# River Action wins landmark court ruling

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**Date :** 24 October, 2023

## High Court grants consent for River Action to pursue Judicial Review over Environment Agency's failure to protect River Wye from agricultural pollution.

Following a hearing held at the High Court in Cardiff on Thursday 19 October, River Action has been granted consent to pursue its legal challenge against the Environment Agency (EA) over its failure to protect the River Wye from pollution.

In its case for judicial review of the Environment Agency's enforcement of regulations, River Action has argued that by failing to prevent the spread of excessive levels of manure across agricultural land in the Wye River catchment, the EA has acted unlawfully by not enforcing the Farming Rules for Water.

River Action claims that had these critical environmental regulations been fully enforced by the EA, then the substantial increase in levels of phosphorus in the soil across the catchment (a major cause of the river's algal blooms) could have been substantially mitigated.  The persistence of these algal blooms in recent years is one of the major causes of the severe ecological collapse of

the river, much of which is designated a Special Area of Conservation (SAC).

A study by Lancaster University published in May 2022 found that the soils of the Wye are now significantly over-saturated with phosphorus (P), with 60-70% of the 3,000 tonnes of which enter the river every year coming from agriculture. The most significant contributor to this is widely known to be the rapid recent growth of the region's intensive poultry industry.

River Action believe that this environmental crisis could have been seriously mitigated had theEA enforced existing environmental regulations.

Commenting, River Action's Chairman and Founder Charles Watson said:

*"We are delighted that we have now finally been granted permission to go to court, where we will vigorously make the case that a prime cause for the recent ecological collapse of theRiver Wye is the EA's decision to slavishly follow DEFRA's guidance to not enforce critical provisions of the 2018 Farming Rules for Water. These critically important regulations state that fertilisers and manures must not be spread on soils already over-saturated with excess nutrients. Tragically, due to the uncontrolled growth of what we believe to be the largest concentration of intensive poultry production in Europe, this is exactly what has been allowed to happen, with the horrific environmental consequences for the River Wye being all too plain to see".*

River Action is represented by Leigh Day environment team solicitor Ricardo Gama.