

**Reference from Council – Notice of Motion –  
Rights of the River Medway and its Tributaries**

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Overview and Scrutiny Committee	19 September 2023
Council	To be confirmed

<b>Wards affected</b>	All
-----------------------	-----

**Executive Summary**

At the meeting of the Council held on 19 April 2023, a motion relating to the rights of the River Medway and its tributaries was moved by Councillor Jeffery, seconded by Councillor Eagle. The motion as amended during the discussion was referred to the Overview and Scrutiny Committee for review.

**This reference makes the following recommendation to the Overview and Scrutiny Committee:**

That consideration be given to the motion, as amended, relating to the Rights of the River Medway and its Tributaries with a view to making a recommendation to Council if appropriate.

## Reference from Council – Notice of Motion – Rights of the River Medway and its Tributaries

### 1. REASONS FOR RECOMMENDATION

1.1 At the meeting of the Council held on 19 July 2023, the following motion was moved by Councillor Jeffery, seconded by Councillor Eagle:

Our freshwater environments and waterways are facing numerous pressures from pollution, climate change, land management practices, development and amenity use.

It is clear that our environmental laws and regulations are failing to prevent the destruction of nature, often simply regulating the rate of destruction. At the same time there is an emerging global movement of governments recognising the Rights of Nature and in particular the rights of rivers.

Rights of Nature is a way of re-thinking our relationship with nature - from one of dominance to one of interdependency requiring a respectful, holistic and empathic approach. It can also act as a catalyst to shift our thinking from an extractive economy towards a regenerative economy. The idea of nature having rights is not new. Nature has rights. What is new is how we can intervene using a rights of nature lens to protect nature and to give the river a voice as a single entity, from source to sea.

We have extended rights to corporations globally – a company which is a wholly fictional entity has gained legal rights and is recognised as a legal entity distinct from its individual decision makers. If we can define a corporation as having the rights of personhood, then we can imagine a River having these personhood rights.

The Universal Declaration of River Rights establishes that all rivers shall possess, at minimum, the following fundamental rights:

1. The right to flow,
2. The right to perform essential functions within the river's ecosystem,
3. The right to be free from pollution,
4. The right to feed and be fed by sustainable aquifers,
5. The right to native biodiversity, and
6. The right to regeneration and restoration.

We believe there is an opportunity to develop a River Medway Charter over the next 2 years which establishes the rights listed above.

It is therefore resolved that:

1. This Council acknowledges the growing global movement of 'rights of nature' as a framework for rethinking its relationship with the environment.
2. This Council believes that there is a case to be made for considering our interactions with our local waterways in the context of 'Rights of

Rivers' and through which the health and wellbeing of the River Medway and its tributaries can be addressed.

3. This Council will work with the other councils along the Medway catchment to explore with local communities and relevant stakeholders the implementation of Rights of Rivers along the River Medway and its tributaries. This will involve working towards the production of a 'Declaration on the Rights of the River Medway and its tributaries' by relevant stakeholders for possible endorsement by the Council within 2 years.

An amendment was moved by Councillor English, seconded by Councillor Harwood, that the third resolution of the motion be replaced as follows:

Maidstone Borough Council initiate, launch, lead and provide secretariat for a River Len Stakeholder Task Force with participation invited from key landowners along the course of the River Len and its chalk stream and Greensand tributaries alongside the Environment Agency, South East Rivers Trust, Kent County Council, National Highways, South East Water, NFU Kent, Leeds Castle Foundation, River Len Local Nature Reserve and Kent Wildlife Trust.

The Stakeholder Task Force to be chaired by the Leader of the Council with the Leader of the largest non-administration group holding the vice chair, as a clear statement of intent from the Borough Council and to evidence high profile leadership.

The vision for the Stakeholder Task Force will encompass:

- Progressive removal and/or bypassing of manmade barriers to ecological movement i.e. restoring the right to a natural flow;
- Setting measurable targets and achieving continuous improvement across flow rates and water quality (including mitigating current pathways for diffuse pollutants including agricultural and highway run-off);
- Enhancing and recreating riparian habitats along the course of the River Len and its tributaries, including wet woodland, marsh and fen, wet heathland, flood meadow, ponds and ditches; and
- Restoration, expansion and reintroductions of declining or lost riparian flora and fauna associated with the River Len, including migratory fish, DesMoulin's Whorl Snail, White-clawed Crayfish, White-legged Damselfly, Water Shrew, Water Vole, Otter, Common Snipe, Lapwing, Woodcock, Large Bittercress, Southern Marsh Orchid and Black Poplar.

When put to the vote, the amendment was lost.

An amendment was moved by Councillor Burton, seconded by Councillor Cooper, that the third resolution of the motion be removed.

When put to the vote, the amendment was carried.

An amendment was moved by Councillor English, seconded by Councillor Burton, that the motion as amended be referred to the Overview and Scrutiny Committee for review.

When put to the vote, the amendment was carried.

The substantive motion was then put to the vote and carried.

- 1.2 The motion, as amended, therefore stands referred to the Overview and Scrutiny Committee for review.

---

## **2. ALTERNATIVES CONSIDERED AND WHY NOT RECOMMENDED**

Not applicable.

---

## **3. REPORT APPENDICES**

A copy of the Briefing Note which was prepared to assist Members in their consideration of the motion is attached as Appendix A.

---

## **4. BACKGROUND PAPERS**

Minutes of the meeting of the Council held on 19 July 2023