

# **Section 4: The Registration Process**

#### Introduction

This section explains the registration process, firstly from the point of view of RoS staff, and then as seen from the point of view of the Ordnance Survey surveyor. The procedures followed by both organisations will be outlined and then some guidelines provided on issues to be considered before a check survey is requested, and how to word the requisition in the best way to help the surveyor and to get the most information to assist in the registration case.

RoS is a member of the Scottish Executive consortium with Ordnance Survey. Through a Service Level Agreement, RoS automatically receives any map tile where there have been more than 20 units of change. (One unit equates to a new house and all its associated features). These map tiles arrive from Ordnance Survey once a month and the numbers involved can vary widely, depending on the time of year and the type of revision that Ordnance Survey have been doing, i.e. rural revision. All the new data supplied by Ordnance Survey is in CD-ROM format. Each CD-ROM has its own unique identifier - a Regis number. When the map tiles are imported into the DMS, the Regis number is included in the description of the new data together with an explanation of why the new data has been received. This information is available to users through the "version of map" functionality on the DMS.

Responsibility for liaison with Ordnance Survey regarding survey requisitions lies with Mapbase Maintenance (MBM). It is their task to:

- investigate and, where practicable, resolve discrepancies with registered titles and indexes arising from the increasing number of updates received as a result of receiving new data from the Ordnance Survey.
- where possible, improve turnaround times for the various casework types being processed, including monitoring Ordnance Survey's response to survey requisitions, street survey checks and requests for topographic information.
- monitor the incidence of survey requisition in particular areas and regulate the quality of resultant Ordnance Survey data to ensure a high level of service is maintained.
- work in partnership with internal customers to help improve services and the quality of products supplied to external customers.

The procedures to be followed are well documented on the RoS intranet and so do not need to be repeated in full in these notes. Some of the main points, and the





three principle RoS/OS forms, are listed below however to highlight some key points and add context to the remained of this section.

# **Procedures – RoS**

The vast majority of registration cases are processed without any problems in terms of matching the mapped extent of the land on the deed plan with that shown on the Ordnance Survey map. In many other cases the problems are solved relatively easily internally, sometimes with the help of the Departmental Surveyor (DRS).

In terms of the statistics, there were over 70,000 full registrations completed in the last complete year. Of these 325 were completed with the support of a survey by the DRS. Only 117, or 0.16% went as far as needing a P24 survey by Ordnance Survey – so these surveys are relatively rare. Just to complete the statistics, there were 720 P32s and 437 P98s in the last full year.

The DRS plays an important role in completing specialised survey requests for caseworkers relating to the age, nature and occupation of property boundaries, the results of which greatly assist in decision making of title issues. It is important to note that these surveys are always visual checks only; it is not possible to effect any graphic changes to the RoS map base. Once the caseworker has established the requirement for a DRS survey it will be documented on an internal survey requisition form re specific points to be checked whilst on site.

As mentioned above the procedures are well documented on the RoS intranet. When all attempts to reconcile deed plan and Ordnance Survey mapping differences have been exhausted contact with Ordnance Survey takes place via one of three documents:

- P24 Survey Requisition Form
- P32 Check availability of Survey Information
- P98 Street name and house number enquiry

In addition a P5 Survey Notification Form is used when a P24 is instigated (and for an internal survey requisition) to inform the owner of the property in question that a survey is required and that some delay will take place in the registration process. The caseworker should complete a P5 survey notification form and attach it to the P24 before sending to MBM. It should not be sent out prior to the survey being vetted by the MBM manager.

# P24 - Survey Requisition Form

These are sent to the appropriate local Ordnance Survey office by MBM. Ordnance Survey agrees to make every effort to complete the survey within 15 working days of receipt. However if it is an expedite survey they will attempt to complete the survey





within 5 working days for which there is an additional charge of £50.00. On completion, the P24 form is returned to MBM. Two copies of the relevant Ordnance Survey print and one copy of the deed plan should be attached to the P24 survey form.

