>Submission &amp; Reasons:</b>	Partial opposition: The policy proposes a more extreme (avoidance) approach than is necessary and is inconsistent in this respect with section 5 of the RMA.

<b>Proposed RPS Section:</b>	<b>Policy 49: Managing effects on outstanding natural features and landscapes, and significant amenity landscapes – consideration</b> (page 114)
<b>Requested Decision 37:</b>	Amend Policy 49 to read as follows:  <i>When considering an application for a resource consent, notice of requirement or a change, variation or replacement to a district or regional plan, a determination shall be made as to whether an activity may <b>adversely</b> affect an outstanding natural feature and landscape, or significant amenity landscape, and/or in determining whether an activity is inappropriate particular regard shall be given to:</i>  <i>(a) the degree to which the natural feature or landscape values will be modified, damaged or destroyed including:</i>

	<p>(i) the duration and frequency of any effect, and/or</p> <p>(ii) the magnitude or scale of any effect;</p> <p>(b) whether adverse effects on landscape values are irreversible;</p> <p>(c) the resilience of the natural feature place or area to change;</p> <p>(d) the opportunities to remedy or mitigate previous modification to natural feature or landscape values;</p> <p>(e) whether the activity will lead to cumulative adverse effects on the natural feature or landscape values; and</p> <p>(f) the ability to avoid, remedy or mitigate adverse effects</p> <p><b>(g) functional or operational constraints that determine the need to locate on a particular site..</b></p> <p>Amend the last paragraph of Explanation to Policy 49 as follows:</p> <p><i>'Explanation</i></p> <p>.....</p> <p><i>When assessing the degree to which natural feature or landscape value will be modified, damaged or destroyed and its duration and frequency this may include short-term, long-term or recurring effects. The magnitude or scale of effects may include the number of sites affected, the spatial distribution, the context and the potential of a proposed activity to <b>irrevocably</b> change its character.'</i></p>
<b>Submission &amp; Reasons:</b>	The suggested amendments improve the breadth of relevant issues that need to be considered in determining the appropriateness of a proposal on any particular site.

<b>Proposed RPS Section:</b>	<b>Policy 55: Managing development in rural areas – consideration</b> (page 119)
<b>Requested Decision 38:</b>	Amend Policy 55 so that it is clear that the policy applies only to built urban residential development and not to other non-residential or non-urban forms of development that require a location in a rural area.
<b>Submission &amp; Reasons:</b>	Partial opposition: It is important for the RPS to acknowledge that some forms of development can only locate in the rural area by reason of their reliance on the natural and physical resources that exist in the rural area (such as renewable energy generation and infrastructure). These should not be prevented from establishing by Policy 55.

<b>Proposed RPS Section:</b>	<b>Chapter 5.2 Anticipated environmental results (Objective 4)</b> (page 147)
<b>Requested Decision 39:</b>	Amend the text of the AER to accommodate change resulting from development authorised by plan provisions and resource consents.
<b>Submission &amp; Reasons:</b>	The AER, as worded, could be read as supporting nil change in the environment. That is neither practicable nor reasonable.

<b>Proposed RPS Section:</b>	<b>Chapter 5.2 Anticipated environmental results (Objective 10)</b> (page 148)
<b>Requested Decision 40:</b>	Add an AER to state that:  <i>'District and regional plans will contain policies to recognise and protect lawfully established regionally significant infrastructure and renewable energy generation facilities from the potentially adverse effects of incompatible subdivision, use and development nearby.'</i>
<b>Submission &amp; Reasons:</b>	This AER follows through on proposed policies and suggested amendments to the proposed policies discussed earlier in this submission.

<b>Proposed RPS Section:</b>	<b>Chapter 5.2 Anticipated environmental results (Objective 13)</b> (page 149)
<b>Requested Decision 41:</b>	Amend the text of the 4 <sup>th</sup> AER to accommodate structures that incorporate fish passage.  Amend the text of the 5 <sup>th</sup> AER to accommodate change to the environment authorised by plan provisions and resource consents.
<b>Submission &amp; Reasons:</b>	The AER, as worded, could be read as supporting nil change in the environment. That is neither practicable nor reasonable.

<b>Proposed RPS Section:</b>	<b>Chapter 5.2 Anticipated environmental results (Objective 16)</b> (page 150)
<b>Requested Decision 42:</b>	Amend the AER to clarify that it anticipates some (not nil) change to the environment.
<b>Submission &amp; Reasons:</b>	The AER, as worded, could be read as supporting nil change in the environment. That is neither practicable nor reasonable.

<b>Proposed RPS Section:</b>	<b>Chapter 5.2 Anticipated environmental results (Objective 17</b> (page 151)
<b>Requested Decision 43:</b>	Amend the AER to clarify that it anticipates some (not nil) change to the environment.
<b>Submission &amp; Reasons:</b>	The AER, as worded, could be read as supporting nil change in the environment. That is neither practicable nor reasonable.

<b>Proposed RPS Section:</b>	<b>Chapter 5.2 Anticipated environmental results (Objective 25</b> (page 152)
<b>Requested Decision 44:</b>	Amend the AER to more closely relate in a measurable way to the Objective which is concerned with avoiding effects. Ensure the AER reflects the range of approaches open to managing effects including avoidance, remediation and mitigation.
<b>Submission &amp; Reasons:</b>	As stated, the AER does not prescribe measurable results derived from the objective.

<b>Proposed RPS Section:</b>	<b>Appendix 3: Definitions ('Significant Amenity Landscape')</b>
<b>Requested Decision 45:</b>	Replace the definition with criteria that derive explicitly from the RMA definition of 'amenity values'.
<b>Submission &amp; Reasons:</b>	As worded, the expression does not make it clear what distinguishes <u>any</u> landscape as 'significant' and leaves open the potential for the RPS to be invoked in debates at TA level about landscapes that do not have genuine merit in terms of 'amenity values'.