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| <b>SUBJECT:</b>                 | <b>Adoption of the Charter for the Rights of the Rivers</b> |
| <b>MEETING:</b>                 | <b>Cabinet</b>                                              |
| <b>DATE:</b>                    | <b>8<sup>th</sup> July 2026</b>                             |
| <b>DIVISION/WARDS AFFECTED:</b> | <b>All wards</b>                                            |

## **1. PURPOSE:**

- 1.1 To seek Cabinet approval for the adoption of the Charter for the Rights of Rivers in Monmouthshire, following the motion agreed by Council on 25 June 2026.
- 1.2 The decision is intended to recognise the intrinsic value of all rivers and watercourses in Monmouthshire and to provide a clear set of principles to inform future Council policy, strategy, operational practice, partnership work and decision-making. The charter provides a clear public statement of intent and leadership on river protection and recovery.

## **2. RECOMMENDATIONS:**

- 2.1 To approve and adopt a Charter for the Rights of Rivers in Monmouthshire as set out below, applying to all rivers and its tributaries within Monmouthshire.

### Rights of Our Rivers

#### The Right to Flow and Perform Natural Functions

To maintain its natural course and seasonal rhythms without obstructions or extractions that detrimentally affect ecological function of any part of the river system.

#### The Right to Biodiversity

To good biological health through the existence of balanced, diverse, and viable populations of native species and habitats specific to Monmouthshire's rivers, streams, tributaries and wider catchments.

#### The Right to Be Free From Pollution

To exist in a state of ecological health and not be subject to detrimental levels of known and emerging pollutants that adversely affect the life of the river.

The Right to Be Supported by a Healthy Catchment

To flow through environments which support the river as a balanced, sustainable, and resilient aquatic ecosystem.

The Right to Regenerate

To recover to full ecological function through natural processes and for this to be supported by intervention, where necessary, to halt the decline in biodiversity and abundance and to increase both over time.

The Right to Representation

To be represented and have these intrinsic rights recognised in the determination of matters that directly affect the river's health now and in the future.

- 2.2 The principles of the Charter should be considered wherever relevant in Council decision-making, policy development, strategy review and service planning, where matters may affect the health, resilience, ecological function, flow, catchment condition or pollution status of any river or water course in Monmouthshire.

### **3. KEY ISSUES:**

- 3.1 The concept of granting rights to rivers originates from the wider international Rights of Nature movement, which seeks to recognise ecosystems not simply as resources to be managed, but as entities with intrinsic rights to exist, flourish and regenerate. The modern legal foundation for this approach can be traced to environmental legal scholarship in the 1970s, and it gained global prominence when Ecuador became the first country in 2008 to enshrine the Rights of Nature in its constitution, recognising ecosystems as rights-bearing entities. This approach has since influenced legal and governance developments internationally, including recognition of river rights in a number of jurisdictions.
- 3.2 In the UK context, the concept has been adapted through non-statutory charters, most notably the Charter for the Rights of the River Wye, which was developed in 2025 through collaboration between community representatives, environmental organisations, councillors and cross-border partnerships. The Charter was formally launched in May 2026 as part of a growing movement to recognise rivers as living ecosystems with intrinsic rights, providing a shared framework to guide decision-making and long-term environmental recovery.
- 3.3 The Charter for the Rights of the River Wye has been progressively adopted across the catchment since 2025. Herefordshire Council approved a supporting motion at Full Council on 5 December 2025, followed by a Cabinet Member executive decision on 6 March 2026 to integrate the Charter into policy and decision-making. Forest of Dean District Council passed a similar river rights-based charter motion in January 2026. Powys County Council formally adopted the Charter at Cabinet on 19 May 2026. The Charter was publicly launched on 24 May 2026 with endorsement from

a wide coalition of local authorities and partner organisations, including Bannau Brycheiniog National Park Authority and the Wye Valley National Landscape. Council requested to Cabinet on 25 June 2026 that it adopt a River Charter to ensure the long-term protection and restoration of all rivers and watercourses within the county.

- 3.4 A river charter is a way of expressing the intrinsic and inalienable rights of a river. The Charter for the Rights of Rivers identifies six rights: the right to flow and perform natural functions; the right to biodiversity; the right to be free from pollution; the right to be supported by a healthy catchment; the right to regenerate; and the right to representation. The Charter provides a shared ethical and strategic framework. It supports a nature-centred approach to relevant decision-making and partnership working, while remaining aligned with existing law and regulation.
- 3.5 The Charter is a non-statutory statement of principles. The adoption of the Charter does not create new statutory powers, legal personhood or directly enforceable legal rights, and does not override existing planning, regulatory, environmental or constitutional decision-making requirements. However, it provides a common set of principles that can be taken into account alongside existing policies, plans and statutory requirements, helping to ensure that river health, biodiversity, pollution prevention and catchment resilience are consistently considered where relevant. Importantly, it helps to embed the intrinsic value of rivers into policy and governance, improve transparency and accountability in decision-making, and provide a clear public statement of intent and leadership on river protection and recovery, without altering existing legal frameworks.
- 3.6 Adoption of a Charter for the Rights of Rivers would directly support the Council's Community and Corporate Plan objective of creating a "Green Place" by reinforcing the Council's commitment to addressing the climate and nature emergency through environmental stewardship and sustainable decision-making. The Charter provides a framework that aligns with, and strengthens, existing priorities and it complements the Council's Climate and Nature Emergency Strategy by embedding the principles of river health, biodiversity protection, pollution reduction and ecosystem resilience across all relevant workstreams, particularly the Rivers and Ocean Strategy. It helps ensure that climate adaptation, ecological restoration and water quality improvement are consistently considered in decision-making, supports a more integrated and preventative approach to environmental management, and reinforces partnership working across catchments, thereby advancing the Council's long-term objectives for a resilient environment, healthier communities and sustainable places.

