

Arun District Council

REPORT TO:	Environment Committee – 30 January 2025
SUBJECT:	Protection of the River Arun
LEAD OFFICER:	William Page, Climate Change and Sustainability Manager, Joe Russell-Wells, Group Head of Environment and Climate Change
LEAD MEMBER:	Councillor Sue Wallsgrove
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: This work supports one of the key areas within the Council's vision 2022-2026 by: supporting our environment to support us - Ensuring that climate change and sustainability is at the heart of all council services	
DIRECTORATE POLICY CONTEXT: Improve and support the biodiversity within Arun.	
FINANCIAL SUMMARY: Officer time to date has been contained within existing approved budgets. Additional extensive resources would contribute further to the Council's structural budget deficit. External expert resources are required to provide a feasibility study on a complex arena with multiple stakeholders and unknowns.	

1. PURPOSE OF REPORT

- 1.1. This report provides the Committee with a report relating to a [motion](#) submitted to Full Council on 8 November 2023 by Councillor McAuliffe around examining the feasibility of establishing a mechanism of advocacy and improved protection for the River Arun. The motion was stood referred to Environment Committee without discussion at Full Council.

2. RECOMMENDATIONS

It is recommended that the Committee:

Considers, debates and votes upon the motion deferred to it from Full Council on 8 November 2023, as shown in paragraph 4.1 of this report; taking into consideration officer advice included within the report.

3. EXECUTIVE SUMMARY

- 3.1. This report sets out for the Committee details of the work and research undertaken by officers as a result of the Motion referred to the Committee on 8 November 2023. The report informs the Committee of the progress made by officers in identifying options to establish a mechanism of advocacy and improved protection for the River Arun by assessing the feasibility of the 'Rights of the River' and sets out an alternative option for establishing a method to help protect the River Arun to ensure that its biodiversity and function are maintained.

4. DETAIL

- 4.1. On November 2023 Full Council considered a motion submitted to it by Councillor McAuliffe. The motion was as follows:

“(1) This Council acknowledges the work of multiple bodies in addressing the health and wellbeing of the River Arun and believe that there is a case to be made for adopting the 'Rights of Rivers' approach; and

(2) This Council will explore, with local communities and relevant stakeholder, the feasibility of implementing Rights for the River Arun and will, within two years return to Full Council with its findings for further debate and possible adoption.”

- 4.2. In accordance with Council Procedure Rule 15.5(b), Full Council resolved that the subject of the motion comes within the province of the Environment Committee and that the motion should be deferred without discussion to this Committee.
- 4.3. Since November 2023, officers have been working to investigate and research the feasibility of implementing the 'Rights of the River', and this report sets out for the Committee the outcome of that work and enables the Committee to consider the motion referred to it by Full Council.
- 4.4. The UK's rivers continue to suffer from pressures from human activities including sewage discharges, agricultural runoff, chemicals from road drainage, industrial effluent and non-native invasive species. All of this has negatively impacted rivers across the UK, with 90% being classified as being in unfavourable condition.
- 4.5. The motion is seeking to further protect the River Arun; ensuring that it can continue to support a rich biodiversity and function as a river should.
- 4.6. Following on from this motion officers have worked with nearby local authorities to better understand what options could be available for the River Arun.
- 4.7. Similar motions had been submitted to other local authorities before the Full Council meeting on 8 November 2023. This includes Horsham District Council, Adur and Worthing Councils and Lewes District Council. As of today (12.12.2024) none have adopted and implemented the 'Rights of Rivers'.

4.8. Following initial discussion with the stakeholders noted in the next paragraph, and extensive research and consideration, it is officers' advice that establishing additional protections through the 'Rights of Rivers' notion is not feasible. 'Rights of River' is outside the legal powers of the Council and pursuing this motion may open the Council up to legal challenge and responsibility when issues arise that affect the river.

4.9. **Initial stakeholder conversations**

4.10. As highlighted in paragraph 4.7, several neighbouring authorities have had similar motions passed in recent months; therefore, informal conversations have taken place between officers and these councils. This has allowed for relevant officers to share knowledge and understanding on this topic, to share thoughts, ideas and save time by avoiding duplicating effort. Discussions have included sharing what each council has considered the best route forward and to allow for any connections and joint up approaches to be considered. Additionally, Council officers have met with the [West Sussex River Trust](#) (formerly Arun and Rother River Trust), to have initial conversations on this topic and to understand where/if they could support this work.

