
LEIDAY
Defending the natural world

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Defending the natural world

Leigh Day cases are at the forefront of the environmental movement. We push the law in radical and ambitious directions, most notably in the context of climate change, pollution, planning, wildlife protection and biodiversity loss. Leigh Day has also led the way in holding multinational companies to account for the environmental impact of their operations in other countries.

The scope of our work includes UK public law challenges relating to climate change and air pollution, fossil fuels, major infrastructure, planning and wildlife and nature conservation, as well as civil claims for compensation and injunctive relief for environmental damage resulting from the operations of carbon majors, oil companies, sewage companies, and battery farming companies. Our combined work across public law and private law seeks to both prevent and remediate environmental harm, making Leigh Day the leading environmental law firm in the UK. Between these teams we have experience representing NGOs, indigenous communities, communities in the UK and abroad, and charities on issues affecting their environment.

Representing claimants, benefiting all

As passionate advocates for access to justice we only represent claimants. We act for individuals, communities, concerned local groups, charities and environmental NGOs, sharing our depth and breadth of experience in the field to give detailed and strategic litigation advice.

How we work

We are passionate advocates for access to justice and we only represent claimants. The depth and breadth of experience in the field enables us to provide detailed and strategic litigation advice.

We undertake the full range of cases from planning inquiries and statutory appeals to judicial reviews and environmental litigation before the Court of Appeal, Supreme Court and (formerly) the Court of Justice of the European Union (CJEU). We can also provide you with focused legal advice (in the form of a written opinion) for lobbying and campaigning purposes.

In addition to our work at the cutting edge of litigation, we work with environmental NGOs, community campaign groups and others to effect strategic improvements to the environment and environmental justice.

We sit on numerous representative bodies, we regularly respond to Government consultations and reviews and we are a co-Communicant in an ongoing Communication to the Aarhus Convention Compliance Committee (along with Friends of the Earth, Friends of the Earth Scotland and the RSPB) on the intensity of review available in UK judicial review.

We also understand the cost implications of taking legal challenges can be a major concern for individuals, community groups and eNGOs. We provide expert advice on the bespoke Aarhus costs regime for environmental cases, support clients through the process of fundraising (e.g. through crowdfunding platforms) and we endeavour to ensure that no client is denied access to legal advice through lack of means.

Holding governments accountable

Food system challenge

We acted in a judicial review of the Government's Food Strategy. This was incredibly important, because it was the first of its kind to test whether the Government is under a duty to assess the carbon savings it hopes to achieve when policies, which it has relied on to meet carbon budgets, are actually published. The outcome of several other cases depended on the result in this appeal, so it has set a wide-ranging precedent.

We are also acting in a challenge to the UK-Australia trade deal. Again, this is an extremely novel legal case. This is the first time (post-Brexit) that the Government's legislation implementing a trade deal has been challenged in the courts. Leigh Day is representing a sustainable food charity called Foodrise (formally Global Feedback), who claim that the Government has failed to properly assess the climate change impact of the increase in meat and dairy that will be produced and consumed as a result of the UK's Free Trade Agreement with Australia. Central to the case is an argument that the Government irrationally treated the carbon intensity of Australian beef as the same as UK beef. The case is supported by expert evidence commissioned by Global Feedback. In July 2024, the High Court granted permission on all grounds for a substantive hearing. However, the Government is appealing the ruling that this is an Aarhus Convention claim and so should be subject to costs caps. The substantive hearing is stayed, pending the outcome of the appeal.

Water pollution from agriculture

We acted on a judicial review of the Environment Agency's (EA) approach to **enforcing regulations which prevent excessive spreading of manure on farmland**, the 2018 "Farming Rules for Water." The claim was heard in March 2024.

The case is important because agricultural pollution has been found to be the main source of river pollution in the UK and documents revealed by our case showed that the EA may not have been taking enforcement action in cases where land managers were breaking the law.

We have used the River Wye as a case study to show the practical effect of the failure by the EA properly to apply the law, as the health of this river has deteriorated drastically in recent years as a result of agricultural pollution.

The case has received a great deal of media attention, with over 600 print and online articles about it in early 2023, including a front page story in the Times. While the claim was not successful, that is only because the judge found that the EA's approach was now lawful, after the changes to its policy made as a result of the claim. The judge also found that the interpretation of the Farming Rules for Water put forward by the Department for Environment, Food and Rural Affairs and the National Farmers' Union was incorrect, meaning that farming practices would need to change.

Climate Change Act; groundbreaking cases

We brought a judicial review which forced the Government to revise its Net Zero Strategy (the overarching package of policies to meet carbon reduction targets), and then we again represented Friends of the Earth in a further judicial review of the Carbon Budget Delivery Plan which replaced the Net Zero Strategy. The main argument was that the **Government has failed to assess the risks to the Plan not being delivered**, as required under section 13 of the Climate Change Act, given an overreliance on unquantified carbon savings.

The case also argued, uniquely, that the Government's failure to ensure the plan meets its targets under the Paris Agreement is **a breach of its sustainable development duties.** The case was heard in the High Court, alongside parallel challenges from Client Earth and The Good Law Project, in February 2024. Judgment was delivered in May 2024, and the legal challenge was successful.

