Data & Facts - Legal Campaigns Go Upstream

Law Shakers: Citizens Turning the Tide of Power Abuse

Communities, angry with the poor legal protections of rivers are being inspired by campaigns by indigenous leaders around the world, who campaign to have legal rights assigned to aspects of nature, such as rivers. This and payment to companies who persistently pollute and cause harm is driving an increase in funding legal cases to reverse the horrors we see in the news persistently.

This page looks at some of the cases previously brought, including success stories and ongoing investigations into the state of our precious waters and where the pressure is on.

XR's Dirty Water Campaign will be steadily adding important cases to empower communities to fight back here as we hear of them. Please share any you become aware of with us on our Telegram Chat.

2025 Legal Context and Statutory Outlook

Rights of Rivers and Nature

- 17/2/2025: **Lewes and Eastbourne Council** decision to support the principles within the **Rights of Rivers Charter** presented by **Love Our Ouse** and other community allies.
- 15/5/2025: **Hampshire rivers** granted legal (personhood) rights. **Basingstoke & Deane Borough Council**'s landmark decision, on Thursday 15 May 2025, granted 'personhood' rights to local rivers, including the **Lodden**. This strengthens protection of Hampshire's globally rare chalk streams.
- Further information here on **Hampshire chalk streams** legal rights.

Public Accountability Campaigns

- **'Zane's Law'** campaign aims to increase accountability and transparency of public bodies. The Gbangbola family's fight for justice for a public enquiry regarding the preventable death of their little boy, 8 year old Zane, was the UK's first climate crisis victim, due to flooding of a toxic waste site. Numerous councils now back the proposed 'Zane's Law'; more are coming onboard, through dedicated campaigning of the family and **'UK Landfill Campaign'** supporters; some unions also officially support 'Zane's Law'.
- 2022: **Good Law Project** Court of Appeal intervention to try ""to prevent water companies from having near-total immunity to discharge sewage into England's waterways.** Contributions were made on why **United Utilities** cannot stop cases being brought against the company for persistent sewage dumping. Other inputs were made by: the **Environmental Law Foundation**, **London Waterkeeper**, **Stonyhurst College** and **Kent Environment and Community Network**. The **High Court** found in United Utilities' favour, but the case was later heard by the **Court of Appeal**. Rights to bring legal claims against polluters and hold them to account was then upheld. (See other cases in this section).
- 2024: **Landmark Supreme Court decision**: private citizens may rightfully sue for nuisance or trespass caused by sewage pollution. Not precluded by the 1991 Water Industries Act, this legal recourse has been strengthened by the **Manchester Ship Canal Company Ltd v United Utilities Water Ltd** (No 2) case.
- 2024: **Exmouth community** 'class action' against **South West Water** for damage to businesses. **Leigh Day** supported sea-swimmer **Joe Bateman** and the community, including businesses, sports groups and other swimmers impacted by sewage. This followed the above November 2024 Supreme Court Decision.
- 2025: **Leigh Day** represented **River Action's** class action against agricultural and water industries, for pollution of the iconic AONB, the **River Wye catchment area**, including the **Lugg** and the **Usk**.
  - The Wye crosses the English Welsh border and flows to the **River Severn**. Accused companies include: **Cargill PLC, Avara Foods Limited** (often referred to as 'Avara Cargill', to recognise the interconnected parent and UK brand links) and **Freemans of Newent**. NB: Welsh water companies include 'Welsh Water' (parent company is Glas Cymru Holdings) and **Hafren Dyfrdwy**. **Natural Resources Wales** is the regulator and environmental issues are devolved to the Welsh Senedd in Wales; the Wye impacts the UK regulator, the **Environment Agency**.
  - More here about the **River Wye** catchment pollution-based class-action and the involvement of **River Action**.
- The **Pickering Fishery Association** have won a **Appeal Court judgement** against the Government. Anglers said Government river clean up plans were too weak to be workable. Despite the Government appealing against their case, this was another victory for people and planet at the **Upper Costa Beck, N. Yorkshire**. This strengthens citizens wanting to use the **EU Water Framework Directive** to reverse pollution of local rivers, lakes, coastal waters and streams, despite Brexit.

Water Company Financing

- 2025: **River Action** took on the Government for **Thames Water** to be put into administration. The bankruptcy risk continues, threatening tens of thousands of customers with unimaginable nightmares.
- 2025: **River Action** took **OFWAT** on with the support of **The Good Law Project** challenging customers being charged twice over for failings of water companies. They used **United Utilities** and **Lake Windermere** as a case study, with the help of **Windrush Against Sewage Pollution** and other community groups.

Ongoing Investigations into the Water Industry and Regulators

- The England environmental regulator, the **Environment Agency** and the UK water industry regulator, **Ofwat**, are investigating the Water and Sewerage Companies in relation to pricing.
- The UK **House of Lords** has also been investigating Ofwat via the **Industry and Regulators Committee** inquiry into the work of the **Water Services Regulation Authority**. The Committee will consider Ofwat's performance against its statutory objectives and whether it has the powers and resources needed to meet those objectives. The Committee will also consider the regulator's relationship with the Government and other regulators.
- House of Lords precis 2023 report on the Water Industry
- The **Office for Environmental Protection (OEP)**, (formed only in 2021), is investigating the performance of the EA, Ofwat and DEFRA. -**The Water Commission's final report** is merely the illusion of change. Keep an eye on River Action's website to see where they take their next legal steps forward in putting power back to local people and the environment.

Useful Resources

- **13th Century precedent**: Is it time to resurrect the **Public Trust Doctrine**, which could be used to underpin the right of **protection of commons**? Records show this being invoked in the thirteenth centruy, since lost in the mists of time, but never negated fully.
  - The case of Juliana the Washerwoman versus the Mayor of Winchester could bring us back to basics, post Brexit. In 1299, Juliana brought a court case to King Edward I against powerful men of Winchester who were blocking her access to the stream. She won. This created the **legal principle still in force that common goods such as water should be kept clean for all to use.**
  - More details on Juliana's case can be found at users.trytel.com/tristan/towns/florilegium/community/cmfabr22.html.
- **Global map of ecological jurisprudence** to check **legal environmental cases by area** | www.ecojurisprudence.org

- **Citizens Assembly on Water coalition campaign**
- 'Does a River Have Legal Rights?' Article on **legal rights for Rivers** in the New York Times
- Nature Lawyers Up article | New York Times