4.11. During these discussions 'Right of Rivers' was considered, as well as any alternative options.

4.12. **'Rights of Rivers'**

4.13. a notion which was reviewed and considered in detail was the '[Rights of River](#)'. This is a global movement that gives rivers their own rights and ensures all the following:

- Right to flow
- Right to perform essential functions within the river's ecosystem
- The right to be free from pollution
- The right to feed, and be fed, by sustainable aquifers
- The right to native biodiversity
- The right to regeneration and restoration

4.14. Within this [global movement](#), many of the cases which have seen success have been pushed through by indigenous people who have protected rivers or land that are inherent to their way of living and survival. This includes the Whanganui River in New Zealand which has a significant importance to the region's Māori community, as well as the Magpie River in Canada, which holds significance to the indigenous Innu community. This is not something which is seen within the catchment of the River Arun.

4.15. If legally possible, the 'Rights of River' would grant strong protection to the River Arun. However, the Council's Legal Services team and Monitoring Officer have advised that creating such rights lies outside of the Council's statutory powers. Even if that were not the case, the resource impact upon the Council would be significant and the Council has no budget for such an endeavour.

- 4.16. Furthermore, granting a river its rights would lie outside the jurisdiction of a Local Authority and would need to come from central government.

Other considerations

- 4.17. As mentioned above initial discussions have taken place with other local authorities who are in a similar position to Arun, and the associated River Trusts. This has included considering an alternative route which will still afford greater protection to rivers, leading to results.
- 4.18. Following on from numerous conversations and consideration of alternative routes a 'statement of intent' has been considered the most appropriate way forward and a draft has been prepared by officers. Appendix A highlights in more detail what this could look like.
- 4.19. Positives of this route include having a joint up approach with neighbouring authorities to ensure that a larger geographical area is covered (and to ensure that the Council is not working in isolation), affording greater protection to rivers, as well as allowing for ideas and resources to be shared. We will also be able to utilise the knowledge and capacity of the River Trusts to further push forward this work.
- 4.20. This work could be considered by the committee to take forward in support of increased protection to the river Arun.

5. Conclusion

- 5.1. The health and condition of rivers across the UK are being negatively impacted by human activity, as seen by reductions of biodiversity and increases in pollution.
- 5.2. To support this work officers within engaged with neighbouring authorities who have had similar motions passed. Similar conversations have also taken place with the River Trusts. The aim of these were to explore the concept and feasibility of establishing a mechanism of advocacy and improved protection for rivers within West Sussex as well as exploring a legacy of protection and enhancement to these rivers
- 5.3. It was agreed that implementing 'Rights of Rivers' would require significant resources to take forward – including officer time and financial inputs, which the Council does not currently have. The Council's legal advice has made clear at introducing 'Rights of River' lies outside of the Council's statutory powers.
- 5.4. Officers, along with the other authorities present and River Trusts, have proposed an alternative option in a statement of intent. This is outlined within Appendix A.
- 5.5. Additionally, the [West Sussex River Trust](#) (formally Arun and Rother River Trust) has also offered to undertake a briefing for members to help highlight the work

that is already going on for the river Arun and to clarify what they are responsible for. Officers are working on setting this up in the near future.

6. CONSULTATION

6.1. No consultation has been required at this stage.

7. OPTIONS / ALTERNATIVES CONSIDERED

7.1. There are no alternative options to be considered.

8. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1 The cost implications of this initiative are not yet known but are expected to be substantial. Should Members be minded to approve pursuing 'Rights of Rivers', they should only do so once the financial implications have been reported to them.

7.2 The Council is already addressing a significant structural budget deficit and if Members were to approve this initiative it is highly likely that other services would need to be cut in order to fund it.

9. RISK ASSESSMENT CONSIDERATIONS

9.1. There is no direct impact on the above areas rising from this report.

10. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

10.1. There are significant legal concerns with the introduction of the Right of River option. Local authorities do not have statutory powers to undertake such a function and the matter would need to be referred to the Secretary of State for Environment, Food and Rural Affairs. Introducing 'Rights for Rivers' may give the public impression that the Council is legally responsible in areas that it is not, and this raises issues of legitimate expectations amongst the public.

11. HUMAN RESOURCES IMPACT, HEALTH & SAFETY IMPACTS, PROPERTY & ESTATES IMPACT, EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE, CRIME AND DISORDER REDUCTION IMPACT, HUMAN RIGHTS IMPACT, FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

11.1. There are no direct impacts on the above arising from this report.

12. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

- 12.1. This work could help ensure that the River Arun is better protected and ensure that more focus is provided to its continued health and condition. More significant action and protection will be attainable if a joint up approach is achieved with other neighbouring local authorities, and support provided by relevant River Trusts.