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#### P24 - Survey Requisition Form

Ordnance Survey is able to provide:

- Age, nature and height of boundary features
- Nature and use of land
- Extent of occupation
- Means of access, all points of access will be indicated together with:
  - Evidence of former boundary features
     horizontal ground measurements

It is important to bear in mind the other information which might be provided – if asked for. For example, name and address of information providers, a short summary of any significant conversations or statements by any party concerning occupation and use of land, alleged ownership or dispute, or changes to boundaries, displayed notices that may be relevant, and so on.

Photographs may be supplied if requested and the surveyor may provide photographs at his/her discretion where it is felt this will be beneficial. Ordnance Survey can also provide ad-hoc prints to scale to show the position of nonspecification detail i.e. driveways, paths etc. If the survey requires access to a property to check internal divisions and/or floor levels a contact telephone number and name must be provided, before sending to MBM.

#### P32 - Check availability of Survey Information

This form is used to check the availability of survey information at a specific site through the local Ordnance Survey Office. The Ordnance Survey Office will provide information regarding survey information availability and programmed survey intentions for the specific site. At the start of each month Ordnance Survey will provide a report from their production management system detailing all sites that are ready for survey and also all jobs that have been databanked within the previous month. These reports provide the majority of the change intelligence and production scheduling information required by RoS. If a particular site is not within the report, then the P32 form will be forwarded to the local Ordnance Survey office to enquire about the availability of up-to-date map data, and to prompt Ordnance Survey to add the area to their production scheduling. It is essential that RoS inform Ordnance





Survey as soon as new development is known about. This will ensure that Ordnance Survey adheres to it's published time scales for picking up new build. At present there is no fee for this service although Ordnance Survey reserve the right to review this.

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# P32 - Check availability of Survey Information

P32 requisitions sent to the local OS office must be completed and returned by them within 5 working days of receipt. MBM will keep the production areas informed of the result of any enquiry. If the OS response indicates that they will be surveying the area in question in 'X' weeks, MBM will place the P32 in "standover" and will automatically re-enquire on that date. As a result of any new data being available for the area of a P32 enquiry, MBM will order a resupply of the appropriate map tiles on the weekly map order from OS Customer Sales in OSHQ, Southampton.

It is now possible to view the latest version of a Land-Line tile on the Ordnance Survey website. By entering the required National Grid reference, the user can view the complete map tile on-screen. The map tiles are updated nightly to incorporate any new units of changes picked up by the Ordnance Survey surveyors that day; the user is advised of the date of the last change. This facility is very useful for checking the availability of new data - if, after accessing this service, the RoS caseworker realises that there is new data available, MBM can be contacted (accompanied by a hard-copy of the relevant area), and a refresh of the map tile will be ordered from Ordnance Survey on the weekly map order. There would be no need to send a P32 form in this instance.

# P98 - Street name and house number enquiry

The P98 is used to report possible errors, ambiguities and queries with the Land-Line data. Normally these consist of road name and house name or number queries. Prior to completing a P98 the following checks must be carried out:

- Check the Index Map Layers for any relevant information it could be that the street name etc. has already been confirmed as being correct by OS;
- Check all editions of record maps, including different map versions;
- Check pending or existing registrations in the same road/street, they may reveal more information;





• Confirm spelling/numbering with the submitting solicitor

Once the caseworker has confirmed that the spelling/numbering in their application is correct, the P98 form should be forwarded to MBM. They must enclose a copy of the relevant Ordnance Survey map highlighting the appropriate property / streetname. On the return of the P98 enquiry from Ordnance Survey, MBM will update the Title Plan and remove the blue text if the application is registered, or revert to the caseworker if the application is still current. If the P98 enquiry affects more than one property i.e. to confirm a street name, MBM will note the outcome on the DMS.

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#### P98 - Street name and house number enquiry

The P98 forms are forwarded at the end of each month to the appropriate local OS office which will instigate a site visit to check and amend the digital data if necessary. The local OS Section will then databank any amended data as a result of resolving the P98 queries and will arrange to provide a re-supply of the affected map tiles.

This service by the OS using the P98 form is a special service that has been agreed to meet the particular needs of RoS. In using the P98 form, the OS is provided with useful information to improve the quality of its digital data; however, attending to such enquiries incurs additional effort in field inspection, etc.

