

The Use of Ordnance Survey Maps Before the Depiction of Rights of Way

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1. The value of Ordnance Survey (Ordnance Survey) maps as navigational aids to the public, before the specific depiction of rights of way, has been called into question over the last few years. The following analysis of contemporary information demonstrates that Ordnance Survey maps were indeed used by the public for navigational purposes before rights of way as derived from Definitive Maps were shown.

Use of Ordnance Survey Maps by the Public

2. It is often argued that Ordnance Survey maps were only for military purposes. But in fact from the beginning not only did the public take great interest in the mapping process but Ordnance Survey relied upon sales to the public for financial viability.
3. It is also argued that one cannot say whether a route shown on the Ordnance Survey map is public or private, only that it was a physical feature, but it was a common assumption when I was growing up that all roads, bridle roads and footpaths shown on Ordnance Survey maps were public except those which terminated at farmsteads and dwellings which were private. The extracts below show that this was a common understanding at the time (1950s).
4. The following quotes show that Ordnance Survey maps did indeed sell in great numbers to the public, who would have primarily bought them for travelling purposes. If they were of use for travelling, then there must be a strong presumption in favour of the routes shown being public.

5. **2010 Map of a Nation by Rachel Hewitt**

"The public utility of the endeavour was on the minds of its progenitors from the start, and on his appointment Mudge argued that the maps themselves should be made available to the general populace.....he described how Britons were clamouring 'to possess some general Map, published on the same principle with the Carte de France, a performance highly celebrated.'." (p 154) late 1700s under William Mudge

"Thanks to increased demand and these reduced prices, over 28,000 sheets of the First Series had been sold in 1845 alone." (p296)

"One such map lover described in 1862 that he could 'stand an hour at a time' in front of one of its sheets, 'tracing a good run, or, if that wasn't his line, planning rides and drives.'" (p307) He could not have done this if many routes were not in fact available for him to use.

6. **1931 The Great Outdoors by Rambler**

"There are many kinds of map available, but most ramblers and hikers pin their faith to the Government's one-inch sheets of the Ordnance Survey. These cover the whole country and they show all roads down to the merest cart-track, most bridle-ways and a great many footpaths, and especially important, the long connecting routes in rural and out of the way places." (p11)

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By the 1930s there were many town dwellers coming out to enjoy the countryside, most of them did not have associations with those living in the country who could tell them which way to go, so they had to rely on maps.

7. **1936 A Key to Maps by Brigadier H.S.L. Winterbotham, Director General of Ordnance Survey**

It can be assumed that the Director General knew the legal situation, *"We are almost, without exception, interested in rights of way, either as landowners or as seekers after fresh air and exercise. But these are best seen on the six-inch plans, and are now being officially investigated on them."* (p2)

"The Ordnance plan will show you.....what paths in the neighbourhood are available for exercising the dog." (p4)

"...they are of the greatest assistance to our holiday travels. Map sales continue to increase, whether money is cheap or dear. They are at once the guide to our pleasantest ramblings and a record of them. No one can pick a skilful path through unspoiled country without them. No one can get the best from his holiday neighbourhood without his 1-inch." (p6)

8. **1947 Cycling Touring Guides, Northern England by Harold Briercliffe**

"The thorough tourist who mixes serious walking with his cycling will find that the 'Tourist' sheets issued by the Ordnance Survey on a scale of one inch to the mile give far more detail and provide a better all-round guide than those of the half-inch scale." (p108)

9. **1948 The Countryside Companion by Tom Stephenson**

"For walkers the most useful maps are those of the Ordnance Survey on the scale of one inch to the miles.....you should be able to find your way through the wildest and most desolate regions to be found in the country."

"Cyclists will probably prefer the map on the scale of two miles to the inch, for while these do not indicate footpaths, they do show all roads, lanes, villages, hamlets, and many other features." (p36)

10. **1950 Surveys and Maps of Rights of Way** (for the purposes of Part IV of the National Parks and Access to the Countryside Act 1949) Approved by the Ministry of Town and Country Planning

"If any of the earlier Ordnance maps are available they should be examined and compared with the latest edition. It will often be found that tracks which used to exist and are described by old witnesses as public are no longer shown on the later editions, but if a path has once become public, mere disuse does not extinguish the public right. Ordnance maps do not distinguish between public or private paths, but mark all visible tracks. Where they describe a path as 'BR' the surveyors found a path apparently used as a bridleway; or if 'FP' as a footpath; but the use of such letters does not necessarily mean such paths are public, nor does the omission of the letters mean that such paths are not public."

