

Cambrian Caving Council - Cyngor Ogofeydd Cymreig

Response to the Welsh Government 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. The management summary of our responses and the priority reforms that we are seeking are shown at the end of this document on pages 19-20.

Caving is a sport and pastime undertaken by enthusiasts for several hundred years^{[1][2][3][4][5]} providing exercise, opportunities for making discoveries, mental stimulation and companionship. It adds depth to the knowledge of the natural environment and heritage of Wales, bringing in visitors, enriching local businesses and providing some local employment.

The British Caving Association (BCA) acts within Great Britain as the national representative body for caving. BCA has five regional caving councils supporting cavers and caving activities, and the Cambrian Caving Council (CCC) is its regional council for Wales. Additionally, CCC is recognised by Sport Wales as the governing body for the sport of caving within the country of Wales. CCC's members comprise 50 caving and mine-exploring clubs with over 2000 members between them serving to promote the sport of caving and encourage greater participation.

Wales is blessed with significant limestone areas in both the North and the South which have weathered over millennia to form caves and potholes. The Brecon Beacons alone has over 200kms of natural cave passages situated on public Access Land as defined by the Countryside and Rights of Way Act 2000 (CRoW). Many of these caves are also on Urban Commons to which the public has enjoyed a right of access for leisure under Section 193 of the Law of Property Act 1925 (LPA) for almost a century. This fact has been recognized latterly by Section 15 of CRoW. South Wales has several large cave systems of international importance situated in rural areas that are also within easy access of urban areas with high populations. Going caving in the Brecon Beacons, for example, provides a convenient and inexpensive outdoor recreational resource for people living in the Valleys which face socio-economic challenges.

The Welsh Government wants a more prosperous Wales, which includes its local communities, and it wants to promote active lifestyles for a healthier Wales. These are two of its aims in the Well-being of Future Generations (Wales) Act 2015 (WBFG). We feel that caving should be promoted as a means of achieving both these aims alongside other higher profile outdoors physical activities such as hill walking, rock climbing and cycling. Caving clubs based in Wales provide opportunities via introductory trips and training; there are also commercial activity providers in Wales who offer supervised trips for bigger groups. Many local authorities own outdoor education centres in Wales whose students are introduced to the challenge of caving at sites such as Porth-yr-Ogof which can see hundreds of caving visits per day in the summer months. Educational visits to North Wales may include underground slate mine visits giving poignant insights into Wales' industrial history.

Caving brings visitors into rural areas, supporting the local economy and its communities, and adding to choice and diversity amongst countryside activities that will appeal to visitors. Most of the cave passages in the Brecon Beacons have been discovered since 1945. These include road-sized passages through the middle of mountains big enough for double-decker buses to pass (if buses could get in there) and crystalline formations of quite unimaginable beauty. Dan-yr-Ogof Show Caves, open since 1912, attracts over 70,000 people annually^[6] providing a memorable underground visit in a managed environment. So Wales should be proud of its splendid geological heritage and celebrate this as part of a vibrant culture – which is another aim within WBFG.

Rural Communities and their Economy

Tourism in Wales is valued at £2.8 billion and supports 123,000 jobs^[7] while agriculture employs 58,300 people and revenue of £840 million^[8]. On this basis, outdoors leisure is three times greater value in Wales than agriculture. Another estimate puts tourism at £5 billion^[9] and farming GVA at £300 million^[10]. On that basis, their ratio is sixteen times, and reality is likely to be in between.

Agriculture and tourism are not in competition, both being essential and adding value. Economic prosperity and quality of life in rural areas of Wales can be improved by increasing visitor numbers and spending as well as by farming and growing other rural businesses. Declining visitor numbers, by contrast, will harm the rural economy and prejudice the viability of rural communities because agriculture alone is far too small today in economic terms to sustain vibrant rural communities.

Though relatively modest in the rural economic landscape that we have drawn above, caving and underground exploration more generally has its part to play. It provides more reasons for people to visit Wales by widening their choice of outdoors attractions to enjoy, and in the process this will expand our rural economy and provide a more secure, sustainable future for future generations who live in the Welsh countryside.



Left: underground river far into Dan-yr-Ogof. Centre: helictes and stalactites far into Agen Allwedd. Right: one of only two tiny entrances into the 26 kilometres of huge passages inside Ogof Daren Cilau.

Natural Resources Wales and Caving

The opinion of Natural Resources Wales (NRW) is that caving is not “open-air recreation” because caves have roofs and walls as well as a floor surface for walking on. This position enables NRW to claim that the “right to roam” created by Section 2(1) of CRoW does not apply to caving^[11] despite caves *not* being exempted from Access Land by Schedule 1 and despite caving activity *not* being prohibited by Schedule 2 of the Act. So NRW says that cavers may walk up to a cave entrance located on CRoW Access Land, just as any hill walkers would do, but having arrived at the cave portal they have no right to explore inside this cave. Defra has a similar narrow interpretation, but is prepared to concede that positions inside caves where visitors can still see the daylight outside the cave are in the “open-air” and thus within the scope of CRoW access rights. By contrast, the 2003 Scottish legislation^[12] makes it clear that recreational access rights apply generally both above and below the land surface, and the Scottish Outdoor Access Code^[13] states clearly at section 2.3 that caving is permitted by law.

NRW narrows the scope of almost a century of public access legislation further by claiming that:

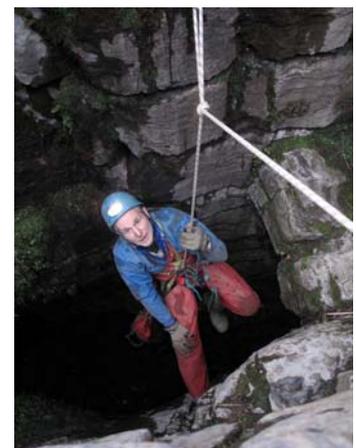
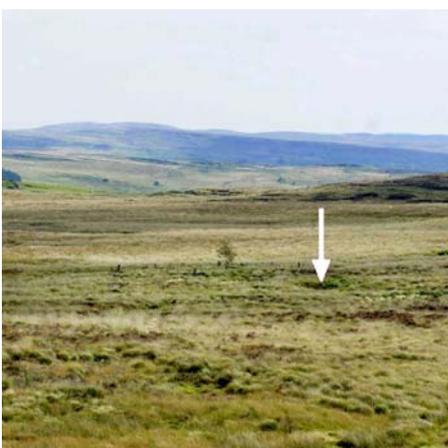
- caves are not part of urban commons because commons law focuses primarily on agriculture;
- LPA does not apply to caving because MPs in 1925 would not have been very aware of caving;
- caves do not form any part of “*mountains, heath, down etc*” which is the term used by several Acts of Parliament including the CRoW Act 2000 to characterize public access land;
- CRoW does not apply to caves because OS maps do not show cave passage outlines with the effect that cavers will have no idea where they are underground relative to the land surface above them.