Following on from that success, Leigh Day represented BBC wildlife presenter and climate activist Chris Packham in a challenge to the Government's subsequent section 13 assessment. Encouragingly, the Government officially conceded the case in October 2024, accepting that the Secretary of State had erred in law in the same way as he was held to have done in the Friends of the Earth case.

Adaption plan

This is a first legal challenge of its kind in the UK (and potentially in Europe). As opposed to most of the previous climate change litigation, which has focused on mitigation, this case **challenges the lawfulness of the Government's plans in respect of adapting to the environmental and public health consequences of climate change.**

Friends of the Earth, alongside two individual claimants, argued that the Government has failed to set lawful objectives in relation to climate change adaptation, as required under section 58 of the Climate Change Act. It is also argued that gaps in what is being proposed breach the human rights of the two individual claimants, in respect of the Government's approach to both coastal defences and overheating in care home settings. A rolled-up hearing was held in July 2024 and judgment was delivered in October 2024. Unfortunately, the claims were dismissed and permission to appeal was refused by the Court of Appeal. There is a possibility of an application to the European Court of Human Rights.

Lifescape Project

Leigh Day represented rewilding charity Lifescape Project in its challenge to the Government's Biomass Strategy . Essentially, the argument was that the **Government has unlawfully treated biomass as a low carbon source of energy,** because it has omitted from its assessment how the biomass is sourced.

For example, wood sources from forests actually have the potential to be higher carbon emitting than some fossil fuels when burnt. There is also an argument that the consultation was unlawful. It only emerged when the Biomass Strategy was published that the Government had commissioned a panel of scientists to produce evidence to support its claim that biomass, in combination with carbon capture and storage, could deliver net carbon reductions. However, the panel's findings were never consulted, so Lifescape was deprived of the opportunity to adduce counter-evidence.

Jet Zero Strategy

This is a legal challenge to the Government's policy package for how the aviation sector is to meet Net Zero carbon commitments. It concerns the level of risk to delivery of certain technical solutions that haven't been fully tested, such as sustainable aviation fuels, and a failure to put in place any demand management measurements.

Leigh Day is instructed by two separate clients to bring two claims for judicial review in respect of the Jet Zero Strategy, published on 19 July 2022 by the Secretary of State for Transport.

The challenge focuses on the following grounds, namely that the SST has failed to:

(i) **apply his duties under s.13 of the Climate Change Act 2008;**

(ii) give cogent reasons for departing from expert and independent advice from the Committee on Climate Change;

(iii) carry out a lawful consultation; and

(iv) take into account the need to reduce non-CO2 emissions.

Wild Justice

Licences for the release of Gamebirds

On 27 October 2023, Leigh Day filed a claim for JR on behalf of Wild Justice on the basis of decisions by the Secretary of State or Ministers on her behalf) of licences for the release of gamebirds in or within 500m of two Special Protection Areas (in the Deben and Breckland areas of Suffolk) under the Wildlife and Countryside Act 1981. When granting a release licence in relation to an SPA, the Secretary of State is obliged (by virtue of the Conservation of Habitats and Species Regulations) to consult Natural England as the appropriate nature conservation bodyand to have regard to any representations made by them (regulation 63(3)). On 27 March 2024, the Defendant conceded Ground 1 of the claim and agreed to pay costs up to the Aarhus cap.

Dartmoor Commoners' Council

In August 2024, Leigh Day filed an application for Wild Justice regarding the failure of Dartmoor Commoners' Council to regulate livestock numbers on Dartmoor's common lands.

The Government's statutory adviser, Natural England, is of the view that overgrazing of livestock on Dartmoor is causing considerable ecological harm to one of the country's most unique and cherished places. DCC was established in 1985 by an Act of Parliament, the Dartmoor Commons Act 1985, which entrusted them with functions (both powers and duties) to conserve Dartmoor's common lands and prevent overstocking. Despite this, on DCC's own account it has not taken any action in relation to overstocking since 2003. The Claim therefore concerns DCC's ongoing failure to comply with its statutory duties under the DCA 1985, the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. In October 2024, the Honourable Mrs Justice Lang ordered NE and Defra to be joined as Interested Parties. Following the submission of their AoS and SGR we now await a permission decision.

Badger culling

In August 2024, Leigh Day filed an application for JR on behalf of Wild Justice and Badger Trust regarding Natural England's decision to issue 26 "supplementary badger cull" licences against the advice of its Director of Science and following representations from officials in Defra.

The claim argues NE's decision was unlawful on the grounds that: (i) NE exercised the statutory power for the improper purpose of maintaining farmers' confidence in the Secretary of State's disease reduction programmes, rather than for the narrower (and proper) purpose of "preventing the spread of disease under the Protection of Badgers Act 1992; (ii) NE had regard to considerations that were legally irrelevant to its decision as to whether to issue the licences under section 10(2)(a); and (iii) NE failed to provide adequate and rational reasons as to why the licences should be issued in circumstances where its Director of Science had advised that there was no scientific justification for issuing the licences. In November, permission for JR was refused on the papers by Mr Justice Sweeting. Permission was granted at a renewal hearing in May 2025.