"By consulting the maps referred to, much information will be gained as to the location and antiquity of many tracks." (p5)

11. **1956 Camp and Trek by Jack Cox**

"Trekking by Cycle: A more scientific way of exploring a stretch of country is to cover every road and track in a selected area....we could choose the country covered by one Ordnance Survey map on the one-inch scale." (p63)

"Maps of the hilly areas of Britain on a scale of 2 ½" inches to 1 mile is a suitable scale for outdoor work of all kinds." (p93)

12. **1966 Fellwanderer by A. Wainwright**

"An important happening as far as I was concerned, but which passed without comment at the time, was the publication by the Ordnance Survey, for general use, of maps of the Lake District on a scale of 2 ½" inches to the mile. These were grand. They fascinated me. The one-inch maps we had had to be content with before suffered from the absence of detail: they were magnificent maps, magnificently drawn and magnificently accurate, but on the rough country of Lakeland, where summits and crags and tarns and streams were bewilderingly crowded in small compass and where the ground was so steeply sculptured that the contours almost touched, there was simply not room on the one-inch maps to show every feature that a walker would encounter on his travels.....But the 2 ½" inch scale was release from a straight jacket.....The 2 ½" inch maps quickened my interest in the detail of the fells, and it was a thirst for this knowledge that led me in due course to use the Ordnance maps at the scale of 6 inches to the mile....The Ordnance Survey maps are the official maps, and the best of all." (p8)

The Disclaimer

13. Since 1889, the disclaimer has stated, *"The representation on this map of a Road, Track or Footpath is no evidence of the existence of a right of way"*. It is now argued by some that this statement renders all roads and paths of unknown status and does not show whether they are public or private.

14. My father was highly educated – D Phil (Oxon) often described as a polymath – and socially aware, with family who were large landowners in more than one county, and was brought up by his grandfather, who was born in 1842. He told me that this statement was purely to remove the likelihood of the Ordnance Survey being brought into civil litigation. We hear of many cases where people were turned off grouse moors, but no great disquiet or prosecution cases against those using roads if they were regarded as private. This is backed up by the following:

15. **1948 The Countryside Companion by Tom Stephenson**

"If we consult the Ordnance Survey Map it may show the path in question, and that seems conclusive, but then we remember reading in the map margin a statement that The representation on this map of a Road, Track or Footpath, is no evidence of the existence of a right of way. You might well say how am I to know what is a footpath, and what use is a map which shows a path and then implies that it might not be a path? In practice the qualifying statement of the Ordnance Survey may be regarded as a safeguarding clause to absolve them from being involved in any footpath litigation. A road or track may be a private road to a farm or dwelling. A path which is shown, may, however, generally be presumed public." (p320)

16. **1959 Adventure Cycling by Ronald English**

"As you will see from the footnote on Ordnance Survey maps, the representation of a track or footpath is no evidence of a right of way. However, any track joining main roads or two villages and not simply leading to a farm is likely to be a right of way." (p122)

What was Shown on Ordnance Survey Maps?

17. If one accepts that the public did indeed use Ordnance Survey maps which did not specifically show rights of way, how were these maps used and what information did they impart to the public who were using them? I and older friends used them as showing all roads and bridle roads as public. I was also told that a bridlegate indicated a public bridleway.

18. **1905 Instructions to OS Field Examiners by Colonel D.A. Johnson, Director General of Ordnance Survey**

"The Ordnance Survey does not concern itself with rights of way, and Survey employees are not to enquire into them." (p19)

But despite this, they were instructed, as shown below, to show routes that were *"of use or interest to the public"* and to only show a clearly marked track if *"it is in obvious use by the public"*.

Mere convenience footpaths for the use of a household, cottage, or farm ; or for the temporary use of workmen, should not be shown ; but paths leading to any well-defined object of use or interest, as to a public well, should be shown.

N.B.—A clearly marked track on the ground is not in itself sufficient to justify showing a path, unless it is in obvious use by the public.

19. The instruction regarding the notation FP infers that all roads shown were public since the letters FP were to distinguish those roads which were not suitable for horses and wheeled traffic. This cannot be referring to private paths because the owners would be aware of their suitability anyway.

Except in gardens, or where the omission is not likely to mislead, the initials F.P. should be inserted to foot-paths, with the object of avoiding the chance of their being mistaken on the plans for roads traversable by horses or wheeled traffic.

