

PWLL DU CAVE MANAGEMENT GROUP

Minutes of the Meeting held at the Gilvern Outdoor Centre, on Sunday 23rd November 2014 commencing at 10am.

Attendees:

| | | |
|-----------------|-----------------------------|-------------------------------|
| Mick Day | | Chairman |
| Fleur Loveridge | Oxford UCC/Red Rose CPC | Secretary |
| Sue Mabbett | South Wales C.C. | Permit Secretary & Club Rep |
| Ali Garman | Draenen Diggers | Club Rep & Fixed Aids Officer |
| Chris Densham | Oxford U. C. C. | Club Rep & Trustee |
| Chris Seal | Chelsea S.S. | Club Rep |
| Joshua White | Aberystwyth C. C. | Club Rep |
| Henry Dawson | Bristol E. C. | Club Rep |
| Peter Talling | University of Bristol S. S. | Club Rep |
| Matt St Claire | Cardiff U.C. C. | Club Rep |
| Cristina Byrne | Natural Resources Wales | |
| Rich Smith | A.C.C./B.E.C./C.S.S. | |
| Keith Batten | Shepton Mallet C.C. | |

1. Apologies

Apologies received from Charles Bailey (Trustee), John Pybys (Survey Secretary), Peter Smith (Biological Recorder), Rich Hill (Gagendor), Steve King (SMCC), Paul Stacy (Croydon CC), Stuart France (CCC), Lew Williams (Wessex CC) and Spencer Drew (Treasurer). *Post meeting note: apologies were also received from Tim Barter (WSG), but not picked up before the meeting commenced.*

Note: along with apologies WCC communicated their committee's revised position on Drws Cefn. The club do not want to see the entrance blocked; the current status quo would be most desirable; but they would accept a locked gate with the same key as the existing entrance.

2a. Minutes of the last Meetings (23rd November 2012)

The minutes were approved (proposed AG, seconded SM) and then signed as a true and accurate record by the Chair.

2b. Matters arising not covered elsewhere in the Agenda

There were no matters arising which would not be covered later in the agenda.

3. Officers Reports

a) Secretary

The Secretary's report is attached with the minutes; discussion pertaining to the report and arising issues was taken under item 5.

b) Treasurer

The treasurer sent his apologies.

It was noted that a £10 donation had been received from UBSS.

Post meeting note: The treasurer reports that there have been few transactions since the last meeting. UBSS have deposited £30, the donation referred to above plus £20 for a replacement key (see below).

c) Permit Secretary/Access Officer

The Permit Secretary presented the caver data up to October 2014:

Trips Recorded in Ogof Draenen Nov 2013 to Oct 2014

| | Jan-14 | Feb-14 | Mar-14 | Apr-14 | May-14 | Jun-14 |
|---------|--------|--------|--------|--------|--------|--------|
| Parties | 7 | 3 | 6 | 5 | 7 | 7 |
| Persons | 25 | 12 | 22 | 25 | 26 | 24 |

| | Jul-14 | Aug-14 | Sep-14 | Oct-14 | Nov-13 | Dec-13 |
|---------|--------|--------|--------|--------|--------|--------|
| Parties | 5 | 3 | 5 | 5 | 11 | 5 |
| Persons | 16 | 13 | 19 | 23 | 46 | 18 |

Caver parties were up slightly compared to the previous years but the total number of cavers was down. However, it was noted that an estimated 50+ cavers from CHECC had visited the cave on the preceding day which was expected to result in a net increase in cavers in 2014.

UBSS had made a request for a replacement key, payment had been received and the key been sent. Subsequently, however, the lost key was found. SM to liaise with UBSS about return of one key.

Generally key requests are still being received. Those from independent cavers are processed if possible by determining if any of those cavers belong to any recognised club.

New logbook pages will be required within six month. CB to investigate whether NRW can supply as previously.

Pencils have been replaced at the logbook and no new pencils are required at the moment.

d) Conservation Officer

No report.

FL and RS to check whether HP will return from Norway in the new year.