Woodcock

In March 2022, Leigh Day wrote on behalf of Wild Justice to DEFRA setting out why the **dates of the 'close season' for shooting woodcock should be amended so that species cannot be targeted in October and November.**

The shooting season was set back in 1981 when the Wildlife and Countryside Act was passed by Parliament, and has not been amended since despite a change in conservation status of Woodcock, which is now red, and despite it being a measure necessary to meet the "species abundance target" by 31 December 2030 under the Environment Act 2021. Following further correspondence and a petition resulting in a debate in Parliament, the Secretary of State conceded at pre-action stage to commission a review of all species of birds covered by Schedule 2 of the Wildlife and Countryside Act 1981 and the shooting season dates. In July 2023, DEFRA confirmed that engagement is continuing with Natural England and the Devolved Administrations. An announcement was expected in early 2024, but was delayed due to the announcement of the General Election. Leigh Day is about to write to DEFRA again to press for a decision and to ask that a number of other species be removed from Schedule 2 WCA 1981 (species that can be taken) on the basis that they are globally endangered. This includes the Red Grouse, Pochard, Snipe. Golden Plover and Goldeneye.

Save Greater Manchester Green Belt

This was a **High Court challenge to the adoption by Greater Manchester local plan** brought by the umbrella organisation for over **40 local campaign groups**.

The plan was adopted by nine of the 10 local authorities in the Greater Manchester area on March 2024, leading to the **release of 2,430 hectares of green belt** for development of **165,000 homes** among other things. It is one of the largest development plans in the country outside of London.

Climate policies for new buildings

We have acted and are acting on two linked judicial review challenges for Rights: Community: Action arising out of **government policy on energy efficiency in new buildings.**

First, in 2023 we challenged the government's interpretation of its energy efficiency policy in the context of plans for a new garden village in West Oxfordshire. We successfully argued that the policy, which was introduced in 2015 and prevented local authorities from requiring energy efficiency standards going beyond the Building Regulations, was out of date. **Mrs Justice Lieven found the government's approach to be unlawful in late 2024**.

Following that, at the end of 2024, the government withdrew the 2015 policy and introduced a new policy with the same effect. RCA, supported by Good Law Project, challenged that policy unsuccessfully in the High Court and we are now acting on RCA's appeal to the Court of Appeal. The Office for Environmental Protection (OEP) and the Green Alliance, an environmental NGO, have applied to intervene in the case.

The case is important because it will be the **first time that the government's approach to its new Environment Act 2021 (EA2021) duties in relation to the Environmental Principles Policy Statement** will be tested. That is why the OEP, a new regulator introduced by the EA2021, has applied to intervene.

Challenges to hydrocarbon projects

We acted for Sarah Finch on behalf of Weald Action Group, and in subsequent cases challenging onshore fossil fuel planning applications brought by SoS Biscathorpe (Biscathorpe), Sandie Stratford (Wressle) and Friends of the Earth (Whitehaven).

Leigh Day acted for Sarah Finch in the historic case of Finch v Surrey County Council. The case challenged the decision by Surrey County Council to grant planning permission for oil production in Surrey and argued that the decision was unlawful for failing to assess the "downstream" greenhouse gas emissions that would arise from combustion of the oil that would be extracted from the site. The case focused on the correct interpretation of the EIA Regulations. The Supreme Court's ruling on 20 June 2024 represented a major victory in environmental law. It established that planning permissions for fossil fuel projects cannot be approved without a comprehensive assessment of the full climate impact, including unavoidable downstream GHG emissions. This decision has fundamentally altered the way EIA regulations are interpreted, ensuring that in the future planning authorities must consider the broader environmental ramifications of fossil fuel developments before granting approval.

This year Leigh Day has also acted in three other challenges against onshore fossil fuel developments which were all successful as a result of Finch:

Biscathorpe: Campaigner Mathilda Dennis, supported by SOS Biscathorpe, brought a statutory review challenge against the SofS's decision to overturn the Council's refusal of permission for oil drilling and production in Lincolnshire Wolds AONB. The group argued the decision was unlawful for failing to assess the downstream emissions. A hearing was held in June 2023. Following Finch, the Inspectorate and Egdon Resources accepted an invitation to concede, and the case was settled before judgment was handed down. Planning permission has been quashed.

Wressle: Local campaigner Sandie Stratford threatened a judicial review challenge against the council's decision to grant planning permission for the expansion of Wressle wellsite to develop two new oil and gas wells without carrying out an EIA at all. Following pre-action correspondence, the local authority and developer confirmed they would not defend the claim. The pre-action letter argued the council had acted unlawfully by granting planning permission without considering the environmental impact of the development which, following Finch, required the council to assess downstream emissions. A consent order filed with the court has now been approved and planning permission has been quashed.

Whitehaven: Friends of the Earth (alongside a local group) brought a statutory review challenge against the grant of planning permission for a proposed coal mine in Whitehaven, Cumbria. Following Finch, the government withdrew its defence of the proposed mine after accepting there was an error of law in the decision. The developer continued to defend the case but following a hearing Mr Justice Holgate ruled that the approval was unlawful and quashed the planning permission. The judge agreed that the downstream emissions from burning the extracted coal, 99% of the emissions from the mine, were not properly assessed. This case was also successful on other grounds relating to substitution, offsetting and the international diplomatic effects of the decision.

