

# Discussion paper



## How River Rights Charters Can Support Ofwat and Environment Agency Duties

**Audience:** Ofwat and Environment Agency policy, operational and enforcement staff

**Purpose:** To explain how locally developed Charters of Rights for Rivers can support regulators in fulfilling existing statutory obligations.

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### 1. Overview

Charters of Rights for Rivers are locally developed, non-statutory frameworks that articulate what a healthy river should be able to do (e.g. flow naturally, be free from pollution, support life). They do not confer legal personhood or create new legal powers. Instead, they operate as a **governance and communication tool**, helping to align community expectations, data, and regulatory action at catchment scale.

Used appropriately, river rights charters can support Ofwat and the Environment Agency (EA) in delivering their statutory duties more effectively, transparently, and with greater public legitimacy.

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### 2. Addressing Key Regulatory Challenges

#### a) Translating national duties into place-based outcomes

Regulators operate under national legislation and policy frameworks (e.g. the Environment Act, WFD objectives, price review duties). Charters help translate these abstract requirements into **locally intelligible outcomes**, making it clearer what “good status” or “no deterioration” means in a specific river.

This supports:

- Clearer decision-making
  - Reduced ambiguity in planning, permitting and enforcement
  - Greater consistency between policy intent and on-the-ground outcomes
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#### b) Improving regulatory intelligence and early warning

Charters often embed structured citizen science and community monitoring aligned with regulatory metrics. This can supplement EA data collection by:

- Increasing spatial and temporal coverage
- Identifying chronic or cumulative impacts earlier
- Providing socially validated signals of deterioration

This supports risk-based regulation without replacing statutory monitoring.

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### c) Supporting clearer intervention triggers

A recurring challenge for regulators is deciding when to intervene. Charters can link:

- Ecological indicators (e.g. nutrients, flow, dissolved oxygen)
- To regulatory thresholds (permits, licences, planning conditions)
- To pre-agreed escalation pathways

This supports:

- Consistent and defensible intervention decisions
  - Reduced perception of arbitrariness
  - More preventative regulation
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## 3. Benefits for Ofwat

River rights charters can support Ofwat by:

- Reinforcing **outcomes-based regulation** at catchment scale
- Providing locally legitimate justification for environmental investment
- Supporting customer engagement and acceptability of bill impacts
- Aligning company performance commitments with river health outcomes
- Encouraging nature-based solutions with long-term value-for-money

Charters help demonstrate that environmental performance reflects customer and community priorities.

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## 4. Benefits for the Environment Agency

For the EA, charters can:

- Strengthen public trust in enforcement decisions
- Support preventative, rather than reactive, regulation
- Improve coordination across planning, permitting and catchment partnerships
- Provide a social mandate for action where environmental harm is evident

Charters act as a **complementary governance layer**, not an alternative to statutory powers.

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## 5. Legitimacy, transparency and public confidence

Charters help regulators meet transparency and engagement duties by:

- Making technical data meaningful to the public
- Providing a shared narrative for regulatory action
- Clarifying expectations when environmental standards are not met

This can reduce conflict and improve acceptance of difficult decisions.

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## 6. Risk and safeguards

Charters are:

- Non-statutory and advisory
- Locally led and voluntary
- Compatible with regulatory independence

They do not:

- Create new legal liabilities
- Override regulatory discretion
- Replace existing regulatory frameworks

Used carefully, they reduce rather than increase regulatory risk.

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## 7. Summary

River rights charters can support Ofwat and the Environment Agency by:

- Translating statutory duties into place-based outcomes
- Improving data and early warning
- Clarifying intervention thresholds
- Strengthening legitimacy and public trust
- Supporting long-term, preventative regulation

They are a **governance innovation** that helps existing regulation work better, not a substitute for it.

**UK River Rights Network:** <https://www.riverrights.org/>  
**Email:** [riverrightsnetwork@gmail.com](mailto:riverrightsnetwork@gmail.com)