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BACKGROUND DOCUMENTS:

[Motion 1 \(minute 358\) from Full Council on 8th November 2023](#)

Appendix A

Overview on a draft statement of intent. This has been produced in partnership with the applicable neighbouring local authorities and river trusts. This could be considered by the committee to take forward to improve protection of the river Arun.

Statement of Intent for the River Arun and River Adur

The need for a Statement of Intent

The Rivers Arun and Adur, as well as their associated streams and watercourses, are impacted by a range of historical and contemporary pressures. Historic management practices have degraded the rivers natural processes with further deterioration resulting from modern day pressures including climate change, population growth and unsympathetic development, under investment in infrastructure, unsustainable land management, and hard engineering approaches to water management. These are complex issues which must be addressed through an integrated catchment management approach, requiring government agencies, local authorities, Non-Government Organisations, landowners, business, water companies, and communities to work together in the co-design and delivery of projects that will regenerate these rivers and watercourses.

Enhancing river system requires a catchment scale approach which looks beyond administrative or operational boundaries, to identify and mitigate the source of pressures on rivers. The requirements and mechanisms for improvement are well understood and documented through plans and strategies which span geographical scales from river basins, river catchments, local authority boundaries through to project delivery. However, solutions entail thinking beyond standard political and business planning cycles, requiring long-term, structured investment which enables those striving to deliver positive change to do so faster and at a larger scale.

This Statement does not have the force of legislation, but it signals the strong support of signatories in playing their part in encouraging the long-term recovery of rivers and watercourses. It aims to complement existing plans, providing context to discussions focused on the issues that impact our rivers and provide support to those working towards restoring its ecosystems and biodiversity. This is important as it requires a multi-organisational and cross sector response, which includes the active involvement of local communities, to draw together local policies and strategic ambitions of a wide range of stakeholders, on biodiversity and climate change, to support and encourage sustainable regeneration of river catchments.

There is already a wide range of projects being delivered across the rivers and watercourses of West Sussex, alongside strategic thinking through the Adur & Ouse Catchment Partnership and Arun & Western Streams Catchment Partnership. The Catchment Partnership Management Plans are important in reflecting the challenges and solutions to improve these rivers at a catchment scale, involving a range of organisations, groups, and agencies, as well as individuals that are committed to working together. Whilst it is not feasible to cover every action taking place a summary of the high impact projects on the Adur and Arun are presented below, as well as a project that relates to the River Rother which flows into the Arun.

River Arun

River Guardians are citizen scientists monitoring water quality for early pollution detection, and to identify trends to enable targeted actions to improve water quality. The River Guardians are supported by the Western Sussex Rivers Trust (<https://wsrt.org.uk/get-involved/water-monitoring>).

The Arun Landscape Recovery Group has evolved from the Arun Valley Vision - a group of landowners committed to investigating land management to build biodiversity and climate resilience in the Arun Valley. The group is facilitated by the South Downs National Park Authority.

The Rother Partnership is a collaboration between the South Downs National Park Authority, South Downs Trust, Southern Water and Chichester District Council. The objective is to develop and fund a shared action plan for landscape-scale change to improve the health of the Rother. Shorter term practical interventions will also be delivered through this partnership. A short stretch of the Rother borders the Horsham District. (<https://wsrt.org.uk/about/our-projects/the-rother-partnership>).

Downs to the Sea is a multi-partner project, led by the South Downs National Park and South Downs Trust, to bring together farmers, landowners, and communities to create and restore priority wetland habitats in the National Park and beyond. After a successful development phase, we are expecting a decision on the delivery phase of this National Lottery Heritage Funded project in September 2024 (<https://southdownstrust.org.uk/downs-to-the-sea/>).

Across both rivers

Two Catchment Partnerships – the Adur & Ouse and Arun and Western Streams - collaborate across each catchment. These are groups of diverse stakeholders with a broad and detailed knowledge of catchment management working together to improve rivers and the surrounding landscapes Catchment Management Plans are written collaboratively and guide our practical interventions on the ground. See <https://adurandousecatchment.org.uk>. and ???? for more details of these Partnerships.

Weald to Waves project is a collaborative initiative to form nature corridors along the river valleys, creating a connected landscape through changes to land use and management (<https://www.wealdtowaves.co.uk/>).