Holding polluters accountable

The Ogale and Bille Communities, Nigeria v (1) Shell PLC (2) the Shell Petroleum Development Company of Nigeria ltd

Shell's operations in the Niger Delta have been **one of the highest profile environmental cases in the area of business and human rights issues for decades.**

We are instructed by the Ogale and Bille Communities in the Niger Delta to bring civil claims against Shell plc and its Nigerian subsidiary, SPDC. **Leigh Day represents more than 11,000 claimants from the Ogale community,** a rural farming community in Ogoniland who allege that oil spills from Shell's pipelines have caused long-term and serious contamination of their land and water. **Leigh Day also represents approximately 2,300 fishermen from the riverine Bille community**, where residents allege that their waterways have been devastated by oil spills from Shell's pipelines. The claims were issued in the High Court of England and Wales in 2015. As well as claiming financial compensation, the communities are seeking injunctive relief to compel the Defendants to carry out clean up and remediation.

In 2021 the Supreme Court ruled that the Claimants have an arguable case against Royal Dutch Shell (now Shell plc). The Supreme Court established that the potential liability of a parent company is broad and can arise in many different circumstances. The Supreme Court also ruled that internal corporate procedures, including policy setting and financial decision making could impact the liabilities of a parent company. The claims are now proceeding against both Defendants. Following the decision of the Supreme Court, SPDC has submitted to the jurisdiction of the courts of England and Wales and the claims against both Defendants will now proceed to trial.

In 2023 we served detailed schedules of information for around 13,000 Claimants, as required by the Group Litigation Order in place in the claims. The Court allowed the Claimants to amend their claims to include Nigerian constitutional causes of action and claims under the African Charter, which will be the **first time such claims have ever been brought against corporates for the environmental damage they caused.**

In 2024, the Claimants were successful in the Court of Appeal in their challenge to Shell's arguments that the claims should be dealt with as an 'all or nothing' claim which would have in effect absolved Shell of its legal responsibility for the damage caused by the oil pollution from its assets if it could show that even as little as 5% of the oil pollution in the environment originated from another source.

This landmark decision from the Court of Appeal will not only allow this case to proceed without further unnecessary delay, but will also **remove a significant access to justice barrier for all those who have suffered from complex environmental harm bringing claims in the UK.** This case has particular importance in the context of Shell currently trying to divest from its onshore operations in Nigeria, whereby they are seeking to exit the country leaving behind a legacy of devastating pollution after decades of exploitation of the local resources.

Kabwe lead poisoning class action

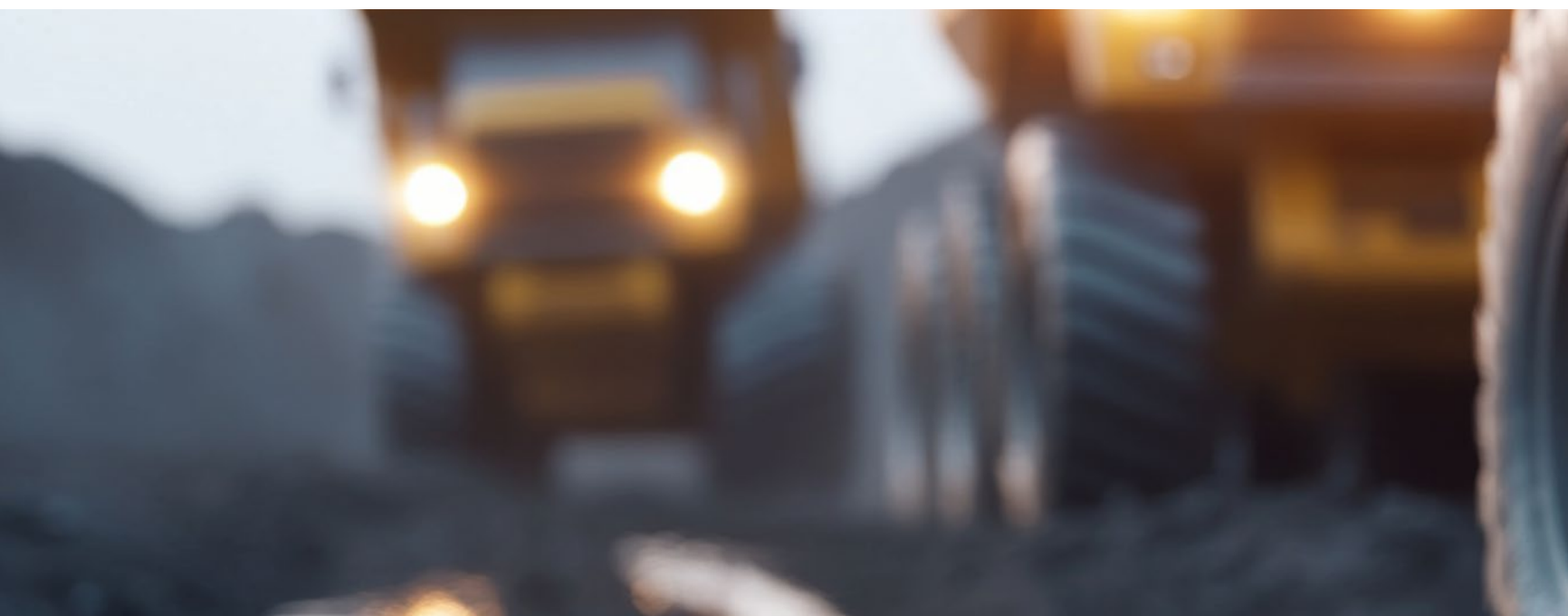
Leigh Day is working with Johannesburg attorneys Mbuyisa Moleele on a class action against Anglo American South Africa Ltd (Anglo).

