

Response to the consultation document WG31811 “Taking Forward Wales’ Sustainable Management of Natural Resources”

Introduction

The caving community welcomes the opportunity to provide feedback and suggestions for improving access to Wales’ natural resources.

Wales is blessed with significant limestone outcrops in both North and South of the principality which have weathered over millennia to form caves and potholes. These have attracted explorers and caving as a sport and pastime has been undertaken by enthusiasts for several hundred years and it provides exercise, opportunities for making discoveries, mental stimulation and companionship; besides adding depth to the knowledge of the natural environment and history of Wales, bringing in visitors, enriching local businesses, and providing some local employment.

The British Caving Association (BCA) is the national representative body for caving and through its five regional councils supports cavers, cave access and cave conservation. Cambrian Caving Council (CCC) is its representative body for caving in Wales and is recognised by Sport Wales as the governing body for the sport of caving in Wales. CCC membership is open to clubs with an interest in Welsh caves and mines; it encompasses about 50 caving and mine-exploring clubs with over 2000 individual members.

The cave systems in South Wales are very extensive and several systems are of international importance. Many of the caves are in rural areas which are within easy access of well populated urban areas, for example, the Brecon Beacons have over 200 kms of cave passages and yet are on the doorstep for people living in the valleys who face socio-economic challenges. The Well-being of Future Generations Act wants to promote active lifestyles to achieve a healthier Wales and we feel caving should be promoted alongside other higher profile outdoor activities such as hill walking, climbing and cycling.

Caving clubs based in Wales offer introductory trips and training; there are commercial activity providers in Wales who offer supervised trips for bigger groups; and many local authorities own outdoor education centres in Wales whose students may go caving or visit disused mines and gain insights into industrial archaeology.

Tourism is another important aspect; the Dan-yr-Ogof show cave provides local employment and attracts thousands of visitor per year; Go-Below, based in North Wales, offers tourists adventure trips and a glimpse into history by exploring old slate mines - at the same time providing significant local employment in an area which is short of opportunities for young people.

Caving, while not as popular as climbing or mountaineering, still makes a significant contribution to the economy of rural areas – these areas are reliant on tourism and all additional visitors are valuable. Caving also brings regular visitors from all over England and Wales, including younger people and students, many of whom will base themselves at “club cottages” for the weekend, making use of local shops, cafes and pubs during their stay.

Response to the consultation

Caving is an activity which should be permitted on “Access Land” designated under the Countryside and Rights of Way Act (CRoW) or “Urban Commons” designated by the Law of Property Act in much the same way as walking or rock climbing, however National Resources Wales (NRW) have stated that the CRoW act doesn’t apply to caving at all as caves have walls and a roof and so are not “open-air”. The Act itself does not mention caving as an excluded activity and the NRW seems to be going against the spirit of this legislation which was to encompass a wide range of non-motorised activity. Defra has been slightly more liberal by conceding that

abseiling down an open pothole and climbing back out would be “open-air” and thus permitted, as would walking into an open horizontal cave, however Defra maintain that you have to remain within sight of daylight. We feel these arguments are absurd and would like there to be sufficient clarity in the new legislation or code of conduct so that caving will then enjoy the same status as walking, rock climbing and mountaineering. Access legislation should define land as a three dimensional entity rather than a simple two dimensional surface. We also agree that cycling should be permitted more widely as this is another form of healthy exercise.

We support the changes outlined in Proposal 11 and note that NRW relies on interpreting the term “open-air” in a rather narrow way. It might be better if “open-air” was replaced by “outdoor recreation” where “outdoor” is defined as “not within a building”. This would avoid the ambiguity.

Proposal 13 and 14 suggest extending the CRoW access land to cover coast, cliffs and rivers/other inland waters. We agree with these proposals as there are sea and coastal caves and we share an interest with rock climbers wanting to explore sea cliffs. There are several examples of coastal caves of interest: for example Ogof Gofan in South Wales and caves on the Great Orme in North Wales. Some caves are on river banks or even the river bed itself and we would like to see straightforward access provision with an agreement between NRW and the landowner if access has to be via adjoining land.