# **Procedures – Ordnance Survey**

Ordnance Survey and RoS have a Service Level Agreement which describes the supply of surveying services by Ordnance Survey to RoS and which is regularly reviewed and updated. The management of these services is covered by a series of Ordnance Survey quality and work instructions. Work is normally instigated via one of the three forms already briefly described above – P24, P32 and P98.





#### P24 - Survey Requisition Form

P24 Survey Requisition forms are sent to the appropriate local Ordnance Survey office by MBM. Typically Ordnance survey will receive around 150 such requisitions per year. As well as the P24 form itself, copies of supporting documentation are also sent, e.g. the deed plan and the data as shown on the current Ordnance Survey map held by RoS.

On receipt of the P24 the Ordnance Survey surveyor responsible will check all the information and documentation to ensure that the requisition can be complied with. The surveyor will check that the necessary data can be accessed from OSHQ (where the master database is held) – it could be that the data is being used for one of many other tasks – for example it could be being used by a contractor for rural revision update. If the data appears to be unavailable for a while RoS will be contacted and invited to re-submit the case at a suggested future date. It is worth noting that current developments to the Ordnance Survey National Topographic Database (as a result of OS MasterMap) will include the ability to share the data between concurrent users - so it should always be available. Normally the data can be accessed, and the case will then be allocated a job id and booked into the Ordnance Survey Geospatial Management System (GMS - a MapInfo based GIS used to record map tile metadata, workloads, map intelligence, areas of responsibility etc). Cases are marked as "Expedite" by RoS if they need to be returned urgently. Ordnance Survey agrees to make every effort to complete a "normal" survey within 15 working days of receipt. If it is marked as expedite however the local survey office staff will attempt to complete the survey within 5 working days (there is an additional charge of £50.00 for expedite surveys).

The surveyor will look at the currently available data on screen to evaluate what type of work is required. The task will be allocated to the surveyor within who's geographic area the case falls (there are, for example 11 surveyors covering the Edinburgh office area of responsibility, although this extends roughly halfway to Aberdeen to the North and Glasgow in the West). The surveyor is then contacted to find out when they can do the work, and if this fits within the agreed turnaround times. At this point Ordnance Survey can provide RoS with the following information:

- an indication of the amount of detail to be supplied;
- an estimate of the likely total cost to RoS;
- an indication of existing survey which is chargeable to RoS;
- an estimate of the likely completion date.

The surveyor then carries out the required casework which may involve:





- surveying the case in accordance with normal OS rules;
- surveying detail relating to property boundaries<sup>1</sup>;
- surveying detail specifically requested by RoS<sup>2</sup>:
- surveying, if possible and practical, at least one property either side of the delineated area and the road outline up to and including a road junction;
- collecting house names and numbers within the survey area;
- recording any discrepancies between RoS and OS documents.

The new detail, where it conforms to Ordnance Survey specification, will be databanked by the surveyor. On completion of the casework the P24 form is returned to MBM. A copy of the completed P24 is sent by the local Ordnance Survey CR office to Ordnance Survey Customer Services in Southampton who initiate resupply of the new map tile to MBM. Within the Ordnance Survey GMS the time taken for the job id is recorded and this is eventually used to invoice RoS. The time taken for the case is all attributed to RoS except the time taken for survey work – as this is work that Ordnance Survey would do themselves anyway. In aother words RoS are only invoiced for the additional work, which Ordnance Survey would not normally have got involved with, incurred as a result of having to do the casework.

#### P32 - Check availability of Survey Information

Note – this is an enquiry about development, usually concerning the timing of completion, not a request for survey. On receipt of the P32 the Ordnance Surveyor responsible will check with the GMS to see what is known about the site. An estimate has to be made of when the site will be completed and ready for survey. Sometimes this will be followed by contact between Ordnance Survey and RoS to establish the priority of the work and to agree an optimum time to complete the survey. For example at the time the P32 is received there may be only 2 houses built out of a site that will eventually be 200 houses. Do RoS require the 2 houses or is better to wait 20 weeks to get all 200? Likewise, the location might be relevant – it might be very easy to regularly update the map with houses built if the site is close to the Edinburgh office, but if it is in Shetland or Orkney, for example, it would be far more cost effective to do the work when the site is completely finished.