The case was filed in the Johannesburg High Court by 12 representative plaintiffs on behalf of more than 100,000 individuals in the Kabwe District of Zambia believed to have been poisoned by lead. Kabwe was the world's largest lead mine and operated from around 1915 until its closure in 1994. From 1925 to 1974, its most productive period, the mine was owned and operated and/or managed by Anglo. The mine, the operations of which are alleged to have caused widespread contamination of the soil, dust, water, and vegetation, is situated close to villages comprising around 230,000 residents. The plaintiffs represent a class of children under 18, and girls and women who have been or may become pregnant in the future. The class action seeks compensation for the plaintiffs as well as (a) blood lead screening for children and pregnant women in Kabwe, and (b) clean up and remediation of the area to ensure the health of future generations of children and pregnant women is not jeopardised. It is alleged that from 1925 to 1974, Anglo played a key role in controlling, managing, supervising and advising on the technical, medical and safety aspects of the mine's operations, and that it failed to take adequate steps to prevent lead poisoning of the local residents and ensure the clean-up of the contaminated land where the community lives and works.

A hearing took place in January 2023 to determine whether the class action should be certified. In December 2023, the High Court refused the class certification application as a class action. However, in April 2024, permission to appeal this decision to the Supreme Court of Appeal was granted. The appeal is expected to be heard in early 2025.

Amnesty International, Southern Africa Litigation Centre and a group of UN special rapporteurs intervened as ***amici curiae*** in the certification hearing, and have applied to intervene in the appeal along with the Center for Child Law.

The case is an example of a model Leigh Day has adopted for many years, involving cooperation in environmental human rights litigation between UK lawyers and lawyers in the Global South, enabling access to justice in local courts, assisting in the development of local legal systems.



Lungowe v 2,576 Others v Vedanta Resources Plc & Konkola Copper Mines Plc

Leigh Day represented 2,577 Zambian farmers who took legal action against UK based Vedanta Resources Ltd (Vedanta) and its Zambian subsidiary Konkola Copper Mines Plc (KCM) for alleged damage to their land and waterways from copper mining effluent and emissions.

The Claimants were members of four artisanal farming communities next to the Nchanga Copper Mine in Chingola, Zambia. The mine was operated by Vedanta's subsidiary KCM, in which Vedanta bought a controlling share in 2004.

The communities: Shimulala, Kakosa, Hippo Pool and Hellen, claimed that polluted water was affecting their health and causing illnesses and permanent injuries. The polluted water is their primary source for drinking, washing, bathing and irrigating their farmland. The Claimants' primary source of livelihood is through farming as well as some fishing from the rivers.

Leigh Day issued proceedings on behalf of the villagers against the parent company, Vedanta and KCM at the High Court in London in July 2015.

In September 2015 both Vedanta and KCM challenged the jurisdiction of the English courts to hear the claims. In April 2019, the UK Supreme Court rejected the Defendants' legal challenge. This was a landmark decision in terms of English law on jurisdiction and a clear affirmation by the Supreme Court that a tort law duty of care may be owed by a multinational parent company to individuals who are impacted by the operations of their subsidiary. Under English law, companies who make public commitments to safeguard communities and the environment may be held legally responsible for harm that arises from the failure to implement those commitments. In December 2020, without admission of liability, Vedanta and KCM agreed the settlement of these claims.

Catarina Oliveira Da Silva & Others v Brazil Iron Limited and Brazil Iron Trading Limited

We act for 80 residents from two quilombola communities who live in close proximity to the Fazenda Mocó iron ore mine in Bahia, Brazil, which is operated by the Brazilian subsidiary of the Defendant companies, Brazil Iron Mineração Limitada (BIML).

The claimants allege that the two communities have suffered years of iron ore dust pollution from the mine, and that noise from machinery and blasting has disturbed their sleep and caused structural damage to their homes, and that some of them have suffered physical and psychological injuries.

A letter of claim was sent to the Defendants on 4 September 2023. In the weeks after the letter was sent, our clients say they were subjected to intimidation and harassment by two employees of BIML who tried to coerce the claimants to abandon their legal action. Proceedings were issued on 29 September 2023 and the claimants applied for an injunction against the Defendants to halt the alleged intimidation and harassment. On 19 October 2023, the injunction was granted by the High Court on a temporary basis. In April 2024, the claimants filed details of their claim at the High Court. In June 2024, the defendants applied to challenge the jurisdiction of the English court to hear the case. Following a hearing in December 2024 the High Court ruled in March 2025 that it had jurisdiction over the communities' claim for damages against the two English defendant companies, Brazil Iron Limited (BIL) and Brazil Iron Trading Limited (BITL) and the claim can be tried at the High Court in London. because they would be unable in practice to obtain access to justice in Brazil.

The matter is legally significant as it involves quilombola communities (descendants of Afro-Brazilian slaves) seeking to hold a British mining company liable before the English courts for environmental damage. It is an important test of the principles of access to justice for quilombola and traditional communities in Bahia and Brazil.