CCC has legal advice from leading QCs^[14] that the CRoW Act already applies to caving. It is not possible for the Government to assist caving simply by amending CRoW so as to remove caves from its Excepted Land list (in Schedule 1 of the Act) because caves are not listed there. Likewise, the Welsh Government cannot remove caving from the list of Excepted Activities (in Schedule 2) because caving is not proscribed – unlike swimming, cycling, sail-boards, kayaks, hang-gliding, and picking berries have been, to give but a few examples. The root problem is simply that NRW does not appear to be sympathetic to caving, and NRW seems willing to ignore its own least restrictive access policies^[15] and generic recreation enabling plans^[16] when it comes to supporting caving.



Chartist Cave, Mynydd Llangynidr, a historic cave on CRoW Access Land and on Urban Common where NRW claims there is no right to explore or even shelter inside having walked to its entrance under CRoW or LPA statutory rights

NRW's internal solicitor confirmed in a meeting with representatives from Cambrian Caving Council and the British Caving Association as recently as 2017 that NRW has no fundamental objection to caving on grounds of safety, conservation concerns, or protecting the scientific interest. CCC was told that it is simply a difference of opinion between NRW and cavers over semantics. NRW also admitted in this meeting that it has no external legal advice (e.g. from a specialist environmental barrister or QC) as to whether NRW's own narrow interpretation of generic terminology used in recreational access legislation, so as to exclude caving from its scope, is correct in law or not.



Pant Mawr Pot, miles into rough open country between the Swansea and Neath valleys, where, according to NRW, the 'right to roam' allows walkers to get to the brink of the vertical drop but does not allow anyone to descend it. Defra would say that the bottom of this 50ft shaft (only as far as daylight reaches) is 'open-air' and thus Access Land.

NRW's internal emails and other documents have been obtained through Freedom of Information Act disclosure requests and otherwise in order to obtain insights into this confusing situation. The most recent of these document tranches delivered in January 2017 lists over 30 NRW staff, plus some personnel at Defra and Natural England, involved in NRW's efforts to position caves and

caving outside the scope of existing public access legislation. This cannot be just about defending a position concerning semantic nuances in the term “open-air”. Indeed, NRW’s former geologist for West Wales hinted at this in an unguarded comment he gave in a liaison meeting, saying *“caves are too important really to let cavers into them”*. So there is little point in our Council meeting again with NRW to discuss this imbroglio further as their position seems settled. We feel it will take measures such as a Judicial Review, or clarity provided by a statutory access code or by new legislation, or a steer given by the Welsh Government to NRW for them to change their course so that cavers can enjoy the same access rights to the countryside that other citizens who are following outdoor pursuits like rock climbing and hill walking would simply take for granted.

Broadcast Media and Caving

Though caving is a minority pursuit, it does catch the public interest particularly when television programmes provide a great opportunity to reveal a hidden and totally different world. Viewers will feel the same excitement and sense of personal discovery that cavers will experience directly by exploring the underground world, seeing its hidden natural beauty, and reflecting on humanity as just a brief moment in vast geological time. That people, against instinct and emotion, should venture underground, to follow rivers, scale crags and climb mountains in reverse, engineer ways through collapses in rock strata that happened aeons ago, and enter into places that no human has ever seen before, is well-nigh incredible.

When things occasionally do go wrong underground, these risk factors can work against caving by attracting unfavourable publicity. However, in recent years there have been quite a number of very welcome adventure TV programmes in which well-known media personalities have explored caves including at locations in Wales: for example, Iolo Williams^[23] in the Brecon Beacons, Richard Parks^[24] traversing the OFD cave system from end to end, Matt Baker exploring Shakespeare’s Cave, as well as several more ‘natural world documentary’ style of broadcasts^{[24][26]}.

To the present author, it is a privilege to see the wonders of nature both first-hand in Wales and via modern media across the whole world at places it is impossible to visit personally. The Natural History Museum’s geological specimen collection inside their glass cases inspires wonder, but it is another thing to see such objects in their natural setting and so close to one’s home. In effect, cavers are standing inside those glass cabinets, seeing inside geological faults in three dimensions, being confronted with destructive natural forces inexorably altering the very rocks around us, and contemplating the creative force of water slowly depositing speleothems of inconceivable delicacy.



Following an underground river upstream and clusters of snow-white cave roof crystals in the Brecon Beacons

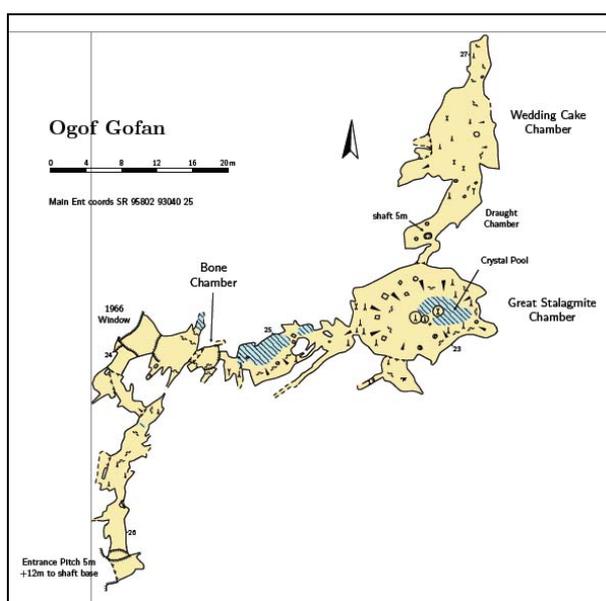
Chapter 1 – Towards the Sustainable Management of Natural Resources

Promoting a circular economy, finding nature-based solutions, and generating new markets with innovative approaches are all welcome and laudable aims. However, it is difficult from a caving perspective to comment on **Questions 1-3** except to say that caving does not impact materially on ecosystems or biodiversity, nor are cavers in competition with other users, as for access to land or water. Caving is being conducted responsibly and accountably, and it is a sustainable activity with its own national code of conduct^[29] which addresses minimal impact and conservation.

Access agreements made with private landowners concerning non-CRoW land are likely to consider potential visitor numbers, cave conservation, and routes used for cave access and egress. A good example of responsibility is Ogof Gofan within the Castlemartin Tank Firing Range, a part of the Defence Estate. Cavers have worked closely with the landowner here, the Defence Infrastructure Organisation, to monitor visitor levels with electronic counters, avoid any congestion via a booking system, conduct regular bat and species surveys using qualified professionals, and to confirm the results of a 1960s archaeological survey in conjunction with current Dyfed Archaeology Trust staff.



The seaward view from inside Ogof Gofan on the Pembrokeshire coast cliffs



The cave survey produced by cavers which relates passage outlines and features to OS grid squares

NRW is dependent on cavers to provide basic information, accurate cave mapping, reports and feedback on underground Sites of Special Scientific Interest (SSSIs) because it claims its own staff cannot go into caves for perceived Health & Safety reasons. Cavers discover new caves; cavers extend them; and cavers map caves which enables exploration, scientific interest and research. But no formal cave conservation or cave science monitoring system has been set up in Wales, unlike the position in the Derbyshire Dales which is mature and well-organised. So it would enhance both nature conservation and consistency in the opportunities available for participation (both being WG aims) if only NRW can be persuaded to adopt a more welcoming and positive disposition towards caving.

