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## Taking action

### Highways under threat

This article is a reprint from our  
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and is the fourth in a series on **Taking action**

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In the fourth of a series about preserving unrecorded rights of way from extinguishment on the cut-off day, 1 January 2026, our vice-chairman Phil Wadey looks at routes that call for investigation.

In the last three editions of *Open Space* we have considered how to take action in respect of evidence found for rights of way that are unrecorded or under-recorded on the definitive map of rights of way. However, some people have questioned whether there are any unrecorded rights of way, or have otherwise wanted to know how to find routes that ought to be investigated. Some readers have even suggested that there may be no unrecorded ways in a whole county: in my experience this is most unlikely.

In this article we consider some starting points for research. They will not all produce paths that can be added to the definitive map, but many will. Each case will, as ever, need to be considered on its merits once evidence has been collected.

A good place to start is with an Ordnance Survey *Explorer* map of the area of interest. Examine this carefully, first paying particular attention to how paths are shown. On most maps, examples will be found of where footpaths change status to bridleway, bridleways change status to restricted byway, or any path seems to stop in the middle of nowhere, all for no clear reason. Each such change should be highlighted, and subjected to investigation using the evidence sources considered in previous OS articles.

## Identify

In OS summer 2015 (page 7) we mentioned the need to identify routes shown on the Ordnance Survey as ‘other routes with public access’ (ORPAs). Although the county councils and unitary authorities supplied the information to the Ordnance Survey in the first place, many councils no longer have some of those routes recorded on their definitive maps or in their lists of streets. Such routes are eligible to be recorded as restricted byways or byways open to all traffic, while others will be ordinary all-purpose roads. Each ORPA shown on a map should be investigated to see if it needs to be recorded.



*Highwoodhall Lane, Abbots Langley, Hertfordshire. Spotted as a route with public access but no longer to be found on the county's list of streets in 2010. Restricted-byway status applied for on 20 September 2010. Photo: Phil Wadey*

Other paths deserving investigation include those wide routes that seem to 'carry on' when a road goes round a sharp corner, and where much of a Roman road is recorded as a path but there are gaps in the definitive line. Again, these indicators are not evidence in themselves, but investigation often reveals evidence that can lead to a path being recorded.

### **Crossings**

For those interested in investigating crossings, many under-recorded paths can be found by reviewing the status of every railway and motorway crossing. Many crossings, in addition to those suggested on the OS map, will be found to be used by the public, and such routes will need to be investigated, usually starting by looking at the legal records that created the railway or motorway.

For example, in North Mymms parish, Hertfordshire, two bridleway-standard bridges were found crossing the A1(M) motorway, yet neither was on the definitive map. Although these were not pre-1949 paths (and so would not be caught by the cut-off) they were proven by using documentary evidence.

Further information on locating evidence of rights-of-way status can be found in *Rights of Way: Restoring the Record* by Sarah Bucks and Phil Wadey.