FL suggested that a conservation plan was needed. It was determined that Ben Lovett had produced one in 2003. This is to be recirculated and at the next meeting this should be re-examined and the question of whether any cave conservation monitoring should be undertaken is to be discussed. FL to talk to Andrew Hinde about the northern caves monitoring scheme.

Post meeting note: the conservation plan from 2003 was updated in 2009.

e) Survey Secretary

Nothing to report; the survey secretary sent his apologies.

f) Survey Recorder

No report.

g) Biological Recorder

No report; the biological recorder sent his apologies.

h) Geological Recorder.

No report.

i) Fixed Aids Officer

The annual inspection cycle is June to June with the 2014 inspection having occurred on the 21st June. Therefore there was nothing to report officially. However, AG undertook a round trip three weeks previously and reported that all fixed aids looked in acceptable condition.

There would be an aim to replace the rope-work as part of the next inspection.

The entrance scaffold (not a maintained fixed aid) was discussed. The steelwork is likely to be ok but there is some deterioration of the timbers which take a lot of footfall and water. It was noted that there was a high level of redundancy in the shaft construction, but that some timbers may need replacing in the coming years. AG to assess the situation.

RS asked about the bolts in Boulder Land. It was presumed these were explorers' spits. They are not a maintained fixed aid.

4. Election of Officers/Recorders

N/A

5. Other Group Business

i) CRoW Update (and related matters)

In addition to the matters raised in the Secretary's report the following points were discussed:

NRW have been exceedingly busy with the review of mapping related to CRoW. It is possible that the review may be finished in March next year.

A question was raised about the issue of land owner liability if a Section 26 is given, but no conclusion was available.

It was determined that Drws Cefn is within the national park and therefore the national park authority would be the "relevant authority" under CRoW should a Section 26 be sought.

CS suggested that the group should hold back from talking about Section 26 until there was a consensus from the clubs as to whether one should be sought. However, it was agreed that it would at least be prudent to find out more about the process and find answers to the unanswered questions to inform a further discussion at the next meeting. FL to gather information from NRW about what the process would involve and whether it would even be possible.

Discussion of Section 26 raised the issue of Ogof Draenen and SSSI status. CB explained that while the cave is not currently a SSSI it is a Geological

Conservation Review Site (GCR). This means that the potential of the cave to become a SSSI must be reviewed by NRW.

NRW actually already treat Draenen like a SSSI in many ways, but have so far been unable to prioritise upgrading the site due the logistical matters that would arise. SSSIs cannot overlap and currently there are existing SSSIs at Gilwern, the Bloreng and Siambre Ddu. These would all have to be reviewed and re-designated in parallel. In addition all landowners to be effected would need to be consulted and this would include many individual householders due to the extent of the cave.

The PDCMG are to update NRW on the extent of the cave as their current information may not be up to date or high quality.

SSSIs offer protection to the site from development via the planning process. However, they also come with a list of restrictions and one consequence could be the need to seek permission from NRW for digging.

It was discussed that the letter received in June from the Cambrian Caving Council was potentially very close to the limit of their constitutional remit. It was agreed that a polite reply would be sent referring the Council to the discussion of this meeting and the previous one. FL to action.

With reference to the loss of bat loggers from Drws Cefn, FL to email request to all member clubs regarding their whereabouts.

Previous plans for licensing and closure at Drws Cefn to be carried through. There was some discussion about the potential for gross negligence in the event of a rescue, but there were many arguments against this risk including the presence of the existing rescue entrance which is far more suitable, the fact that Drws Cefn would be open-able if required in such cases and the knowledge of any cavers entering the system. It was confirmed that the South and Mid Wales Cave Rescue Team will not make recommendations or modifications to caves regarding future rescues that may or may not happen.

The timescale of the works were discussed, but this contains much uncertainty as it depends on the licencing process (licence still to be produced and submitted), including the work load of NRW. CB offered to expedite if necessary.

6. Applications for membership

None received.

Shepton Mallet CC will consider the outcome of the current CRoW discussions before deciding on whether to request membership.