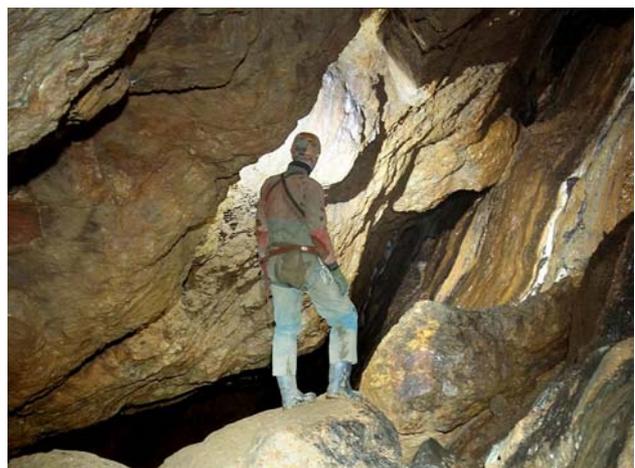
Chapter 2 – Forestry

NRW has a duty to provide leisure access opportunities in the forestry that it manages. Good examples of this are its mountain bike trails and well-resourced visitor centre at Coed-y-Brenin.

The Forestry Act 1967 provides for the making of Byelaws which regulate the use of forestry land by the public for the purposes of taking “exercise and recreation”. This right is not qualified by the word “outdoors” or “open-air”. Forestry leisure terminology is thus different from that used in countryside access provisions in LPA and CRoW. Undisputedly caving is exercise and recreation. Forestry Byelaw 5(ii) prohibits anyone to “*enter any ... mine unless there is a notice displayed ... implying access thereto*”. The Mines and Quarries Act 1954 defines a mine as an excavation made for the purpose of getting minerals involving the employment of persons. Caves are thus not mines since their development was not commercial. The same Byelaws say nothing about caves. So we hold that all caves on government forestry that is dedicated as Access Land under CRoW are open for caving, though we could anticipate this being resisted by making observations such as trees do not grow in the dark inside caves therefore caves are not a part of forestry land.

CCC has been successful after many years of negotiation with NRW in obtaining responsible access to disused mines on Welsh Government Woodland (WGW) land and at one site on NRW-owned land. This has been done at the level of a Deed which clearly sets out the duties of each party.

We have been successful at some forestry sites in de-conflicting bat species concerns and access, for example by adopting seasonal access arrangements to avoid the possibility of disturbing any hibernating bats during the winter. At other mine sites we have simply met with stonewalling where NRW will not reply to emails or enter into discussions to make a management arrangement. This is quite different to visitor management at the caves with bat hibernacula of significance where caver access has been agreed on an all-year-round basis. It depends on which NRW staff are dealing with which case. It is, of course, quite unacceptable for a public body to disregard emails and the scientific research attached to them, so we intend to proceed now with a Freedom of Information Act request to try to uncover the basis for NRW's unwillingness to respond to us.



Draethen Lead Mines situated on Welsh Government Woodland near Caerphilly where NRW is not responding to emails containing scientific reports and requests to negotiate a management plan for a seasonal mine explorer access scheme

We support the idea contained in **Proposal 1** if this re-alignment of duties is also to include the sustainable management of natural resources (forestry) for recreation, to benefit the population of Wales as a whole, visitors to Wales, and the rural communities in which the forests reside. The suggestion in **Proposal 2** that local communities should collaborate and have more direct involvement in local forestry matters is also welcome and we support it.

We agree with the proposition put in **Question 4** that NRW's general duties including their conservation/arboriculture balancing duty under the Forestry Act should be aligned with the sustainable management of natural resources and with the wider policy aims set out in WCFG, such as more physical activities, health, well-being, vibrant rural communities and economies – so long as the word sustainable is not equated with sterilizing areas from the presence of people.

We agree with the proposition put in **Question 5** that delegation of aspects of the management of WGWS to others suitably qualified to carry this out can be beneficial. The successful disused mine access scheme for explorers and educational groups is an example of such already working.



*Bryneglwys underground slate quarry in Abergynolwyn forestry where NRW has agreed year-round caver access
Left: haulage ramp (scheduled ancient monument). Middle: mine drainage tunnel. Right: pyrites crystals in slate*

Chapter 3 – Designated Landscapes

Few people realise that one in eight square metres of Wales has been scheduled by the former Countryside Council for Wales as a Site of Special Scientific Interest (SSSI). The largest of these include the 80+ square kilometre Berwyn mountains and the 60+ square kilometre Black Mountain that spans almost Brynamman to Abercrave. These are not 'sites' but vast 'regions' where very little real science is taking place. SSSIs, mainly dating from the mid-1980s, are more a proxy for proper planning development control than to conserve special pockets for their scientific value. The European Protected Landscape designation seems much more appropriate terminology.

From a caving perspective, SSSIs are sometimes being used inappropriately by NRW, for example to resist the exploration for new caves where a few boulders or some sediment might be moved within these vast upland areas or inside large caves containing thousands of boulders and tons of sediments. NRW may, for example, object to the new position nearby for a boulder saying it might then cover up a rare plant or lichen, but the same ground is grazed by livestock and the same SSSI land is available to the public to walk all over. This seems disproportionate and incomprehensible. By contrast some areas that are very good candidates for SSSI status, such as Porth-yr-Ogof, the Llygad Llŵchwr resurgence, and the Sinc y Giedd sinks for Dan-yr-Ogof, have all been missed.

It is extraordinary too that National Parks exist to be enjoyed both for their scenic qualities and their opportunities for recreation while AONBs are only scenic. Places like the Wye Valley and the Clwydian Range are surely there for recreation as well. These two AONBs mark both ends of the 177 mile Offa's Dyke National Trail, and both these AONBs contain significant caves as well. Otter Hole cave is in the tidal section of the River Wye and contains many huge beautiful stalactites. The first AONB to be created was on the Gower which also contains caves of great interest.

The Foot and Mouth Disease epidemic of 2001 was a tragic watershed moment for the countryside across the whole UK which then shut its doors to recreational visitors for the best part of a year to protect the farming interests – notwithstanding that recreation in rural economic terms is far larger. The management of FMD was a disaster for the rural economy with tourism-related businesses being widely harmed, some ceasing trade and their staff becoming unemployed.

In the years immediately following 2001 it was noticeable how the tide of opinion had turned inside National Park Authorities some of whom had hitherto presented a somewhat negative public image, seeming even to discourage countryside visitors in the years prior to FMD. Sixteen years later, the painful episode of FMD has faded. Giving conservation priority over recreation as a matter of principle, even if no irreconcilable conflict of interests exists, is once again on the rise. So we are pleased to see that caving and exploring underground is now being promoted to visitors on the Brecon Beacons National Park Authority's website^[28]. The Welsh Government Consultation – seeking to meld wider benefits to society, to rural communities and to future generations via sustainable management of natural resources – is a very welcome and balanced new approach.

