

Open Report on behalf of Richard Wills - Executive Director for Environment & Economy

Report to:	Mid-Lincolnshire Local Access Forum
Date:	21st July 2015
Subject:	Ordnance Survey – The Recording of "Routes with Other Public Access" (ORPA)

Summary:

A report on the recording of ORPA on commercially available Ordnance Survey Mapping

Recommendation(s):

That the report is considered and advice to the Authority from the Local Access Forum is provided

1. Background

Other routes with public access or ORPA are routes shown by the Ordnance Survey (OS) on their commercially available mapping as either green or pink dots depending on which series of maps you are using.

The notation does not tell you what rights of access may apply for these routes but there appears to be a general presumption that vehicle routes will apply.



Landranger Series 1:50000



Explorer Series 1:25000

The notation does not tell you what rights of access may apply for these routes but there appears to be a general presumption that vehicle routes will apply however the legend on both series of the OS mapping reads as follows:

● ● ● Other routes with public access (not normally shown in urban areas)
The exact nature of the rights on these routes and the existence of any restrictions may be checked with the local highway authority. Alignments are based on the best information available

This indicates that the OS are not actually informing the public of how they can use such routes rather that the public has some form of indeterminate level of access.

2. How did ORPA come to be mapped by the OS?

The request to record routes of this type was initially made by Ramblers to show routes that were not obviously public on the existing OS mapping, in particular the many miles of unsurfaced roads that do not appear on definitive maps and have no other indicators as to their status on the ground.

As a consequence ORPA were collected by the OS as a one off exercise in the late 1990s. Field surveyors visited local authority highways departments and selected from the local authority List of Streets document with the objective of linking gaps in the existing rights of way network. It is recognised that the list is by no means comprehensive for example, as shown by the legend above, ORPA in urban areas are not recorded.

Nationally the process appears to have been a bit "hit and miss" with some areas having greater numbers of ORPA recorded and in others there are surprising omissions. Lincolnshire has very few routes shown as ORPA considering the geographic size of the County.

In deciding what to show the OS appear to have applied some basic criteria:

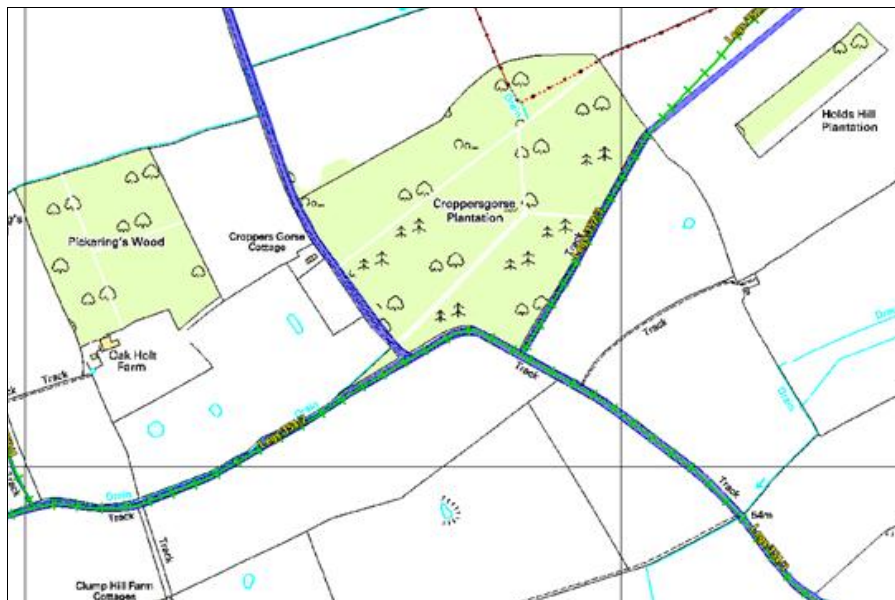
1. "Coloured" roads were not recorded as ORPA. The principle to this is that as a "coloured" road there is a recognition that the road in question is a public road.
2. Selectively is apparent even over what would otherwise be eligible, for example if the route is very isolated and forms no link in a recreational network.
3. ORPA are not shown if the route is recorded on the Definitive Map and Statement even if higher rights are considered, but not recorded, as applying.

Further, the OS have never updated the data and consider the process in the 1990s to have been a one off exercise and will only alter their dataset on the advice of the highway authority and even then may not be compelled to do so.

3. Rights applying to ORPA.

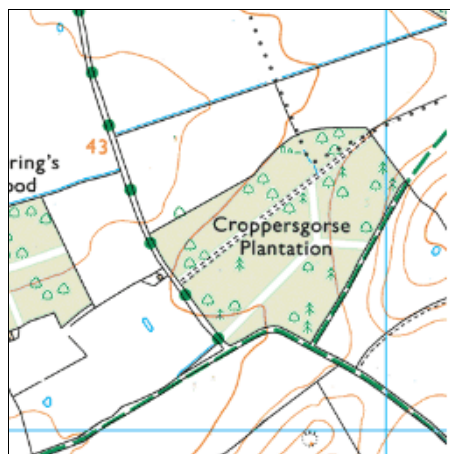
As already stated the recording of an ORPA confers no status to the highway. The reason for this being that the information was taken from the List of Streets which only records whether a route is maintainable at the public's expense. The only safe assumption that can be made for routes on the List of Streets is that public footpath rights (as the lowest rights status of highway) apply.

In practice in Lincolnshire research generally indicates that routes on the List of Streets carry motor vehicular rights although this is subject to potential extinguishment following the Natural Environment and Rural Communities Act 2006 (NERC Act) and in particular where routes are recorded on both the Definitive Map and the List of Streets. A good example of this is the network of routes around Legsbys.



The blue notation indicates that the route is shown on the List of Streets
The cross-hatched green line indicates a recording of bridleway on the Definitive Map & Statement.

On the OS mapping this is shown as:



This would seem to indicate that there may probably be vehicle rights on the north-south route to the west of Croppersgorse Plantation yet the other routes only carry bridleway rights.

The consequences of this are as follows:

1. The public can only be safe in the knowledge that they can access the bridleway from the route to the west of Croppersgorse on foot
2. That bridleway rights probably apply to the ORPA route
3. That higher rights in non-motorised and motorised vehicles possibly apply to the ORPA route
4. That higher rights for non-motorised vehicles exist but are not recorded for the routes depicted as bridleways following the extinguishment of any motorised rights by the NERC Act.

All in all it ends with a degree of confusion that is not helpful to the public in assessing how they can use the route.

4. Next Steps

Further to the Deregulation Act 2015 unrecorded highway rights will be extinguished if they existed before 1949. It is expected that the forthcoming regulations will have "savings" for routes already shown on List of Streets but any higher rights on the bridleway sections will be lost.

It is for this reason that where these situations occur it is important that research is carried out and an application to amend the Definitive Map and Statement is made to ensure that rights are preserved.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Policy Proofing Actions Required

n/a

6. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Chris Miller, who can be contacted on 01522 782070 or countryside_access@lincolnshire.gov.uk.

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