Proposals 15 to 17 outline the need for a responsible authority, responsible behaviour and the provision for restricting access when needed. We support the suggestion that NRW should be the body responsible for mediating between conflicts of interest and formulating user agreements. We do have some concerns that NRW does not have a positive view of caving and seems reluctant to have fair dealings with cavers. This is in contrast to the relationship which exists between Natural England (NE) and cavers in Yorkshire and Derbyshire where there is a synergy with both sides helping each other. Cavers monitor and report on the state of caves for both conservation and safety while NE helps with landowner relations, fencing and straightforward rules for digging etc. We would like this to happen in Wales, but in the current climate feel that any interaction would be purely one-sided.

We feel that the creation of a statutory code of practice covering outdoor recreation in Wales would be a positive step. At present there are too many documents covering different aspects of access and a unified code of practice which is clearly understandable by both landowners and recreational users would help. This could detail and emphasise the responsibilities of both recreational users and landowners. It is noted that the Scottish access legislation works well and there have not been significant issue with access.

We understand the need to restrict access at certain times for safety and conservation or provide temporary diversions. In the case of caves it should be noted that this minority sport attracts a disproportionate view of it being a risky activity. In fact there are very few safety incidents in caves and these are generally dealt with by the trained volunteers of the two Welsh cave rescue teams, under the auspices of the police, handing over to any other services which may be required on the surface. Most activity sports of any sort carry a slight risk of accident or injury but these are outweighed by the overall health benefits. Conservation is also important and we support future use of CRoW Section 26 directives to enable sensitive caving sites to be have locked gates provided that bona-fide cavers can request keys and gain access.

Proposal 19 suggests the development of a single statutory map of accessible areas and green spaces and we feel this is long overdue. The idea of the maps being extendable to add extra layers is welcomed and the caving community may be able to provide cave surveys. The lack of a full survey of a cave should not, however, be an impediment to free access. We feel the map should be subject to a continuous review rather than having fixed review periods.

Regarding Local Access Forums (LAFs) in Proposal 27, we welcome changes which will result in a more democratic system including advertising for local representatives and allowing deputies for members unable to attend LAF meetings. There should also be representatives from special

interest groups and a mechanism for enrolling people from outside the LAF area to join when local or relevant experience is lacking. LAFs should allow the attendance of observers and there should be a requirement to advertise the LAF venue, agenda and minutes. There should be a limit on how long individual members serve to ensure there is a turnover and fresh ideas and viewpoints.

Final Comments

One significant omission from the consultation document is the subject of educating the public and particularly young people to appreciate the outdoors and nature. This is essential so that they gain an understanding of how the countryside has evolved, the need to protect it for future generations and support the work of those who manage the land. A good and broad education is fundamental to the objective of “more prosperous and resilient Wales” which is a key objective in the Well-being of Future Generations Act legislation.

The Scottish Outdoor Access Code states: “You can exercise access rights for recreational purposes (such as pastimes, family and social activities, and more active pursuits like horse riding, cycling, wild camping and taking part in events), educational purposes (concerned with furthering a person’s understanding of the natural and cultural heritage), some commercial purposes (where the activities are the same as those done by the general public) and for crossing over land or water”. We suggest taking a similar approach in Wales.

One issue with the existing CRoW legislation is that it excludes commercial education activities from the existing statutory access rights. While it is a grey area as to whether not-for-profit school trips are outlawed by this, other activities such as cave instructor training are forbidden. NRW opposes commercial staff training in caves managed by it and this has an impact on the ability of students seeking to gain either of the national cave leadership qualifications as they cannot gain logbook entries for some of the major systems in South Wales. We would like this issue to be addressed by the inclusion of a statement in the proposed code that access for teacher training purposes be permitted. This will ensure that future generations will benefit from good training and leadership provided by broadly experienced and well-trained instructors.

Caving in Wales has provided thousands of people with an interesting and energetic sport and pastime. Over the years many new cave systems have been discovered and others extended by removing glacial infill etc. and there are plenty more discoveries to be made. The cave systems vary in size from tight body-sized passages to those which would easily hold a double decker bus and many of them have beautiful formations which the caving community seeks to preserve by route marking and leader systems. While caving is a minority pursuit we feel it should be seen as accessible to everyone as respected and popular media personalities such as Iolo Williams have shown in their broadcasts. Caving is comparable with other outdoor activities such as walking, rock climbing and mountaineering, and it should enjoy the same access rights.

Outdoor recreation and exercise is fundamental part of physical and mental well-being and we welcome the Welsh Governments review and hope that future changes in legislation will benefit both Wales' natural resources and its greatest resource: a healthy population.

Prepared by Cambrian Caving Council.

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