Wye valley communities v Avara Foods Limited, Cargill Plc, & Freemans of Newent Limited

Leigh Day is representing thousands of residents of the Wye Valley in relation to a potential group action relating to **the phosphorus pollution of the River Wye in West England and Wales allegedly caused by sewage pollution and intensive poultry farming.**

The potential claims will be brought against a large water company polluting the river with sewage discharges and and poultry companies (including Avara Food Limited and Cargill PLC) importing tonnes of high-phosphorus chicken feed into the region. The claims against the poultry companies will be based on their knowledge and control of the production of broiler-chickens in intensive poultry units located on farmland along the River Wye.

The River Wye spans an area of outstanding natural beauty, but its health status was last year downgraded to 'unfavourable-declining' by Natural England due to the pollution and the resulting (often toxic) algal blooms. **If the pollution continues, in two years the river will be "biologically dead".** The potential claim will pursue injunctive relief from alleged polluters to restore the river, and compensation for the full spectrum of losses suffered by the community.

The proposed claim will be brought in private nuisance on behalf of those who have suffered loss / reduced use of a proprietary right over land surrounding the River Wye and in public nuisance on behalf of those who have suffered financial loss and/ or loss of amenity.

The proposed claim will be brought on behalf of thousands of residents of the Wye Valley and it **will be the first of its kind in terms of a nuisance claim being brought as a group action relating to river pollution in the UK**. The claim is currently in pre-action stage but it is due to be issued in summer 2025.

Diesel emissions group litigation

The claims arise out of the VW 'Dieselgate' revelations which broke in the USA in September 2015 and **widely regarded as one of the ten biggest corporate scandals of all time.**

The claims allege that the carmakers used illegal 'defeat devices' in their diesel vehicles to cheat the tests done by regulators to check for nitrogen oxide (NOx) emissions levels before the vehicles are approved for sale. The Claimants allege that affected vehicles produce more harmul NOx pollution than advertised. NOx pollution can damage the respiratory system, irritate the eyes, nose and throat and increase the risk of respiratory infections and asthma.

Claims for compensation against Audi, BMW, Citroen, Ford, Jaguar Land Rover, Mercedes, Nissan/Renault, Peugeot, Porsche, Seat, Skoda, Vauxhall, VW, Volvo and others **brought on behalf of over 1.2 million vehicle owners, and constitute the largest ever consumer group action in the UK.**

Leigh Day is instructed by over 280,000 clients and is joint lead lawyers on the majority of the claims. In the last 12 months, significant progress has been made since the introduction of a "Lead GLO" structure by the Court a year ago, enabling the Mercedes, Ford, Nissan & Renault claims to proceed at pace. Two trials have been listed in the Pan-NOx Emissions Litigation procedural timetable, with one having already concluded on 18 October 2024 and the other slated for October 2025.

Leigh Day were the joint-lead lawyers in the VW NOx Emissions Group Litigation on behalf of over 90,000 Volkswagen, Audi, Skoda and SEAT vehicle owners. In May 2022, an out of court settlement was reached which resulted in a payment of £193m being made to the claimants. **This settlement is reported to be at the time the largest consumer group settlement in this jurisdiction.**

The Bodo Community, Nigeria v (1) Shell PLC (2) the Shell Petroleum Development Company of Nigeria

Leigh Day was instructed by the Bodo Community in Nigeria in 2011. Bodo is a community of around 49,000 people who rely on fishing and farming.

In 2008 two massive oil spills from a Shell oil pipeline spilled at least 560,000 barrels of oil into the Community's land. The oil spills ruined the lives of the Bodo people by destroying around 1000 hectares of mangroves and all of the marine life which the Bodo community relied on to survive. The pipeline was operated by the Shell Petroleum Development Company of Nigeria ltd, a subsidiary company of Shell.

Shell admitted liability for the spills, and after several years of litigation agreed to pay £55m in compensation in 2014, but the claim related to the clean up of the environment was stayed as Shell was obliged to conduct a full remediation of the damage it had caused. After years of delayed and inadequate clean up operations (and several failed attempts to strike out the claim) by Shell, there is an eight-day trial listed for May 2025 where the Court will determine (i) if Shell have met their obligations to clean up the environment; and (ii) if not, what action they need to take to remedy this.

The Claimants' experts say that there are good grounds to argue that the Bodo oil spill is the most damaging ever reported, in part due to Shell's inadequate and delayed response to it which meant the oil spill was left flowing for several weeks, and there is still devastating pollution in the Community almost 16 years later.

Jo Bateman v South West Water

Leigh Day is representing Jo Bateman in her County Court case against South West Water.

Jo is a wild swimmer who moved to Exmouth six years ago and her daily swimming is integral to her mental health. However, due to regular sewage pollution, Jo has been unable to swim on over 300 days over the past five years. As a consequence of this, Jo is bringing a claim in public nuisance against South West Water to seek compensation and injunctive relief for the loss of amenity she has suffered due to their pollution.

Jo's claim was originally pleaded before the Supreme Court's judgment in *Manchester Ship Canal Company Ltd v United Utilities Water Ltd No 2* [2024] UKSC 22. However, since the Supreme Court's judgment, Jo has repleaded her case making it one of the first (if not the first) case against a sewage undertaker following the ruling. It also involves a number of important points of law, such as the application of the special damages rule in public nuisance and the public right to swim. If Jo's case is successful it will represent the first time that a Court has formally recognised that an individual has a right to swim.