We agree with the proposition in **Question 11** that the statutory purposes of AONB and National Parks (and Welsh Government Woodland) be aligned with the sustainable management of natural resources and with the policy aims set out in the Well-being of Future Generations Act as stated above – in particular for improved public recreational access, maintaining viable rural economies, and more local involvement to foster more a sense of cooperation than competition.

We are concerned that the term "*special qualities*" as used in **Question 12** could mean different things to different people, and that some group – e.g. NPAs or AONBs or NRW or people or groups exploiting conservation to further their own agenda – will be handed an opportunity by this vague term to undermine public access. Giving priority to special qualities undermines the idea of balancing more than one priority at once to achieve the best long-term outcome nationally. This is implicit in the Well-being of Future Generations Act 2015 (WBFG) and the 1974 Sandford principle. The proposition put in the first part of **Question 12** is incompatible with the ideas in **Questions 4 and 11**, and it runs counter to the ethos of WBFG and Sandford: thus we do not support it. Local communities, their businesses, the landscape and recreation need a holistic and balanced approach to their management for the benefit of society as a whole both now and in the future.

There has been a lack of emphasis on the second role of NPAs, as laid out in the National Parks and Access to the Countryside Act 1949 (NPAC), which is to promote the use and enjoyment of the outdoors. Instead, too much emphasis has been placed historically on the first role of NPAs which is to conserve the natural world and its iconic landscapes. A further widespread problem is the misunderstanding and mis-stating of the original 1974 Sandford Principle which is to "*give greater weight*" to conservation interests if and only if there is "*irreconcilable conflict*" between access and enjoyment interests. The word *irreconcilable* tends to get omitted. The Environment Act 1995 transformed the original wording of the Sandford principle into this version: "*If it appears that there is a conflict between those purposes, [the National Park Authority] shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area*"^[17]. The effect is that small conflicts can provide a basis for disproportionate conservation responses at the expense of access when instead the effort could have been given to managing or mitigating the perceived concerns to allow conservation and access to advance in partnership and thus avert minor issues from developing into serious concerns.

We are unable to comment on **Proposals 6 and 7** as it not clear what they will mean in practice. The supporting principles of the Environment (Wales) Act 2016 are, briefly, to maintain ecosystems whilst meeting the needs of people and contributing to the national prosperity and lifestyle goals set out in WBGF. Thus we hope that responsible recreation, and creating diverse opportunities for it, will fall within these two proposals' meaning.

Local schemes set out in **Proposal 8** can bring benefits but may also miss targets. The longest cave in Wales (80kms) and other very long caves lie outside the Fforest Fawr Geopark. The Geopark management group does not involve any caving organisations nor does its website mention significant caves there like Dan-yr-Ogof and Ogof Ffynnon Ddu, instead focusing on what is visible on the land surface. We feel sure that cavers would like to have more involvement. Devolving management to local groups and alliances seems not only desirable but also necessary given the diverse demands now being placed on NRW and NPA staff members. This is also consistent with **Proposal 2** in the Forestry chapter. We support both of these proposals.



*Significant caves within the Fforest Fawr Geopark of the Brecon Beacons National Park
Left: Pwll Dwfn – this small entrance discovered in 1947 leads into a deep pothole
Right: Inside Ogof Ffynnon Ddu – first entered in 1946. The coloured tape marks out a no-entry area to protect the pristine calcite floor and the speleothems from accidental contact.*

Chapter 4 – Access to Outdoors

LEGISLATIVE BACKGROUND

We are concerned that the list of existing relevant law on page 36 of the Consultation document does not begin with the Law of Property Act 1925 (LPA) which is still in force. James Bryce MP attempted to introduce public access rights to open landscapes every year between 1884-1913 via a Private Member's Bill, failing each time. The measure appeared in law after his death via Section 193 of the 1925 Act which provides for "air and exercise" on urban commons. These are entire commons where some part of the common land block resides inside an Urban District Council or Borough Council area. This is important in South Wales because of the Valleys where the uplands between each valley and along the A465 that forms their northern margin, have enjoyed the right to roam for almost a century, creating enormous recreational amenity value for local people. Section 15 of the CRoW Act recognizes the historic rights still supported by Section 193 of LPA.

The Welsh Government's intended reforms could be viewed as a further step towards completing Bryce's vision by unifying the access provisions in the existing legislation (LPA, NPAC, Forestry Act, CRoW) in a way that is consistent and sustainable for natural resources and communities, thus compatible with WBFG aims and the policy described in the Environment (Wales) Act 2016.

THE CRoW ACT AND HOW IT IS BEING INTERPRETED

NRW is interpreting words used in post-WW2 recreational land access statutes such as "*open countryside, mountain, hill, heath, common, moorland, forest*" in a very literal and narrow sense so as to exclude caves from statutory public access rights. This positions NRW at loggerheads with some contemporary political opinion. Huw Irranca-Davies former MP and now Assembly Member for Ogmore has said "*Outdoor recreation is the UK's favourite pastime, with all these diverse activities from potholing to caving, to simply strolling outside or going on a bike with the family*"; Nick Smith MP for Blaenau Gwent when asked "*Is caving an open-air sport?*" was astonished to hear about NRW's narrow perspective; David Davis MP asked "*I cannot see for the life of me why Defra is taking the wholly illogical stance of denying that caves are covered by the CRoW Act*"; and after going caving David Rutley MP commented "*I look forward to working with cavers more closely as part of my wider efforts to help get more people off the sofa and active outdoors, and promoting outdoor recreation*".

We would like the ambiguity to be removed in future legislation or in outdoor access code of conduct so that caving benefits from the statutory provisions for access like other outdoor recreations do. One way to achieve this is to use more general vocabulary than at present: like "*non-motorised recreation in a natural environment*" instead of "*outdoor recreation*" and "*open-air activity*" and "*mountain, moorland, heath*" etc. Even then someone might argue that few landscapes in Wales or anywhere else remain natural because they have been grazed down to short grass by farming, used for forestry or water supply or quarrying, and altered by humans deliberately in diverse ways over millennia. The concept of natural could be narrowed into pristine so as to narrow the scope of allowed activities.

Rock climbers have a problem with the word "natural" too in the CRoW Act. Disused quarry faces on Access Land are not natural in the sense that the former quarry was man-made. Thus it is arguable that the limitations on occupier liability for "natural features" at Section 13 do not apply, with the effect of discouraging landowners to support climbing. We agree with the BMC that the term "physical features" is more appropriate. Cave entrances are sometimes exposed in old quarry faces: clearly the cave is natural but its surrounding quarry is not, so this is a concern for us too.