4.0 **EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):**

- 4.1 The decision has a positive long-term focus. It supports the protection and restoration of the rivers within Monmouthshire that contributes to biodiversity, health and well-being, climate resilience, recreation and the identity of the County.
- 4.2 The decision supports the sustainable development principle by taking a long-term, preventative, integrated and collaborative approach to river health. It aligns particularly with the well-being goals of a Resilient Wales, Healthier Wales and a Globally Responsible Wales.
- 4.3 There is a need for equitable access to healthy natural environments. Environmental degradation can affect communities unequally; river restoration and pollution prevention contribute to environmental well-being for current and future generations.
- 4.4 No direct negative equality, safeguarding or corporate parenting impacts have been identified from adopting the Charter as a non-statutory statement of principles. Any future projects or policy changes arising from Charter-related work will require their own equality and future generations consideration.

## 5. OPTIONS APPRAISAL

| Options                                 | Benefits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Risks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Comments         |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Adopt a charter for the Right of Rivers | <p>Provides a clear public statement of the Council's commitment to river protection, biodiversity, pollution prevention, and environmental restoration, supported by a defined set of guiding principles that can be considered with work programmes that relate to river and associated watercourses.</p> <p>Supports delivery of the Climate and Nature Emergency Strategy, particularly the Rivers and Ocean workstream, by reinforcing the importance of river health, biodiversity, catchment resilience and pollution reduction. Aligns with the Community and Corporate Plan objective of making Monmouthshire a "Green Place".</p> | <p>There is a risk that the Charter could raise public expectations about the Council's ability to directly resolve river pollution or catchment issues, some of which sit outside the Council's statutory powers and are dependent on regulators, land managers, water companies and government.</p> <p>This report makes it clear that no new legal rights are intended to be created by the adoption of this charter. However, the public may seek to challenge any future decision of the authority that is viewed as contrary to the Charter. The risk of such a legal challenge being successful is small. However, in accordance with principles of good governance, the</p> | Preferred option |

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|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
|                                              | Responds to the motion agreed by Council on 25 <sup>th</sup> June 2026 requesting that Cabinet adopts the Charter for the Rights of Rivers. | authority should ensure that where a decision contrary to the Charter is to be made, its reasons for doing so are clear, reasonable and proportionate.                                                                                                                                                                                               |                 |
| Do not adopt the Rights of the River Charter | No additional commitment to restore river and watercourse beyond existing statutory duties, strategies and work programmes.                 | <p>Would not demonstrate the Councils leadership on river protection, biodiversity, pollution prevention and catchment resilience.</p> <p>Does not provide a set of principles to support existing work on river health, green infrastructure, nature recovery, flood resilience, planning policy and the Climate and Nature Emergency Strategy.</p> | Not recommended |

## 6. EVALUATION CRITERIA

- 6.1 The decision to adopt the principles outlined within the Charter should be reviewed through existing Climate and Nature Emergency, Rivers and Ocean, Green Infrastructure, biodiversity and performance reporting arrangements rather than through a separate reporting structure.

## 7. REASONS:

- 7.1 The decision is required to enable Monmouthshire County Council to formally confirm its support for the Charter through the appropriate executive decision-making route.
- 7.2 The decision supports partnership working across Monmouthshire's river catchments and aligns with the Council's existing commitments on climate, nature recovery, river health, biodiversity, planning and sustainable development.
- 7.3 Adoption gives a clear public statement of intent while retaining existing legal statutory decision-making frameworks and safeguards.

## 8. RESOURCE IMPLICATIONS:

- 8.1 Adoption of the Charter is not expected to create immediate additional financial, staffing, IT or asset requirements. Initial implementation will be

through existing strategies, policy review cycles, decision-making processes and partnership arrangements.

- 8.2 Any future activity that requires additional resources, new staffing, capital works, enhanced monitoring, new project delivery, external funding or new legal commitments will be subject to separate business case development, costings, risk assessment and approval in accordance with the Council's Constitution.

## **9. CONSULTEES:**

Council 25<sup>th</sup> June 2026

Cabinet

Strategic Leadership Team

Neighbouring Authorities

## **10. BACKGROUND PAPERS:**

*Charter for the Rights of Rivers in Monmouthshire*

*Council Agenda, 25 June 2026 – Motion 12.1: Charter for the Rights of Rivers*

*Monmouthshire County Council Climate and Nature Emergency Strategy, May 2024.*

- 11.AUTHOR:** Chief Officer – Place and Community Well-being Craig O'Connor, in consultation with the Cabinet Member for Climate Change and the Environment Catrin Maby

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