- record age and nature
- record size, height, permanence of posts and pegs which are boundary features
- record measurements, in metres
- check measurements provided by ROS are correct
- obtain information from owners, tenants, neighbours or other relevant people
- provide photographs



<sup>&</sup>lt;sup>1</sup> OS surveyors cannot assist in or advise on the positioning of boundary features

<sup>&</sup>lt;sup>2</sup> RoS P24 requests may include:



#### P98 - Street name and house number enquiry

As a result of P98 enquiries there are normally 4 outcomes, 2 of which incur a charge to RoS:

Result	OS action	Charge to RoS
1. OS data is incorrect	Update data, re-supply to RoS	No
2. OS data is out of date	Update data, re-supply to RoS	No
3. Information supplied to OS is incorrect	No change	Yes
4. Both OS data and RoS information are wrong	Update data, re-supply data to RoS	Yes (OS would not have done the work normally)

The P98 form is used fairly infrequently; Ordnance Survey expects to get one per month on average. They attempt to complete the P98 forms within 20 days of receipt.As with the P24 the work is booked into the GMS with an appropriate job id. Time is recorded and charged to RoS, if appropriate, according to the table above. The forms are usually returned to RoS on a batch basis, and the data re-supplied by copying the map tile information to OSHQ.

#### What to consider before requesting a check survey

In the most straight forward example where the deed plan information disagrees with the detail on the Ordnance Map, the natural assumption is to think that the deed plan or the Ordnance Survey map is wrong. Check surveys are relatively costly in terms of time and money. If they are the only way to resolve the problem they are perfectly legitimate, but a little care should be exercised before one is instigated – are there any other ways of solving the problem? The RoS intranet lists the following possibilities to consider before requesting a check survey:

- 1. are there any further deeds referred to that either add to, or remove from the land, that results in agreement between the deeds and the Ordnance Map?
- 2. are there any errors made in the quoted dimensions in the text or the plan to the deed?
- 3. is there any evidence to be gleaned from the Ordnance Survey map that suggests severe slopes exist that may account for differences in lengths of boundaries? (Look for spot heights, or symbols representing sloping banks or steps shown on the Ordnance Map.
- 4. adjoining deeds (from the Record Office) may negate a problem e.g. if the current registering land falls short of a particular boundary, but the adjoining title abuts the boundary, it may be a reasonable risk to accept as defined, depending on the area of ground involved, but see below.





- 5. if the legal extent falls short of a physical boundary, particularly if it should form a narrow parallel strip, the situation could be correct. The strip may form an access to other property, or a maintenance strip belonging to adjoining property.
- 6. is the deed plan a dimensioned sketch? This problem can result, for example, from the use of an architect's plan which shows the proposed layout. Instead of producing a further survey which shows the position as built on the ground, the vendor's solicitor arranges for a site visit on each sale, runs a tape measure round the main features and shows the dimensions of those features on the architects plan. No attempt is made to make the deed plan reflect the picture on the ground and it is therefore impossible to scale from such plans. In many instances, if the dimensions shown on this type of plan conform to the Ordnance Survey map, mapping can proceed. Identification of these types of plans requires experience and if staff are in doubt they must refer to their line manager.
- 7. is the deed plan or description defective? The quality of the deed plan may be so poor as to make it unacceptable for registration purposes. The Land Registration (Scotland) Act makes it clear that a description or plan relating to land must be capable of identification on the Ordnance Map. Do not waste time trying to make a plan or description fit, when it is clear that it is inadequate. Any plan referred to must:
  - a. bear a north point;
  - b. be to a scale or show dimensions;
  - c. show sufficient adjoining detail to enable it to be identified on the Ordnance Survey map.

When the seller intends to convey the whole extent owned by him or when the boundary in question is also the boundary of the seller's land, his signature on a plan confirming a doubtful boundary is of little value. In such cases Plans Staff should inform Legal Staff of the facts, and state their requirements. These requirements may well include a reference to a copy print of the latest survey which will be forwarded to solicitors for their assistance and guidance. Any question of verification will be decided by Legal Staff.