Further scope-creep away from the broad intentions of primary legislation has been achieved by introducing and then repeating the term "on foot" when discussing it. Nowhere in the CRoW Act 2000 are the terms "on foot" and "walk" used to scope what activities can be done on CRoW Access Land. The phrase only appears in connection with management of the pre-existing Public Rights of Way (PRoW) network, in other words when discussing the status of public footpaths that run across CRoW Access Land. Yet there are Parliamentary answers given by Defra ministers using the term "on foot" in the same breath as CRoW Access Land, and now "on foot" appears in NRW documents, so this looks like an attempt to narrow the scope of CRoW. We welcome the preference for the general term "non-motorised recreation" rather than "on foot" in the present Consultation document as this more accurately describes not only the scope needed in future legislation but also that of the present law. The term "on foot" is absent from the 2003 Scottish Land Reform Act^[18] while its Section 9(f) lists "*being in or with a motorised vehicle*" as conduct excluded from public access rights.

The Welsh Outdoors Recreation Survey^[19] (WORS) commissioned and published by NRW is cited as relevant research by this WG Consultation. WORS acknowledges that caving is an outdoor open-air recreation. It puts caving on a par with rock climbing by aggregating these two sports into the same statistical section on visitor numbers. NRW's study team therefore scopes both caving and climbing as near identical outdoors recreations in terms of their mechanics, but another part of NRW wishes to argue that caving is excluded on CRoW Access Land by asserting that caving is not done in the open air. This stance runs contrary to the general intentions of the legislators because all normal people, including the politicians quoted at the start of this section, regard caving as an open-air outdoors activity and know the intention of Parliament in framing the CRoW Act was not to exclude particular sports later on by interpreting vocabulary in other than the normal and accepted way. We wish to see caving put on a par with mountaineering and hill walking in terms of statutory access. For cavers this would fulfil the aim at **Question 15** to deliver consistency in the opportunities available for participation in different sport activities.

OVERLAP AND INCONSISTENCY BETWEEN CURRENT LEGISLATION

In the Billson case Judicial Review (JR) of 1998, Defra lost their argument that horse riding on urban commons is not a form “air and exercise” within the ambit of Section 193 of the Law of Property Act 1925 (LPA). The judge stated that “air and exercise” was general-purpose term which encompassed such public leisure activities as a picnic, flying a kite, picking wild berries and tobogganing. Using the term “non-motorised recreational activity” would have removed any ambiguity concerning riding horses and bicycles, but it must also be qualified so as allow access to persons who use disability carriages. We thus support the call by CyclingUK to widen access opportunities for cycling general, including on CRoW Access Land and on urban commons and on the PRow network where it is suitable for cycling in a shared-use context.

The public can legally ride a horse over an urban common like the Bloreng near Abergavenny relying on LPA rights. But the very same place when classed as Access Land prohibits the riding of a horse via Schedule 2 of CRoW. A horse cannot even be led across Access Land because the only animal companion permitted to be on CRoW Access Land is currently one’s dog.

Swimming in Keepers Pond on the Bloreng is legal under LPA while CRoW Schedule 2 disallows swimming at the very same place. If a kayak is not considered to be a “vehicle” then it would be legal to paddle at Keepers Pond since paddling is just as much a form of “air and exercise” as picking wild berries or using a toboggan is, as the judge noted in the Billson case cited earlier. The de facto situation is that both swimming and berry-picking take place at Keepers Pond in their season and it will not have crossed the minds of many visitors whether such is legal or not.

It is necessary, and not only for caving, to clarify and merge the public leisure access rights granted by LPA with those in the Forestry Act and finally in CRoW to clarify that “air and exercise” and “exercise and recreation” and “open-air recreation” in the respective Acts all mean “non-motorised leisure activities” in contemporary terms. It is also necessary to state clearly that “land” means the ground-air surface along with the material that lies beneath that surface and the air that is above it. So passing through or remaining on any material that comprises “land” – whether it is soil, grass, lakes, gates, stiles, caves, or the air space – is lawful for leisure purposes subject to other statutes such as regulations concerning flying aircraft and drones.

BROADENING RECREATIONAL ACCESS RIGHTS

We support, in a general way, **Proposals 10, 12, 14 and 24** to extend access rights on Access Land and the PRow network for cyclists and horse riders and for water sports visitors meeting the policy objective to harmonize participation opportunities.

We agree with **Proposal 13** which suggests extending the CRoW access land to the coast and cliffs. Cavers share an interest with rock climbers since there are coastal caves as well as coastal crags. There are several examples of interesting coastal caves including those on Great Orme in Conwy and Ogof Gofan in Pembrokeshire which featured in our Chapter 1 comments on page 5.

We also support **Proposal 14** to extend the scope of CRoW to rivers and other inland waters. This is of interest to cavers as some caves are on river banks or even in the river bed itself. Consideration of access along riverbank paths or access routes over adjoining land would be required and could be dealt with by site agreements made by NRW and landowners. We thus support **Proposal 15** to establish NRW as the authority responsible for identifying access/egress points on rivers, implementing measures to promote responsible use (such as river level indicators), and mediating between different user interests and facilitating access agreements.

We support **Proposal 11** to relax or revoke some restrictions listed in Schedule 2(1) of CROW: using a vessel or sailboard on any non-tidal water; taking animal companions other than dogs; bathing or swimming in non-tidal water; organised games such as fell running races; informal camping, hang-gliding or para-gliding which CROW groups together. All of these proposed activities are acceptable provided that they are carried out responsibly as set out in some future Statutory Code of Conduct.

STATUTORY CODE OF CONDUCT

We thus support **Proposal 16** to establish a statutory caveat on all users to behave responsibly whilst exercising their right to participate in recreation and **Proposal 26** to develop a statutory code for access to the outdoors for recreation similar to that already in place in Scotland to provide clarity and an authoritative viewpoint on public access rights for recreation along with fostering good behaviour. Developing a Statutory Access Code for Wales also addresses **Question 17** to provide significant clarification so that the public, land managers and others are clear about their rights, responsibilities and duties in relation to access to the outdoors.

The full Scottish code, however, is a half-inch thick spiral bound book published by Scottish Natural Heritage (SNH) and weighing a pound. Few people are likely to possess a personal copy and read it all, let alone take it along on a walk. A summary edition, or creating short custom versions to inform specific user groups like paddlers, equestrians, cavers, climbers, rambles, and so forth, would build a useful range of educative resources.

We are concerned, however, that if NRW is given free rein to author any such statutory code then NRW may seize the opportunity to crystallize its negative position on caving access within statute. We thus see the need for clear terms of reference to be given to NRW that state what the broad outcomes must be, i.e. the specific improvements to public access that are to be codified.

RESTRICTING AND MANAGING ACCESS RIGHTS

Proposal 20 to alter the basis for creating and extinguishing rights of way is too vaguely set out to make any meaningful comment. **Proposal 23** seems little different from the status quo which is that Local Authorities have a duty to publish Rights of Way Improvement Plans (RoWIPs) but then are not required to implement their plans.

In **Proposal 25** the word "*unwanted*" means different things to different people so this is too vague to comment further. However, we support the specific example in the second sentence of the proposal to do away with the unwanted cut-off date for unregistered public routes.