Exmouth residents v South West Water

In addition to Jo's claim, Leigh Day is also representing nearly 700 residents and businesses in Exmouth in a group legal action against South West Water in relation to their pollution of Exmouth Beach and the surrounding area.

Exmouth's economy revolves around tourism and therefore the state of the beach is vital to the economic well-being of the community. Furthermore, many residents of Exmouth regularly use the sea to participate in water sports such as kayaking, wild swimming and kite surfing. The claimants are therefore seeking to hold South West Water to account for their continued pollution and the impact they are having on the town. This claim is the first legal claim in which a community group legal action is being brought against a water company following the Supreme Court's judgment. The claim is currently at the pre-action stage.

Villagers of Fort Dauphin / Taolagnaro Communities v Rio Tinto plc

Leigh Day has been instructed by a large number of villagers from the Anosy region of Southern Madagascar who live close to the QMM Mandena mine in relation to a potential legal claim relating to water pollution and other harm allegedly caused by an ilmenite mine.

The mine is owned by Rio Tinto plc, which it is alleged plays a key role in controlling, managing, supervising and advising on key aspects of the QMM mine's operations. The mine is located in an ecologically sensitive estuarine environment that benefits from high levels of biodiversity.

The claimants allege that over many years the operations of the mine have caused serious contamination of local waterways with dangerously high levels of metals, including uranium and lead, with associated impacts on the environment and the health of the communities who rely on the water for all their domestic needs. The claimants seek redress for the damage and nuisance caused by the mine's operations and for the injuries caused by its contamination. A Letter of Claim was sent to the Defendant on 2 April 2024.

Singh v Shell Ship Management Ltd; Naquilat Shipping (Qatar) Ltd; QGTC Shipping (M.I.) Inc. Environmental Whistleblowing

Our client (Mr Singh) was previously an experienced marine engineer working onboard natural gas shipping containers, as part of a joint venture between Shell Plc, and the Qatari shipping company, Nakilat.

He claims that he was subjected to bullying and harassment as a result of serious 'whistleblowing' concerns that he raised in 2021, principally concerning the repeated and intentional discharge of oil and other contaminants into the ocean. He claims that his serious concerns were covered up through a sham investigation, and that he was effectively forced out of the company as a result. In the opinion of an expert psychiatrist, he has developed depression and PTSD as a result of these events, and it is unclear whether his health will allow him to return back to his former career in marine engineering. The client also believes that he has been blacklisted from the industry in any event.

The most serious concern that Mr Singh raised involved intentional 'dumping' of the vessel's bilge water into the ocean. He estimates that during his tour of duty between 150,000 litres and 300,000 litres of partially untreated wastewater was discharged into international waters, containing approximately 7,500 litres to 15,000 litres of oil, as well as a miscellaneous mixture of other contaminants. 'Bilge water dumping' (or 'the magic pipe', as it is known within the industry) is recognised as a significant, and widespread, problem within shipping, and it is known to negatively impact marine ecology. The US-based NGO SkyTruth estimates that over 1.8 million barrels of oil are being dumped into the ocean annually through various means; this equates to a spill the size of the one in Deepwater Horizon, every two years. SkyTruth's AI-powered satellite detection program, Cerulean, has identified more than 900 oil slicks in Southeast Asia and close to 400 in the Mediterranean, believed to be caused by intentional dumping from shipping vessels.

Our client hopes that in addition to obtaining resolution of his dispute, his dispute will also serve as a mechanism to bring to light the serious issue of bilge water dumping across the world.

Walleys Quarry landfill

Leigh Day has been approached by around 700 Staffordshire residents who live in close proximity to a landfill site, known as Walleys Quarry.

Residents have for many years complained of foul odours and air pollution emanating from the site. The landfill was issued a closure notice on 28 November 2024 with the Environmental Agency accusing Walleys Quarry Ltd of poor management of the site.

Air quality monitoring showed regular and substantial breaches of air quality guidelines, with hydrogen sulphide emissions in particular thought to be a major cause of foul odours and the increased prevalence of respiratory disorders present in the local community.

Prior to the closure the operators of the site were fined for breaching their environmental permit conditions on more than a dozen occasions since 2017 and were the subject of an abatement notice served by the local authority in response to a deluge of complaints from local residents.

Leigh Day is investigating a group action in private nuisance against the operators of the landfill, and have commissioned a report investigating the exposure to local residents of air pollutants released from the Walleys Quarry landfill site.

We anticipate legal proceedings being formally brought in the coming months.

PFAS pollution, Bentham Yorkshire – Angus Fire Limited

Leigh Day acts for residents in Bentham, North Yorkshire, in a claim against Angus Fire Limited as a result of per and polyfluoroalkyl substances (PFAS) pollution. This is the first PFAS related legal claim in the UK.

PFAS are a large and complex group of over 10,000 synthetic chemicals, which are more commonly referred to as 'forever chemicals' because of their persistence in the environment. They are very mobile in water which means that once they are released into the environment, PFAS can be transported over long distances. PFAS can be toxic to humans, plants and wildlife. Two of the most studied chemicals in this family, PFOA and PFOS, have been shown to promote the development of certain cancers and interfere with the bodies hormonal, reproductive and immune systems. Thousands of PFAS currently in use lack proper toxicological data though, meaning the full impact of these chemicals remains unknown.