20. **1930 Exploring by Gilcraft**

"As a general rule a stile is good evidence of the existence of a public path, and so are bridle or wicket gates or other erections to facilitate the passage of the public" (p95)

21. **1931 The Great Outdoors by Rambler**

Reiterates that stiles and bridle gates indicates a public route with *"Get over that stile on an unknown footpath, or go through the first bridle gate which invites you."* (p10)

22. **1931 Moorland Tramping in West Yorkshire by Alfred Brown**

He discusses the road classification (referring to the motorist or 'road hog' as 'Hogs'), *"Minor Roads: Fortunately, the aforementioned one-inch Ordnance maps ...usually reveal a fourth type of*

road called (modestly) 'minor roads'. Of all the roads open to man in England, these are the ones I begrudge the motorist....." infers that they were public.

He went on, "No Roads: But let the tramper take heart of grace, the finest routes are not yet hinted at on Hog's maps, partly because they do not come under the category of 'roads' at all (not even 'minor roads') and partly because no Hog has ventured within sight of them. Sometimes they are indicated on the Ordnance Survey maps as dotted lines trailing, perhaps from one mountain top to another....."

"These 'No Roads' I would indicate on my secret maps by means of golden arrows to let the Elect know that they lead straight to paradise. For these, indeed, are the true paths perilous; tracks unpolluted by any wheel and only rarely traversed on horseback; tracks that will remain freehold to the tramper to the end of time....." (p25-26)

"The experienced Rambler sticks to the tracks as long as possible because they usually signify a right-of-way." (p180)

23. **1936 Romany Hints for Hikers**

"You may find the remains of what used to be called a bridle path. Bridle paths are narrow paths running through fields, and on them you will not be trespassing." (p12) This indicates that bridleroads/bridleways/bridlepaths¹ were regarded as public.

24. **1938 Cross Country Riding by E.P. Stebbing**

He said, "The Ordnance Map 1 inch to the mile is doubtless the best." though he cautioned that many were blocked by "wire on bridle paths where, according to the maps, no wire should be, gates locked and wired up, narrow uncrossable bridges for a horse (on a right of way)". (p64)

25. **1948 The Countryside Companion by Tom Stephenson**

Whilst discussing the one inch map, "When we know what each sign indicates ... whether we shall be on a footpath, an unfenced or fenced lane or road" (p38), there is no mention that some of these lanes and roads were private; it infers that they were all public and could be used by the public.

26. **1949 Intermediate Map Reading by Thomas Pickles**

Whilst discussing symbols, he says, "Bridleroads: are useable by horses as well as foot passengers. The bridle road, therefore, should have gates instead of stiles." (p5) The term 'passengers' surely means that bridleroads were public and not private; one would hardly have had private passengers!

27. **1950 Surveys and Maps of Public Rights of Way by Commons, Open Spaces and Footpaths Preservation Society**

Prepared by the Society in collaboration with the Ramblers' Association, recommended by the County Councils Association, approved by the Ministry of Town and Country Planning, the guidance was issued to councils compiling the definitive map and statement². It referred to the Ordnance

¹ The terms bridleroad, bridleway and bridlepath do not appear to have had a consistent definition or application at any time but have been used synonymously.

² 1949 National Parks and Access to the Countryside Act

Survey use of B.R. as *“Where they describe a path as “B.R.” the surveyors found a path apparently used as a bridleway”*.

In common with conventional wisdom of my childhood, the guidance also says that public paths can be recognised, *“Where they are, or have been, provided with stiles, wicket gates, footbridges, stepping stones or other means of passage.”*

28. **1959 Adventure Cycling by Ronald English**

“You will need a good map when lane exploring, as you will for all off-the-beaten-track routes. The green lanes are shown as ‘minor’ or ‘unmetalled’ roads, and the lines will be broken if the way is unfenced. First look for a lane on your map, then search for it on your bicycle. It is no use turning down the first green lane that you come to. It may lead only to a farm, and you will return the way you came.” (p120) This upholds what I was taught: that through lanes and roads could be used by the public.

Conclusions

29. All the above examples show that Ordnance Survey maps were used by the public in large numbers for navigational purposes from the first editions in the early 1800s. This means that for over 100 years the through roads and tracks shown on them were regarded as public. I spent my youth from the mid 1950s to the late 1970s navigating around seven different counties (including a solo 250 miles trip aged 15) with Ordnance Survey maps which, according to current conventional wisdom, did not show rights of way information but I, my friends, family and authors of the time, all used them as depicting public highways.
30. The instigation of a definitive map was not because the public were being denied access to the minor road network, but that they were losing the undefined cross field bridle and footpaths. Unfortunately the impetus for the definitive map did not occur until after the days of horse transport and the end of two world wars. By then those with the knowledge of both horses and the old roads had died, riding was at a low ebb and many riders were closely connected with landed interests; hence leaving the less generous landowners to deny public access on so many public routes.