



## **Costa Beck: why Fish Legal took the government to court twice**

This explainer sets out, in plain English, what has happened on the Upper Costa Beck in North Yorkshire, why Fish Legal brought two judicial reviews, and why the second case matters for rivers far beyond this one stream.

### **The short version**

The Upper Costa Beck is a river that has been polluted and declining for nearly 20 years. Courts have ruled that the government must set out clear, practical actions to fix it. Twice, the government failed to do so. Fish Legal took the government back to court, and twice the plans were quashed.

This is not just a story about one river. It helps explain why so many rivers remain in poor condition despite strong environmental laws on paper.

### **What is the Upper Costa Beck?**

The Upper Costa Beck is a small, spring-fed stream in North Yorkshire. It was once widely regarded as one of the finest trout streams in the region, known for clear water, healthy insect life and exceptional fishing.

Over time, its condition declined. Pollution pressures increased, fish stocks collapsed and habitats degraded. By the mid-2000s, serious concerns were being raised about the river's ecological health. Investigations and monitoring followed, but effective restoration did not.

### **How rivers are supposed to be protected**

Under environmental law, rivers in England are meant to be protected and improved through legally required plans.

At the national and regional level, the government produces River Basin Management Plans. Alongside these sit Programmes of Measures, which are supposed to spell out what will actually be done to improve each river and meet legal environmental standards.

The central question in the Costa Beck cases was simple:

Do these plans have to include real, specific actions for individual rivers, or can they remain general and aspirational?

### **Why Fish Legal brought the first case (JR1)**

Fish Legal brought the first judicial review on behalf of Pickering Fishery Association because the Programme of Measures covering the Upper Costa Beck did not identify any concrete actions to restore the river.



The government's position was that it was enough to rely on high-level, generic measures applied across a whole river basin, without committing to addressing the specific problems in each river.

Fish Legal argued that this approach hollowed out the law. If no river ever had to be fixed, environmental objectives would never be met.

The courts agreed.

The High Court ruled that Programmes of Measures must include specific actions directed at individual rivers. The Court of Appeal upheld that judgment in full, rejecting the government's appeal.

### **Why there was a second case (JR2)**

After losing the first case in the High Court, and while appealing, the government approved a revised Programme of Measures for the Upper Costa Beck.

Fish Legal examined the revised plan and concluded that, despite changes in wording, it still did not do what the court had ordered. Action was again deferred, citing the need for further scientific certainty and further investigation into who was responsible for pollution, despite decades of monitoring.

In practical terms, this meant more delay and no clear commitment to restoration.

Fish Legal brought a second judicial review on behalf of Pickering Fishery Association challenging the lawfulness of this revised plan.

After the Court of Appeal judgment confirmed the law beyond doubt, the government accepted that the revised Programme of Measures was still legally deficient. Rather than contest the case, it agreed to a consent order quashing the plan again.

### **What has just happened, and why it matters now**

The consent order in the second case was sealed by the High Court in late December 2025. Until that point, its contents were confidential.

This matters because it means the government has now, for a second time, been forced to accept that its plans for the same river were unlawful.

The Environment Agency must now redo the Programme of Measures for the Upper Costa Beck again, within a set timetable, and the Secretary of State must approve it.

This is the point at which accountability bites. The excuse of waiting for court proceedings has gone.

### **A simple timeline**

#### **Early 2000s**

Concerns emerge about declining water quality and fish populations in the Upper Costa Beck.

**2005–2015**

Monitoring and investigations take place. Pollution pressures are identified, but no effective restoration follows.

**2019–2021**

River Basin Management Plans and Programmes of Measures are updated, relying on generic actions rather than river-specific fixes.

**2023**

Fish Legal brings the first judicial review on behalf of Pickering Fishery Association.

**2024**

The High Court rules in favour of Fish Legal. The Programme of Measures for the Upper Costa Beck is quashed.

The government appeals.

**April 2025**

The Court of Appeal dismisses the government's appeal in a strong judgment confirming that specific action is required for individual rivers.

**September 2024**

While the appeal was pending, the government approves a revised Programme of Measures for the Upper Costa Beck.

**December 2024**

Fish Legal brings a second judicial review, arguing that the revised plan still fails to comply with the court's order.

**July 2025**

The government agrees to a consent order conceding that the revised plan is unlawful.

**December 18<sup>th</sup> 2025**

The consent order is sealed by the High Court, allowing the outcome to be made public.

**January 8<sup>th</sup> 2026**

The Office for Environmental Protection confirms that the Pickering judgment applies nationally and identifies possible failures by Defra and the Environment Agency to comply with Water Framework Directive requirements.

**Why this matters beyond Costa Beck**

People rightly focus on sewage discharges and agricultural pollution when they think about the state of our rivers. But Costa Beck shows another part of the picture.



Even when pollution is well documented, and even when courts rule clearly on what the law requires, action can still be delayed for years through planning, consultation and further investigation.

If environmental plans do not require action on specific rivers, environmental law risks becoming something that looks strong on paper but delivers little in practice.

### **What the watchdog has now said**

In January 2026, the Office for Environmental Protection, the independent body set up after Brexit to hold the government to account on environmental law, confirmed that the legal interpretation upheld in the Pickering judgment applies across England's rivers.

The OEP said that plans prepared under the Water Framework Directive had become too generic, failing to address problems at individual water bodies, and identified possible failures by Defra and the Environment Agency to comply with existing legal requirements.

The watchdog's findings echo the conclusions reached by the Court of Appeal in the Pickering case. Together, they reinforce that environmental law requires specific, river-by-river action, not high-level plans that defer difficult decisions.

This independent assessment confirms that the Costa Beck cases are not an isolated anomaly, but an example of a wider pattern in how river protection law has been applied in practice.

### **What happens next**

Under the new consent order, the Environment Agency must now produce a lawful, river-specific Programme of Measures for the Upper Costa Beck by June 5<sup>th</sup> 2026. The Secretary of State must then approve it.

Fish Legal will be monitoring that process closely. If the law is to mean anything, this must result in real action on the ground, not another cycle of plans without delivery.