The residents whom Leigh Day represents live in close proximity to Angus Fire's factory in Bentham. Since the 1970s, Angus Fire produced aqueous film-forming foams (AFFFs), the synthetic foam used to extinguish fires, at this site. In addition to producing the foam, Angus Fire also routinely tested batches of their AFFF products by extinguishing test fires on site with the runoff water from these tests directed into two open pits known as "lagoons". Sampling conducted by the Environment Agency in 2008 of the groundwater near to the lagoons recorded the highest ever publicly reported figure of PFAS in the UK with consistently high figures recorded to date. There is evidence that, as a result of overtopping and breaches in the lining of the lagoons, there have been unpermitted discharges of PFAS into the local environment. Leigh Day is working with experts to assess how far the PFAS pollution has spread.

The case is framed in the law of nuisance and is ongoing.

Kanseche Community, Malawi v Associated British Foods Plc

More than 1700 rural villagers from Malawi are taking legal action in the English High Court against UK multinational Associated British Foods, claiming flood defences protecting a sugar plantation it owns diverted floodwater following a tropical storm into their village, destroying it and killing seven people, including two children.

The case is the first time that a community has brought a claim against a multinational for the alleged harm it has caused when protecting its operations from the effects of climate change.

The 1,722 residents of Kanseche village in southern Malawi claim flood defences built to protect the sugar estate from the nearby Mwanza River and the effects of climate change diverted floodwater into the village in January 2022 with devastating consequences. The Nchalo sugar plantation is operated by Illovo Sugar (Malawi), which is a wholly owned subsidiary of Associated British Foods plc (ABF). ABF is the second largest producer of sugar in the world and owns a range of household brands including Primark, Silver Spoon, Twinings, Ryvita and Kingsmill.

The flood happened during the night of 24 January and morning of 25 January 2022 during Tropical Storm Ana. Many Kanseche residents were asleep when the floodwater entered their homes. There was no warning system to alert them. They describe a night of terror and confusion, with people forced to climb trees in the dark to escape the fast-flowing water, which quickly reached two metres deep and carried several people away. The Claimants allege that seven people died in the flood, including two four-year-old girls and an 11-year-old boy. None of their bodies has since been found.

After the initial flooding, the village remained cut off for three days, with most people forced to remain in the trees with no access to food or clean drinking water. Some attempted to survive by drinking the dirty floodwater which made them sick. Others saw crocodiles in the water below or had to fend off dangerous snakes in the trees before eventually being rescued.

The flooding destroyed every building in the village and left farmland in the area covered by a thick layer of sediment and rendered unusable. The villagers, who relied heavily on farming for their livelihoods, lost all their possessions, including crop stocks and animals which they have been unable to replace.

The flood defences around the Nchalo sugar plantation, including along the boundary with Kanseche village, consisted of a simple earth embankment, up to two metres high. In their claim, the villagers allege that the embankment constrained the natural flow of the Mwanza River during Storm Ana, causing floodwater to be channelled away from the sugar estate and directly towards the village.

The claims are brought in private law nuisance and negligence alleging that the Defendants are responsible for the damage caused due to the foreseeability of the flood event and the Defendants' failure to put sufficient measure in place to protect the community from damage whilst protecting their sugar plantation. The Claimants seek damages for the destruction of their housing and other property, loss of income from farming, remediation of the farming land and personal injuries including the deaths of five community members and serious psychiatric damage.

Colombian Campesinos v Amerisur Resources Limited

Leigh Day acted for a community of 171 small-scale Colombian farmers and their families, in environmental pollution compensation claims against UK-based Amerisur Resources Ltd (the UK parent company of Amerisur Exploración Colombia Limitada).

The claimants alleged that their local waterways and WETland were polluted following a large oil spill in Putumayo in 2015. The spill was caused by an armed attack by an outside group on five crude oil tankers on Amerisur's platforms.

The claimants argued that Amerisur was liable under provisions of Colombian law that imposes strict liability for damage that was foreseeable or preventable arising from a dangerous activity, and for the failure to clean up adequately afterwards.

A freezing injunction over Amerisur's assets had to be obtained on behalf of the claimants to prevent corporate assets being dissipated and jeopardising the claimants' interests.

Following a preliminary issues trial in July 2022, the High Court dismissed Amerisur's arguments that under Colombian law the claims were out of time and that Amerisur could not be held liable as the parent company.

The claims were settled in 2023 on a confidential basis, with no admission of liability.

Monterrico Metals

In 2009, Leigh Day represented a group of 33 indigenous Peruvians in the UK High Court in a claim against the British parent company Monterrico Metals plc, relating to the Rio Blanco copper mine.

The mine is situated in a forest region in the Huancabamba mountains in Northern Peru, an area of cultural importance to the communities. Following an environmental protest, the claimants allege they were tortured, beaten and sexually abused by the Peruvian police and mine employees at the in August 2005.

Nevertheless, while many of the claimants were prosecuted by the authorities, no charges were laid against the company, its employees, or the police.

The claims were based on alleged breaches of the Peruvian Civil Code.

In June 2009, freezing injunctions were obtained in the UK and Hong Kong High Courts over Monterrico's assets worldwide. This was to protect the claimants' interests from the risk of dissipation of assets arising from Monterrico's decision to restructure and relocate to Hong Kong.

In July 2011, three months before the trial was scheduled to take place a confidential settlement was reached with no admission of liability.

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