Emma Dearnaley joins River Action

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We're delighted to introduce Emma Dearnaley, our new Head of Legal at River Action. In our latest blog, we get to know more about Emma and the role that she will play to help rescue Britain's rivers.

Q1. Tell us about yourself

Hello – I'm Emma.

I knew from pretty early on that I wanted to be a lawyer and, although I've now had a range of jobs, using the law has been the thread that has run through them all. I've charted my own course through roles in commercial and civil litigation at a global law firm, law enforcement, government policy and non-profits – before settling in environmental campaigning.

I decided to leave conventional City law in 2018 having become increasingly curious about the law's societal role (and my own, as a lawyer) and frustrated by its lack of accessibility to those without power or deep pockets. A period of exploring roles acting in the public interest then

followed. It was during my time at Good Law Project that I received a loud wake up call that made me realise I wanted to use my skills, experience and energy to find solutions to the interconnected climate, environmental and nature crises.

Alongside my day job, I am a trustee of two social justice charities – Cranstoun and Music of Life – who I support in their missions to, broadly put, empower people to make positive changes in their lives.

I am a pragmatic optimist driven by the need and opportunity to take action to protect and restore our rivers and environment, for us and for future generations. I believe nothing is more essential than this.

Q2. You were previously the Legal Director at Good Law Project (GLP). Tell us more about the role and your biggest highlights leading its legal work.

GLP is a campaign organisation that uses the law to hold power to account, protect the environment and uphold the rights of people and communities. As its Legal Director, I was responsible for developing and leading its strategic litigation and other legal work and I was part of its senior management team.

It was a fantastic role that provided a full immersion in legal campaigning – by which I mean the use of legal tools and processes to achieve change as part of a campaign strategy – and gave me the chance to work on many different issues of importance. GLP is probably best known for its work exposing the government's 'VIP lane' for Covid-19 personal protective equipment contracts and Partygate, but it was the climate and environmental work that I was most drawn to and I proactively grew this strand of work.

The first case I developed was what became a judicial review against Defra's Storm Overflows Discharge Reduction Plan and GLP's 'Clean Waters' campaign. As well as pushing for Defra's plan to be improved (which it was as a result of one of our arguments), we looked to use the litigation to revive an English legal principle called the public trust doctrine that says the state has a duty to safeguard vital natural resources including rivers and hold them in trust for the public. That argument didn't succeed in this case – we always knew it was very ambitious – but it may yet be used to protect water, as well as resources such as air, in cases that are to come – with its recognition in some US states giving cause for optimism. Beyond the legal outcomes, this campaign raised public awareness and – together with the work of other groups like River Action – helped to push the sewage pollution scandal up the political agenda.

I am also really proud to have worked with Friends of the Earth and ClientEarth to bring legal challenges that resulted in a High Court ruling that the government's Carbon Budget Delivery Plan was inadequate. This significant win secured greater transparency, accountability and ambition, with the government required to revise its plans to include more robust measures to meet emission

targets.

A major highlight came at the end of my time at GLP when the Supreme Court gave its landmark ruling in the Manchester Ship Canal v United Utilities case – in which GLP supported the Environmental Law Foundation to intervene and evidence the systemic nature of United Utilities' failures – that ended the impunity of water companies for the damage they cause through sewage discharges. This judgment means that people and communities can now use private law nuisance and trespass actions to hold polluting water companies to account – and it is heartening to see claims being formulated off the back of this judgment and the law continuing to develop to provide clear avenues for challenge and protections for rivers and communities.

It was a joy and education throughout my time at GLP to meet so many inspiring people across the social justice, climate and environmental movements. It was through participating in a water strategy group that I first met Charles and James at River Action and started working with them, impressed by their focused and generous approach to environmental campaigning.

Q3. Tell us about your new position as River Action's first Head of Legal. What can we expect to see from your role in 2025?

There is huge potential to use the law together with other forms of influence to move the dial on rivers in 2025 and beyond, especially with the newly formed Water Commission, public awareness at an all-time high, multiple routes of challenge available, and great opportunities for collective and community action across the country.

In my role, I expect to work with government to strengthen laws and policy. I expect to push organisations and companies to stop their polluting and environmentally damaging practices. And I also expect to take legal action to enforce the law or to make sure that others do, while recognising that you don't need to bring or win every legal case in order to make people think harder about the decisions they make and what they choose to do.

Q6. Finally, in your opinion, what is further needed/what needs to change to rescue Britain's rivers?

Rescuing the UK's rivers is a big and complicated challenge that requires a big and committed ecosystem of actors. Collaboration will be key.

It will require government, agricultural producers, industry, supply chain participants and water companies to make systemic changes and for them to be held to account by regulators and civil society. It is essential that the government sets ambitious policy and that regulators are effective after decades of inaction and underfunding. There are plenty of water and environmental laws that exist already and they would be good laws if they were adhered to and enforced. Now more than ever it is vital that we hold feet to the fire over failures and push for sustainable solutions to be

identified and implemented.

Ultimately I think the power to deliver change comes from political and corporate will. But there is plenty that can be done to influence and apply pressure – and I'm excited to be at an organisation that is able to do that using a full toolbox, including by using the law and litigation when necessary.