We agree that it should be simpler, for example, for farmers to divert a path on a temporary basis for imperative agricultural reasons. So we support **Proposal 21** provided that the alternative route provided does not inconvenience any visitors or prevent them rejoining their original route.

We can agree with **Proposal 17** to restrict access such as by temporary diversions or exclusions where circumstances require them and after the safety and convenience of the public have been considered provided that caving is not deemed unsafe. In fact there are very few incidents in Welsh caves and these are generally dealt with by the trained volunteers of cave rescue teams rather than emergency services personnel who would take over if necessary once any casualty is back at the surface. The two cave rescue teams operating in Wales are part of the British Cave Rescue Council^[20] which runs the Cave Rescue services across the whole UK.

The South/Mid-Wales team^[21] has had eight incidents in the last five years: five concerned explorer groups not returning on time causing anxiety amongst family or friends, a tourist who suffered a fall inside the Dan-yr-Ogof show caves, and a boy who got stuck in a tube inside a short cave in the Little Neath valley. The North Wales team^[21] over a five year period attended two serious underground incidents including a fatality concerning scuba diving in a mine and a mine explorer with broken heel bone. Their seven less serious callouts included farm animal rescues and investigating a tunnel collapse.

MISCELLANEOUS REFORMS

We are also happy to support the proposals concerning dog behaviour outdoors at **Proposal 18** of this chapter, and concerning litter thrown from vehicles at **Proposal 47** from Chapter 7 of the consultation document which concerns waste. Any anti-social behaviour should be discouraged.

The partial Ordnance Survey maps that have been put online already by NRW to cover the Wales Coast Path are a good resource for walkers. Ideally, we would like to see map provision extended to all of Wales to encourage more people to get into the outdoors. It is a serious omission that NRW provides no online mapping for CRoW Access Land or Urban Commons (Section 15 CRoW land). People have to buy a paper map or subscribe to a map service or look at certain free websites which show it by shading on their 1:25,000 scale Ordnance Survey map views. We therefore support the idea of a free-to-use NRW or Welsh Government online map which is under constant review which addresses **Question 16** in delivering a more integrated and up to date system for identifying, designating and recording publicly accessible areas and attractions in them.

We welcome **Proposal 19** to develop one statutory map for publicly accessible areas and its green infrastructure. Legislation would allow new layers to be identified and added and for the mapping to evolve continuously rather than be reviewed and re-issued on a decadal basis as at present. We support the view that the digital map should be subject to continuous improvement rather than having fixed review periods. The caving community in Wales could try to contribute cave surveys as additional layers showing the position of passages below the surface but any lack of a full survey for each cave should not become an impediment to free access into it. Indeed, our council has software development underway at present to enhance the Cambrian Cave Registry^[22] so that public domain cave surveys can be displayed as overlays drawn on top of digital surface maps.

We support the principle of streamlining local authorities set out in **Proposals 20-22** regarding reducing the procedural burdens associated with Public Rights Of Way and Access Land.

We welcome **Proposal 27** to give Local Access Forums a more democratic structure by, for example, 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 the number of years that an individual member may serve to ensure there is turnover so fresh ideas and new viewpoints are obtained.

EDUCATION

Neither the Well-being of Future Generations (Wales) Act 2015 nor the Environment (Wales) Act 2016 mention educating the public. Education does not appear in the WG consultation document either, except in the context of improving social behaviour such as by not throwing litter from cars.

It seems a major omission not to mention educating the public and particularly young people to appreciate the outdoors and nature, gaining an understanding of how these have evolved, the need to protect them for future generations, and to support those whose work is to manage the land. A good and broad education is quite fundamental to "a more prosperous and resilient Wales", which summarizes Aims 2 and 3 of the WCFG legislation.

Outdoor Education Centres have been leading groups into the caves and mines of Wales since the 1980s. Young people coming from across the UK experience going underground as part of courses linked to the National Curriculum with proven outcomes in developing self-esteem, confidence, empathy, respect and responsibility as well as a broader understanding of the geology and social history of the areas visited. The underground experience is unique and extremely popular with teachers as a tool to highlight these outcomes. People who learn about the natural beauty of Wales as a young person will mean more tourists coming here in later life. In practical terms, there are both immediate and future beneficial economic impacts arising from organised outdoor education.

The Scottish Outdoor Access Code^[13] 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.

Page 6 of NRW's FAQ sheet titled "*Frequently Asked Questions on the Access Provisions of the Countryside and Rights of Way Act 2000*"^[11] excludes commercial educational activities from the scope of existing statutory access rights on CRoW land. NRW cautions that not-for-profit educational activities may be permitted but they might also be open to challenge in the Courts. Clearly education generally is commercial in the sense that teaching staff are employees which also makes it fall within the ambit of Health & Safety legislation.

The logic behind questioning the legitimacy of commercial versus non-profit educational activity on Access Land and suggesting that it needs a court case to decide what kind of outdoor education is allowed is incomprehensible to us. We suggest a provision for educational access (however it is paid for) is another CRoW Act reform that should be added to the reform list at **Proposal 11**.

The British Caving Association manages a national cave instructor qualification system operating at two generic skill levels: local cave leader and cave instructor. There is a competent well-organised cave instructor community in Wales which is currently being denied access for staff training at major caves where NRW controls access. Once again the commercial access question arises. The instructors are subscribing to the BCA's qualification scheme by paying an annual subscription and course fees and they are obtaining their qualifications in order to obtain employment. The consequence of NRW's lukewarm cooperation on instructor access is that these individuals cannot gain official logbook entries that will maintain their professional qualifications via visits into the caves controlled by NRW which are amongst the largest and most useful ones for the purpose.

As a result, the very people who lead youth or military training groups into much easier caves elsewhere are being denied the chance to broaden the scope of their own education. Whilst it is unwelcome in the short term to question if young people should receive educational experiences on CRoW Access Land, it is more harmful, particularly in the long term, for NRW to hinder an instructor training system. We would like to see this situation addressed by the inclusion of a statement in the proposed Code of Conduct that access for teacher training and education purposes is permitted so long as their activities are the same as the general public are allowed by law to do at the same locations.

THE REGULATORY IMPACT OF "CRoW ACCESS LAND CAVING"

In this section we will look at the geographical distribution of significant Welsh caves that lie within Access Land as defined by the CRoW Act 2000; the benefits which would come from recognition by NRW that this Act applies to caving; any consequent impact on landowners in limestone areas; and how conservation of the natural and heritage environments would remain assured.

The Cambrian Cave Registry^[22] is an online resource maintained by the Cambrian Caving Council (CCC) presenting a record of caves and other places of interest to cavers across Wales. Some of these database locations are surface features only, for example where streams suddenly disappear or emerge, perhaps with no underground access possible there. The table below shows the methods for

obtaining underground access permission at the present time or whether the site is situated on private land or Access Land. Most sites of interest are in the Brecon Beacons.

