

Changes to the National Policy Statement for Highly Productive Land (NPS-HPL) are due to come into effect soon

Intensive indoor primary production, greenhouse activities and specified infrastructure have new consenting pathways under the NPS-HPL. The changes come into effect from 14 September 2024.

The NPS-HPL

The NPS-HPL is a national policy statement under the Resource Management Act 1991 (RMA). It sets an objective to protect highly productive land (HPL) for use in land-based primary production, along with a range of policies and implementation clauses. Land-based primary production means production that is reliant on the land's soil resource and includes production from forestry, agricultural, pastoral or horticultural activities.

The NPS-HPL came into force almost two years ago, on 17 October 2022. In 2023, the Government identified issues with the NPS-HPL, being that there were no clear consenting pathways for new specified infrastructure, intensive indoor primary production and greenhouse activities. Consultation on these issues concluded on 31 October 2023.

The focus of this article is the changes made following consultation to clause 3.9 which concerns protecting HPL from inappropriate use and development.

Changes to clause 3.9

[Clause 3.9](#) sets out that the inappropriate use or development of HPL that is not land-based primary production, must be avoided. It does contain a list of circumstances where the use or development of HPL is appropriate.

Changes have been made to this list to include intensive indoor primary production and greenhouse

activities. Changes to the wording regarding specified infrastructure have been made too. The wording now includes the development, construction, decommissioning, replacement and removal of specified infrastructure. Specified infrastructure means infrastructure that delivers a service operated by a lifeline utility, regionally or nationally significant infrastructure, or certain flood or drainage works. A lifeline utility could include an entity that generates electricity for distribution or distributes electricity through a network.

It is worth noting that new definitions have been inserted for greenhouse activities and intensive indoor primary production. The greenhouse activities definition confirms that it can include the growing of plants in structures regardless of reliance on the land's soil resources. The definition under the National Planning Standards has been adopted for intensive indoor primary production.

Implications of the changes

These changes clarify that the use or development of HPL is not inappropriate if it provides for intensive indoor primary production, greenhouse activities, or new specified infrastructure.

The measures set out in clause 3.9(3) still need to be applied, meaning that territorial authorities must still take measures to ensure that use and development on HPL minimizes and mitigates loss of HPL in the relevant district.

If landowners would like to check whether the NPS-HPL is relevant to their land, the [LUC map](#) can be used to check the LUC classification.

Further changes to the NPS-HPL

The Government has indicated that further changes to the NPS-HPL are planned through its housing package under phase two of the resource management reform. We expect to hear more on this soon.

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Want to know more?

If you have any questions about these changes, please contact our specialist [Resource Management team](#).