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Date: 17 September 2020
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SENT BY EMAIL

Dear Robin

217 High Street, Yiewsley, West Drayton

Planning Reference 68663/APP/2020/705 Planning Specialist Observations

I refer to the Planning Specialist Observations prepared by Vicky Boorman in respect of Taylor Wimpey's Planning Application relating to 217 High Street, Yiewsley. In particular, I write in connection with the paragraph within that Note headed "Land ownership".

In that section of the Note, the Flood Officer states that "As the Lead Local Flood Authority we disagree with the statements in this letter [Gateley's earlier legal letter of 5 June 2020]… that this area along the northern boundary on the east side of the site is unregistered. It is simply an outcome of the Land Registry way of recording ownership…" and the Flood Officer then goes on to refer to the ad medium filum rule.

Firstly, it is indisputable that part of the River Pinn falls within Title Number AGL51409 and which is in the ownership of Wirral Borough Council. As evidence of this, we enclose Land Registry's illustrative plan and refer to the annotated note. The area coloured green on that plan includes the south western part of the River Pinn and clearly demonstrates that it falls within Title AGL51409. A copy of Title AGL51409 is also enclosed for ease of reference.

By reference to that same Land Registry illustrative plan, it is clear that the remainder of the River Pinn (insofar as it in proximity to the application site) is unregistered. It is wrong of the Flood Officer to say that they disagree with this statement.

Furthermore, we would point out that the part of the application site which is in proximity to the River Pinn (the land in Title AGL49062) does not directly abut the banks of the River Pinn. There is an

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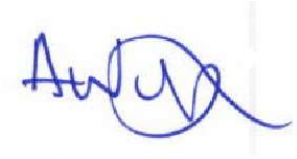
intervening strip of land between the banks of the River Pinn and the land in Title AGL49062. It is for this reason that we do not believe that the ad medium filum rule applies in this case.

The ad medium filum rule is a rebuttable boundary presumption that the owner of land which abuts either a public or private highway or a non tidal river or stream also owns the soil of the highway or the bed of the river or stream (up to the main or centre point).

We agree with the Flood Officer that were it the case that the land in Title AGL49062 directly abutted the River Pinn then there would be an argument to make (based on the fact that the north eastern section of the River Pinn is unregistered) that the ad medium filum rule applies. That is not the case.

We would also point out that even if that were the case, it is a rebuttable boundary presumption meaning that it would be open to challenge in the future should a party have evidence to the contrary. In that regard, we would make the point that even if the land in Title Number AGL49062 directly abutted the River Pinn (which is doesn't) it would be wrong of the Local Planning Authority (whether or not as Lead Local Flood Authority) to oblige the applicant to carry out works to such land on the basis of a rebuttable presumption.

Yours sincerely



Andy Wilson
Partner
for Gateley Legal

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