Where the defective plan contains references relating to Servitudes, Burdens or other ancillary matters and such references are either i) themselves defective, or ii) so complicated that it is difficult to make a satisfactory entry on the Title Sheet without sewing up a copy of the plan in the Land Certificate, then a new deed plan should be requested or the original plan amended. Verification will be decided by Legal Staff.





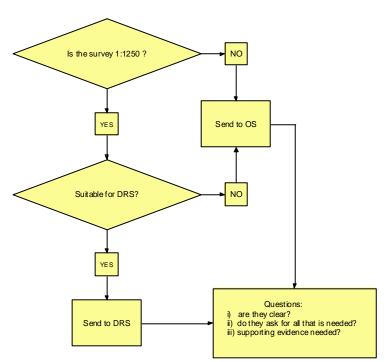
It is not in order for defects in deed plans to be "glossed over" by employing the "site plan" method for the provision of Title Plans.

When it is apparent that there is an inconsistency between the description in the deed and the plan to the deed, the question of whether the deed (rather than the deed plan) is defective should be considered. In cases of doubt, it is advisable to telephone the purchaser's solicitor to ascertain the true intention, so that formal requisitions relating to the amendment of the deed or the plan may be sent, as appropriate.

- 8. is the deed plan qualified by the remark "demonstrative only and not taxative"? Clearly if there are material differences between the deed and Ordnance Map, the above quote is no more than a disclaimer as regards the accuracy of the deed plan. A new plan or further information from the solicitor should be sought before any further time is spent or expense incurred as, in the event of an accurate plan being forthcoming, all apparent discrepancies may not, finally, exist.
- 9. check for any notes or procedures already established or decided and annotated in the Parcels Index Book: e.g. "Developed on the Ground".
- 10. check for prior surveys in the development/estate if so what were the results?
  - no change agent should be contacted to clarify position or D.O.G. should be considered survey is not option at this stage;
  - changed to agree with deed plan it would then be a justifiable risk that the deed plan reflects what is on the ground therefore the options to be considered are either to plot legal extent or contact Map Maintenance Group to consider if Ordnance Survey. should be contacted to resurvey the whole development.
  - o changed to disagree with deed plan







Decision Flow Diagram - survey required?

Having considered these points, if a survey is still required then think through what is required in the requisition:

- List what you want to know, and how you want it presented
- Don't assume that the surveyor will provide information, if you require specific information, ask.
- Will the results raise more questions?
- Resolving one error may affect other registered titles
- Working piece meal is not ideal, try to cover wider areas if possible.
- If in the future the case is questioned, what supporting evidence will help?

# From the surveyors perspective – how to get the most from your requisition

Try to imagine that you are the surveyor – how would you want to see a requisition for survey, what key elements would help you in your work to give RoS the best possible information? These three points are worth further discussion:

- 1. Clarity
- 2. Supporting Evidence
- 3. Limitations





#### Clarity

The request must be as clear as possible. Leave the surveyor in no doubt over what is being asked for, be careful over assumptions about what they will understand – oversimplification is better than leaving things unclear. Understand the limitations of the mapping and make sure the request includes any non Ordnance Survey specification detail you may require. This means *you* need to understand what would normally be surveyed by the surveyor. Be as specific as possible, and make sure a request is not ambiguous. Think through how you will word the request – and then imagine you are receiving it – does it make sense? Is there anything left out? It might be a good idea to give the requisition to a colleague to read to see if they would understand what is being asked for.

#### Supporting Evidence

Having a photograph not only clarifies the detail in question, but is a snap shot reference of what the features are really like, their condition, and exactly what in the real world is being represented on the plan. It is easier to discuss nomalies using a photograph as reference. Statements may be useful or at least a record of who it was that defined the age of a feature. Was it the surveyor the owner or the neighbour. This may have an influence on the resulting confidence. It may be helpful to record this information should a dispute arise in the future.