7. Applications to become keyholders

An application for keyholding had been received from Brendan Marris of Dudley C. C. DCC are regular visitors to the cave, having made three trips this year, both using a key request and by use of the SWCC key by dual members. It was proposed to accept the application. Proposed SM, seconded HD. All in favour, therefore the application is accepted.

8. AOB

With respect to the forthcoming rescue practice on 6th December, AG had forwarded details to FL to supply to the landowner for his information.

It was reported that the 20th anniversary of the discovery of the cave had passed the previous month. On the 6th October a celebratory trip was held to T-junction where champagne was shared.

Provisionally the Next meeting to be held on Sunday 21 June at 10am, pending confirmation of the BCA AGM weekend. *Note: this contradicts the secretary's report which was found to be in error after printing. Although the BCA minutes suggest their AGM to be 21st June, it was subsequently found that they will need to move this date due to a clash.*

It was agreed that it was preferable to have the meeting after the BCA AGM as there maybe matters arising with respect to CRoW. It was also noted that 28th June would be inconvenient due to other events, and that a very early July meeting would be accepted if necessary.

DRAFT

CRoW Update

At the last meeting I presented developments with respect to discussions regarding whether the Countryside and Rights of Way Act (CRoW) should apply to caving. At this stage an opinion was awaited from a QC who was acting for a small group of independent cavers. This opinion was made available publicly during July 2014 and in summary found that:

"The matter is not entirely free from doubt, since the term "open-air" is undefined, and may carry different shades of meaning. However, I conclude, for the reasons set out above, that the better view is that caving is a form of "open-air recreation" for the purposes of CROW, and that cavers are permitted to enter and remain on access land shown as such on the relevant maps, including cave systems falling within those areas, for the purpose of recreational caving."

Shortly afterwards an alternative opinion was also published which provided countering points to some of the QC's arguments. Both these opinions are available to read in full at:

<http://www.wildplaces.co.uk/content/119-caving-and-crow>

At this time the BCA took no stance on the issue merely stating that:

"There is currently some debate among cavers about whether or not CRoW does (or indeed should) apply to caving. There are several opinions related to this on the Descent website, including one supported by David Judson, BCA's Legal & Insurance Officer. However these are entirely personal views. Indeed at the request of the 2014 AGM, BCA's Conservation & Access Committee will be considering the whole issue at its forthcoming meeting and until then, BCA does not have a view."

The BCA's Conservation and Access meeting, which was held in August 2014, ended with agreement that the BCA would meet with Natural England to discuss the matter. It had been reported by the CCC that initial discussion with NRW suggested that no change was likely to come quickly in Wales. A write up on the meeting is available in the current issue of Descent Magazine and the draft minutes are on the BCA website here:

http://british-caving.org.uk/wiki3/doku.php?id=conservation_access:meetings.

On the 17th September, following a meeting with NE on 8th September, the BCA confirmed that:

"BCA's Chairman, Andy Eavis, had an initial exploratory meeting with representatives from DEFRA and Natural England. This was informal in nature with plenty of common ground in evidence and all parties expressing a willingness to meet again in the future. There was also a general request that all communication with the Bodies be channelled through BCA. It is clear that BCA now needs to develop an official

policy on CRoW and a route to achieving this will be addressed by the October meeting of BCA's Council."

Andy Eavis proceeded to report to the BCA Council meeting last month. From the minutes of that meeting:

"I met with Paul Johnson, Principal Specialist Statutory Access for Natural England, and Richard Hepburn, DEFRA Senior Executive, on Monday 8 September at the DEFRA offices in Bristol. The meeting was held in private, with no official minutes or notes taken. It was a very friendly meeting and a number of ideas came from it. It is clear that the current interpretation of the CRoW Act relating to caving comes from the wording of "open-air recreation". In addition there is concern about the effect more access to caves would have on landowners.

"Since the meeting I have spoken with many members of the British Caving Association. From these discussions it seems to me that we have a number of things we should do. First of all, if we are to do anything as an Organisation towards changing CRoW we will have to change our Constitution, so that the rights of the landowner are not sacrosanct if the law says differently. To do this, we would need a Special General Meeting and a poll of our members. This would have the effect of showing whether there is a majority of cavers in favour of CRoW applying to caves, and the time interval involved in setting this up would give everybody an opportunity to have their say.