The **Wilder Horsham District** project is a partnership between Horsham District Council and Sussex Wildlife Trust that has been established in response to the urgent pressures on biodiversity. Its main objective is to initiate the development and delivery of the Horsham District Nature Recovery Networks (<https://sussexwildlifetrust.org.uk/wilderhorshamdistrict>).

Two Cluster Farms (Upper Adur and Arun to Adur) operate in the catchment. These are led by the farming community, to drive forward co-operative and sustainable land management which considers the health of the environment.

Sussex Bay aims to unlock funding to accelerate the recovery of Sussex Seascapes and Rivers. It is supporting marine, riverine, and intertidal recovery projects, prioritising nature's recovery and optimising the positive impact this has on people's lives and livelihoods (<https://www.sussexbay.org.uk/>).

The Statement of Intent

The Statement of Intent expresses the signatories' shared values and the need to co-steward the protection and enhancement of the water environment in our catchment(s) and establishes a commitment to work in partnership with statutory bodies, landowners, local communities, and other stakeholders to deliver tangible improvements. It does not give rights to people, nor guarantee economic investment but provides a framework to enable and support a sustainable water environment for future generations.

A healthy river is one which enables nature to thrive whilst providing for the needs of people, we agree that this can be achieved by: -

- Encouraging and kick-starting natural processes to underpin environmental improvements.
- Prioritising working with nature, within environmental and infrastructure decision making, to address biodiversity loss, improve water quality and quantity of rivers and watercourses, as well as societal challenges.
- Increasing connectivity within the channel, with the floodplain, and across the wider landscape.
- Encouraging sustainable land management practices, reducing the reliance on chemical inputs, advocating for regenerative agricultural and providing advice and support to those seeking to change.
- Inspiring communities and individuals to take pride in and action for their waterways, providing opportunities for people to connect with high quality environments.
- Ensure that planning policy and decisions promote water efficiency in buildings, seek to find nature-based mitigation solutions that take account of wider catchment targets and where, it possible to do so within the remit of planning law, reduce pressure on sewage networks.
- Consideration of the impacts of climate change on the water environment, with a particular emphasis on increasing risk of drought and flooding from extreme weather events
- Working in partnership to ensure greater collaboration and integrated working between stakeholders to achieve catchment targets.

Appendix B

The following is the full motion, as displayed, in the Full Council which took place on 8 November 2023 by Councillor McAuliffe -

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=141&MId=1824&Ver=4>

The Chair confirmed that in line with requirements of the Constitution a motion had been submitted in accordance with Council Procedures 15.1 and 15.2.

The Chair invited Councillor McAuliffe to present his motion.

Councillor McAuliffe stated that when he had first come across the Rights to Rivers concept, he had questioned what this meant and so he had undertaken some research. This had revealed that we afford rights, as a society, to entities all the time, examples were The Albert Hall, Arundel Cathedral and Castle. They were all afforded special rights and protection under the listed buildings process. Trees were protected by Tree Protection Orders and even companies were afforded legal rights under English law. As part of his role as this council's appointed representative on the South Downs National Park, an authority that had 27 Councillors to speak up for and to protect the park's area, why could we not do something similar for rivers and the River Arun? It was accepted that the public wanted councils to afford greater protection to rivers; the anger relating to sewage discharge and the anger and anguish relating to village ponds littered with dead and dying fish due to a lack of oxygen and wildlife choking due to plastic waste was all there to be seen.

The existing protections had clearly failed and so it was time to rethink our relationship now with rivers and do better. Councillor McAuliffe outlined that he was suggesting that the council look at the possibilities of where it could provide extra protection and that as a council we should look at the options coming forward from external stakeholders and engage with those people that work, live and care for the River Arun every day so that we could understand the issues and where the council could play a part whether that was through the Local Plan, the council's Vision and objectives. This process needed to start now, and it was suggested that this work commence over a two year period to look at feasibility before reporting back to Council with outcomes.

Councillor McAuliffe outlined that this was a global movement with many cities around the world having adopted Rights for Rivers. Adur District Council had recently passed this very Motion for the River Adur and Lewes District Council had adopted rights for the River Ouse. The council would not be working in isolation and should find ways of achieving this to better protect the River Arun. Councillor McAuliffe hoped that Councillors would give his motion consideration in an attempt to explore a legacy of protection and enhancement for the River Arun. He hoped that Councillors would give their consideration in protecting the river that defined Arun's landscape and gave the district its name.

Councillor Wallsgrove then seconded the Motion.

The Chair confirmed that the Motion would now stand referred to the Environment and that this had been decided in consultation with Councillors McAuliffe and Wallsgrove.