Region of Wales	De Facto Open	CRoW Land	Ask The Landowner	Access Control Body	Total Sites	%CRoW
Western Beacons	36	311	7	3	357	87
Central Beacons	187	153	118	3	461	33
Eastern Beacons	167	209	8	6	390	54
North Wales	114	6	33	15	168	4
Gower	135	2	13	3	153	1
West Wales	105	0	50	2	157	0
South East Wales	73	0	12	3	88	0
Mid Wales	8	0	16	0	24	0
TOTAL for Wales	825	681	257	34	1797	38
TOTAL for Beacons	390	673	133	12	1208	56

Figure 1. Cambrian Cave Registry entries arranged by their access system and region

De Facto Open simply means there is no specific procedure to follow and that a prescriptive public access right is assumed to exist because access across the land has been practiced for so long without using force and it has gone unchallenged.

CRoW Land means the site is on CRoW Access Land. There is an undisputed right to walk across such land to reach the cave entrance, like a rambler can. Having walked to the cave entrance, both NRW and Defra claim there is then no right to explore the cave although Defra concedes that people are allowed into caves as far as the limit of daylight. Caving representative bodies including CCC hold that the CRoW Act provides access rights that do apply to caving: a view which is supported by formal QC Opinion^[14].

Ask The Landowner means that permissive access is normally granted across private land if requested. In a few cases the landowner asks a small trespass fee, typically £1 per visitor.

Access Control Body (ACB) means there is a committee which takes responsibility for the care of the cave, any key distribution, and it authorises visitors on behalf of the landowner. The Cambrian Caving Council acts an ACB in a few cases, but most of the ACBs in Wales are formed from members of caving clubs that first explored certain large caves. Some are in effect NRW committees that are chaired by an NRW employee and attended by various other NRW staff. Cavers sitting on these NRW access committees are Wardens within the meaning of Section 18 of CRoW and seem to be quasi-employees given that most receive payments and were required to provide their National Insurance numbers.

The numbers shown in Figure 1 above might be misleading because most of these sites are small or insignificant in terms of the length of cave passages there to explore. The big caves in Wales with kilometres of open passages are few, and all are situated in South Wales. Thus to continue with a meaningful discussion on Welsh caves on CRoW Access Land we will shorten the full list by asking whether the cave is large enough to warrant having a detailed route description in the published guidebook. Figure 3 overleaf lists only the caves on Access Land that have guidebook descriptions.

If it can be agreed that CRoW already applies to caving then all the cave sites listed in Figure 3 are caught by it. All but one of these caves are on upland areas in the Brecon Beacons – the exception being Tooth Cave which is on the Welsh Government Woodland estate on Gower. Thus the impact on landowners across Wales as a whole (other than the Brecon Beacons) by agreeing that CRoW applies to caving is close to zero. The map in Figure 2 below shows the locations summarised in Figure 1, many having no accessible underground passages. These upland areas are owned mainly by corporations or large private organisations such as water companies and the Beaufort Estate rather than small-scale upland farmers or private residents. Most of these caves are open (not locked) and their landowners are not generally approached for permission to visit, so the day-to-day landowner impact of regarding these caves as having statutory access rights would be little different to the status quo.

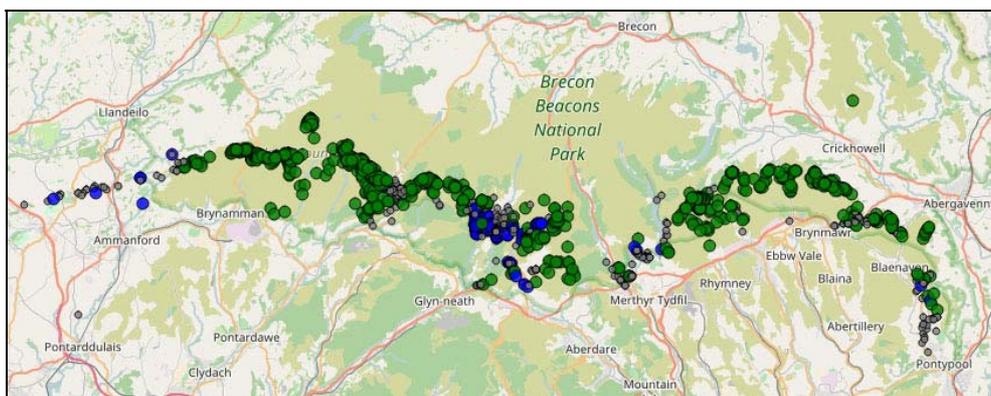


Figure 2. Distribution of sites of all sizes with caving interest on CRoW Access Land in the Brecon Beacons (green circles)

CAVE NAME	BEACONS	LENGTH (m)	NEEDS PROTECTION
Agen Allwedd	Beacons East	28000	Yes (bats)
Blaen Onneu Quarry Pot	Beacons Central	100	No (de facto access)
Carreg Lem	Beacons West	320	No (de facto access)
Chartist Cave	Beacons Central	120	No (de facto access)
Diwedd yr Enfys	Beacons West	300	No (de facto access)
Dophins Hole	Beacons West	120	No (de facto access)
Eglwys Faen	Beacons East	900	No (de facto access)
Fell Swoop	Beacons East	100	No (de facto access)
Ogof Blaen Crawnon	Beacons Central	100	No (de facto access)
Ogof Cas	Beacons Central	100	No (de facto access)
Ogof Claisfer	Beacons Central	60	No (de facto access)
Ogof Cynnes	Beacons Central	900	No (de facto access)
Ogof Dan y Lleud Wen	Beacons West	600	No (de facto access)
Ogof Daren Cilau - Cnwc	Beacons East	26000	No (hard to enter)
Ogof Daren Cilau - Main	Beacons East	ditto	No (de facto access)
Ogof Draenen - Drws Cefn	Beacons East	75000	No (hard to find/enter)
Ogof Draenen - Nunnery	Beacons East	ditto	No (hard to find/enter)
Ogof Dwy Sir	Beacons East	300	No (de facto access)
Ogof Fawr	Beacons Central	1300	No (de facto access)
Ogof Fechan	Beacons Central	1100	No (de facto access)
Ogof Ffynnon Ddu 2	Beacons West	60600	Yes (geology)
Ogof Foel Fawr	Beacons West	300	No (de facto access)
Ogof o Flaen y Waun	Beacons West	150	No (de facto access)
Ogof Pasg	Beacons West	400	No (de facto access)
Ogof Pen Eryr	Beacons East	450	No (de facto access)
Ogof Pont Sychryd	Beacons Central	200	No (de facto access)
Ogof Purgad	Beacons Central	122	No (de facto access)
Ogof Pwll Swnd	Beacons West	920	No (de facto access)
Pal y Cwrt	Beacons West	200	No (de facto access)
Pant Mawr Pot	Beacons West	1150	No (de facto access)
Pulpit Hole	Beacons Central	100	No (de facto access)
Pwll Dwfn	Beacons West	400	No (de facto access)
Pwll y Coeden Cnau	Beacons Central	200	No (de facto access)
Pwll y Gwynt	Beacons East	50	No (de facto access)
Pwll y Pasg	Beacons East	250	No (de facto access)
Sinc y Giedd	Beacons West	200	No (de facto access)
Tunnel Cave - Top	Beacons West	2130	Yes (vertical shaft)
Wills Hole	Beacons Central	400	No (de facto access)
TOTAL	Brecon Beacons	203642	