"In addition it would be prudent to start reviewing what we should do as an Organisation to help preserve our caves and cavers if CRoW does apply to caves.

"Examples of what could be done are:

"a. Conservation training for cavers

"b. Track marking and underground taping or formations

"c. Some degree of access control, either physically or by a trust system

"d. Cave leader groups etc.

"We should also investigate the interaction of SSSI status and CRoW to see what could be done to protect particularly delicate or beautiful caves. It is also clear that a further legal opinion could be sought in addition to those that have been obtained from Dinah Rose and Linda Wilson. Landowners should be approached and canvassed on their opinions, and other factors such as implications on our insurance scheme investigated.

"It was notable that both Paul and Richard agreed to further meetings, either on a formal or informal basis. They were certainly open to discussion but are not changing their mind at present. It seemed at the meeting that it would be advantageous to all concerned if further correspondence be channelled through the National Body rather than going directly to the officers. "

The BCA plan is to have a poll of the members asking: *“Should BCA, on your behalf, campaign for The Countryside and Rights of Way Act (2000) to apply to going underground?”* Voting papers will be posted to all members shortly and the deadline for return will be noon on Thursday 18 December 2014 so that the results are counted ahead of the next BCA Council meeting on the 9th January. It was also proposed that:

“Council call a Special General Meeting for an agreed date in February with the sole Agenda item being that the first sentence of item 4.6 of the Constitution be amended to read: “That the owners and tenants of property containing caves have the right to grant or withhold access, except where there is, or BCA is campaigning for, a legal right of access.”

And that the voting papers will include statements of what the BCA will do in the event of either outcome of the poll.

Full (draft) minutes are available here: http://british-caving.org.uk/wiki3/lib/exe/fetch.php?media=about:documents:council_meetings:council_minutes_2014-10-11.pdf

It should be noted that much of the discussions at the BCA relates to the position and discussions with Natural England. In Wales the relevant authority is NRW. As suggested above they seem to have indicated to CCC that they are unlikely to change their position on CRoW very quickly. It is of course also possible that they may follow the lead of NE, hence the debate with NE is still relevant. In all this there remains a considerable degree of uncertainty both with respect to outcomes and timescales. In conclusion, while it is seen as desirable by many cavers that CRoW should apply to caves, there is no indication that this will definitely come to pass.

CCC Consultation

As discussed over email we received a number of documents about access strategy from the CCC. In October I collated input from the Group and sent the following response to the CCC:

“Many thanks for forwarding various documents regarding CRoW and cave access strategies over the last month. These have been circulated amongst the PDCMG and I have received a number of different pieces of feedback. Bringing these together I would summarise the main points as follows:

“There appear to be two different issues being addressed. One relates to CRoW and what actions should be taken if this proves to apply to caving. The other relates to a stated ambition to harmonise access arrangements either across Wales or nationally within the UK. These are actually quite different topics that need addressing on different timescales – the CRoW issue in time to tie in to the BCA timescales and the harmonisation issues as we see fit, and certainly as a matter of less urgency (perhaps if CRoW does not apply?).

“Taking harmonisation first, the general opinion of those who commented was that this will be very difficult to achieve and is not necessarily desirable overall. While

harmonisation may make things easier for an individual caver it does not take into account very real differences that occur between different sites, with differing landowners and conservation and safety requirements. In summary, it is felt that any sort of "blanket policy" would be unworkable.

"There was also a general view that there remain many good reasons for retaining gates on certain sites, such as public safety and cave conservation. However, if CRoW is found to apply then some current gates may become untenable under this new interpretation of the act. In such cases the CCC should be working with the various affected cave managed bodies to put in place any Section 26 restrictions on access that may be considered to be required. Given this may take some time to achieve, such tasks should be taken forward from the present time as a matter of urgency so that the access management bodies are ready should the change in interpretation of the act come to pass.