#### Limitations

- <u>Access</u> OS surveyors need to gain permission to enter property, if this is not given there may be a delay in completing the case. It is useful for a surveyor to know if there are likely to be restrictions or sensitivities in access, ie in a disputed case;
- <u>Map Scale</u> Not all the detail is going to be shown that you may expect to see. If it is important make sure you request all detail you require for inclusion in the survey;
- <u>Accuracy</u> accurate measurements provided on the 1:100 plans are unlikely to reflect the scaled distances on the 1:2500. Be aware that it is normal to equate lines on some mapping to ensure detail fits within the stated tolerances. In worst cases this may be up to 3.0m, and perfectly acceptable within that given distance. You will need to be able to deal with this problem when given measurements that do not exactly scale on the map;
- <u>Indefinite boundaries</u> not all boundaries are new fence and post clearly seen and measured from. A fence lasts about 30 years and in many cases is not replaced in the same position. The features shown on the map may be older than those currently defining a boundary, or may be difficult to define at



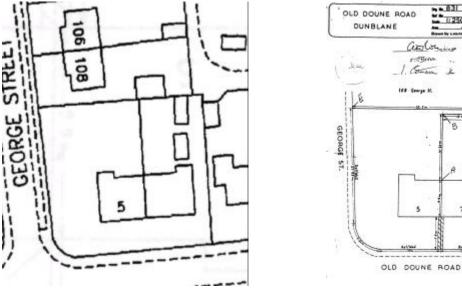


all in dense undergrowth. Ensure the weight of evidence in the survey supports the feature being depicted;

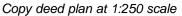
Rivers and tide lines – unless the boundary is formed by a wall, fence or other • permanent structure, this type of boundary will have been difficult to survey and has probably shifted since it was last revised. Remember tide lines are not being revised at present, and if a stream is under trees it is unlikely to have been picked up from aerial photography, and therefore reflects the original position. Beware of change.

# Example Case - Nº5 Old Doune Road

1. The Ordnance Survey map (left) has been surveyed at 1:2500 scale. The rear access to N°5 Old Doune Road, which can be clearly seen on the deed plan (right) is only 1.05m wide and therefore too small to show at 1:2500 scale.



Ordnance Survey 1:2500 map extract

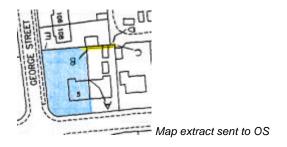


1:250

2. The caseworker has been unsure whether the access is part of the original property boundary too small to show on the Ordnance Survey map, has been amended at a later date, or doesn't exist. A P24 is needed to clarify the situation.

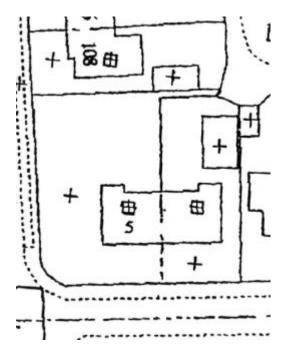


3. The P24 is completed, asking for an update to the survey and a PRISM plot of the area to show the current situation. The age and nature of the features are asked for to see if these tie in with the overall age of the property. For clarity the caseworker has acknowledged that the strip of ground is too narrow to normally be shown at the 1:2500 scale of this map.



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P24 With both questions (RoS) and answers (OS)



4. The surveyor sends back a copy of the PRISM plot (left) which shows the property features surveyed to 1:1250 specification. The questions on the P24 are answered (above) confirming the existence of the rear access and describing the age and nature of its bounding features. The Ordnance Survey map tile is not re-supplied in this case because the change is not consistent with the specification for 1:2500 and so will not be shown on the map or updated on the Ordnance Survey database. RoS would be charged by Ordnance Survey for the time taken for the survey work because it is time taken for work not normally part of the data capture process and the changes are not being made to the OS map.



# Key points from this section

- If the deed plan and the Ordnance Survey map disagree it might be that neither is wrong;
- Look at surrounding deeds;
- Consider map scale, specification, access strips, quality of deed plan and possible map slope;
- Any notes or prior surveys in the area?
- Can this be solved by the DRS no positional survey required?
- If the case has to go to Ordnance Survey think through everything that might be required make the request clear and complete;
- Make sure that the Ordnance Survey surveyor is in no doubt about what is required;
- If the map detail doesn't change to match the deed have you asked sufficient questions to go back to the agent?
- Ensure that there is supporting evidence if it is likely to be required later;
- Think through the implications for the surrounding area don't solve one problem by creating others later;