CAVE NAME	GOWER	LENGTH (m)	NEEDS PROTECTION
Tooth Cave	Parkmill	1500	Yes (SAM, bats)
TOTAL		380244	

Figure 3. Caves on CRoW Access Land that have guidebook route descriptions

The CRoW Act Section 17 provides for creating Byelaws to protect anything “on or in” the land. This wording confirms that CRoW is three-dimensional in its scope insofar as caves and minerals and certain species are “in” the ground rather than “on” it. Section 25 can restrict access on a temporary basis for reasons of public safety, for example an imminent mountain fire risk, while Section 26 can restrict access on a permanent basis for reasons of nature or heritage conservation. It is believed that Section 26 has never been used by NRW for any reason anywhere in Wales. A Freedom of Information Act request in 2016 revealed that Section 26 has been used about 90 times by Natural England but only to conserve surface features or such as water supplies.

In addition, National Nature Reserve status conferred under the WCA 1981, as applies at Agen Allwedd and Ogof Ffynnon Ddu, provides for the creation of Byelaws to regulate NNR access for conservation reasons. The Habitat Regulations 2010 provide for Byelaws and Special Nature Conservation Orders. LPA 1925 also provides for orders to prevent common land from being “injuriously affected” including any objects of historical interest on it. So there is no shortage of existing statutory tools to ensure that conservation interests are upheld at significant sites if only there is the willingness to use them and accept that there is to be open access elsewhere.

The fourth column in Figure 3 mentions if a cave on CRoW Access Land needs statutory protection and why. All of the candidate caves needing protection already have padlocked doors/gates with some means for bona fide cavers to obtain the key. Several of the very large caves do not need locking up because they are too off-putting for the general public to contemplate entering, for instance the experience would be claustrophobic or involves getting very wet, or both. The Ogof Cnwc entrance into Daren Cilau currently has a locked gate but this is no longer necessary because the terrain inside the cave has been stabilised and the entrance passages appear too difficult to tempt inexperienced people to venture inside. The other caves listed in Figure 3 currently have no physical means of access control at their entrances and they do not need it.

The major caves needing protection comprise Agen Allwedd, the Ogof Ffynnon Ddu No.2 entrance, Tunnel Cave top entrance, and Tooth Cave. The regulatory impact of continuing to lock these just four caves for NRW or the NPA or the Local Authority would only be in writing CRoW Section 26 Directives (or the equivalent under other statutes) and following the correct consultation procedure to apply them. This is not an onerous request in order to remove the ambiguity concerning the statutory access rights for caving and to develop a more beneficial future relationship with NRW.



Left: Ogof Ffynnon Ddu 2 which needs statutory protection and a locked entrance because of special geological interest. Bona fide cavers can obtain access here easily. Right: Eglwys Faen is open to all visitors and can remain that way.

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SUMMARY OF OUR RESPONSES TO THE WG CONSULTATION WG31811

Question Number	Topic	Our Response
4	Balancing duty	Agree, so long as this does not reduce recreational access
5	Delegation	Agree. It has worked for us.
11	Align AONB/NPA purposes	Agree. Include forestry leisure in same re-alignment process
12	Prioritise special qualities	Disagree. Special qualities is a formula for private agenda pursuit
13	Recognize wider partnerships	Agree.
14	Future landscapes other	
15	Consistency of access opportunity	Agree. We wish to see caving on a par with mountaineering etc.
16	Public communication	Agree.
17	Clarify rights and responsibilities	Agree, so long as NRW is given clear terms of reference to improve access improvements when codifying access rights
28	Littering	Agree
Proposal Number	Topic	Our Response
1	Re-align duties	Agree, so long as this is not to reduce access rights
2	Involve local communities	Agree
6	Designation landscapes	Too vague to comment
7	Special qualities	Too vague to comment
8	Local partnerships	Agree, but avoid private agendas being pursued
9	Special qualities	Too vague to comment
10	Cycling	Agree
11	Alter CROW restrictions	Agree. Develop an Access Code to regulate.
12	Cycle racing	Agree
13	Coast and cliffs access	Agree
14	Rivers and inland water access	Agree
15	NRW as regulator/mediator	Agree
16	Duty to behave responsibly	Agree
17	Temporary diversions	Agree, provided original route can be re-joined
18	Dogs	Agree. Develop an Access Code to regulate.
19	Unified mapping	Agree.
20	Extinguishing/creating paths	Too vague to comment
21	Stock control on paths	Too vague to comment
22	Decadal review of mapping	Agree
23	Integrated access plans (LA/NPA)	Agree
24	Record routes as cycle paths	Agree
25	Unwanted provision in CROW	Too vague to comment
26	Develop statutory code like Scotland	Agree
27	LAF review	Agree
47	Littering	Agree

Note: We have no comments regarding the consultation's question and proposal numbers that are omitted from the table above as these concern others subjects that are not material to caving.

ACKNOWLEDGEMENTS

We acknowledge the photographs used in this response document that have been provided by the members of Chelsea Speleological Society and Gagendor Caving Club.

ONLINE DOCUMENT VERSION

This response document is available as a file download from:
www.cambriancavingcouncil.org.uk/pdf/WG31811_Sep_2017/WG31811response.pdf

PRIORITY REFORMS THAT CAMBRIAN CAVING COUNCIL IS SEEKING

1. Statutory recognition that caves are part of the outdoors and that caving is just as much a part of outdoors recreation as hill walking or rock climbing is. We suggest that any new legislation or code of conduct uses the more inclusive terms "in a natural environment" to scope the accessible land areas and "non-motorised recreation" to scope the leisure activities permitted on or in them.
2. Apply existing statutory conservation measures so as to manage public access at those few highly sensitive sites that present genuine concerns. End the pretence that existing recreational access law does not apply consistently across all eligible sports as a means of avoiding the development of appropriate least restrictive statutory conservation measures for them.
3. Create consistency of opportunity across outdoor sports and the widest possible statutory access to the countryside in Wales, governed by a statutory code of practice for leisure on the Scottish model. Position Wales both as a leading world class outdoors activities destination and thus provide more accessible health, well-being and fitness opportunities to the Welsh people.
4. Implement systems that build partnerships, recognize expertise and tap into volunteer time, be this at community level or assisting national and regional bodies like NRW and NPAs. For example, develop local access management and sharing agreements; commission conservation surveillance and reporting; and create more visible, effective and accountable LAFs.
5. Provide free access to online OS maps for Wales to stimulate use of the countryside and coast for outdoors recreation. Develop digital online mapping of access areas and green resources and place them under continuous review. Develop digital map layers to enhance information value.