"If CRoW is not found to apply to caving and no change in interpretation of the act is forthcoming then a number of members of the PDCMG saw no need for change of the current access arrangements.

"With respect to the so called BCA Route Map it is hard to provide comment as no details of this route map have been provided. However we comment that as far as we are aware "a nationally agreed access policy" has not been suggested. All regional councils and cave access bodies will of course need to act within the law should the interpretation of the CRoW act change to include caving.

"Finally it was considered that it is imperative that as these discussions move forward the CCC and the relevant cave access bodies need to work together to address the issues raised. It is particularly important that the CCC represent the cave access bodies to the national body."

Landowner Consultation & Impacts for Ogof Draenen

I have been keeping our landowners abreast of the active discussion regarding CRoW. The original Ogof Draenen entrance is not on access land is therefore unaffected by these discussions. However, Drws Cefn does fall within access land and therefore is relevant in this context. On this subject the landowner has pressed that we continue, as previously agreed, with proposals to close this entrance. I think, therefore that we have little choice but to do this. As currently CRoW does not apply, and, given the discussions above, it is unlikely to come to apply very quickly, then there would be no legal impediment to doing so.

Nonetheless there remains the possibility that changes to interpretation of CRoW could come about. We may wish therefore to consider what stance we wish to take should access to Drws Cefn become mandated by law. I think it is only sensible that we should do so. In addition, this should consideration can then feed into the needs of the BCA C&A committee, who are tasked, in partnership with the regional councils, with identifying vulnerable sites that could be effected by CRoW.

We may also wish to campaign for a “Section 26 Direction” with NRW. This is a means by which the rights granted under CRoW can be restricted for specific reasons. In this case it would be for “the purpose of conserving flora, fauna or geological or physiographical features”. It is not possible to apply for such an exemption, only seek to influence the assessment made by the NRW. If successful, such an approach may allow us to apply similar access constraints as the main entrance. However, there remain many uncertainties with this approach that would need to be considered both locally and nationally. I would therefore seek a mandate from the Group to contact NRW in this respect.

Bat Licensing & Missing Ecological Loggers

At the last meeting it was discussed whether any continued action should be taken with respect to Drws Cefn bat licensing. As I was in the process of looking to obtain assistance from a commercial consultant I have completed that process and a consultant has agreed to do the work. No licence application has been made, but the consultant was keen, since bat behaviour is clearly seasonal, to obtain some autumn swarming and cave use data while he had the chance. To this end two ecological loggers were installed within Drws Cefn to attempt to quantify bat usage in this area. While it is clear that bats do use the entrance (from their observed droppings) this technique would provide a more scientific approach.

Unfortunately, this month when the consultant came to remove the loggers he found they were absent. We are both rather concerned about this on two levels. Firstly they contain valuable scientific data and secondly the units are rather expensive. Given the consultant had volunteered to gather this data for no charge due to his only personal interest in use of caves by bats this situation is rather embarrassing for the caving community. It is hoped that these loggers have merely been accidentally removed and their significance not appreciated. I therefore appeal that if anyone can provide any information about them to please get in touch.

Letter from Cambrian Caving Council (30th May 2014)

At the last meeting we were presented with a letter from the CCC which was circulated with the minutes following the meeting. From the last minutes:

“The letter concerned the potential for a new interpretation of the CRoW (see also Secretary Report) and the implication for Drew Cefn. There was also the suggestion that the Group could be implicated in the event of rescue from the further reaches (gross negligence), although this was disputed by others. The policy of CCC to improve access, while safeguarding conservation was noted, as was the BCA policy of landowners views being sacrosanct.”

Clearly we need a response to this letter, but I have been holding off until many of the matters mentioned in the letter were discussed at this meeting. I trust that the CCC will observe that the matters of concern to them are under active consideration by this Group. I propose to reply to the letter along these lines and with the inclusion of the minutes of this and the previous meeting which should set out our discussions on these topics.

Next Meeting

19-21 June is BCA Party Weekend (and AGM) so we would want to avoid this for our next meeting.

DRAFT