

## CCC CONSERVATION & ACCESS OFFICER'S REPORT FOR MARCH 2018 TO FEBRUARY 2019

### WELSH GOVERNMENT DEVELOPMENTS

Minister for the Environment, Hannah Blythyn, published the results of last year's Welsh Government (WG) public consultation on Sustainable Management of Natural Resources. She said that "there were strong but differing views on how best to reform access legislation. We therefore believe that now is not the right time for substantive reform".

The Minister went on to say "We will continue to facilitate further discussions through established groups such as the National Access Forum [for Wales]". The problem there is that NAFW is carefully managed by NRW to act only as an information exchange and not to develop policy or provide the government with advice. With John Watkins, the senior civil servant in charge of the consultation, moving to other work, the prospect of statutory land access reform in Wales along the Scottish lines in our generation is virtually non-existent.

### NATIONAL ACCESS FORUM WALES

NRW runs three meetings per year of the National Access Forum for Wales (NAFW). These usually take place in Bangor in March, Builth Wells in July, and in Cardiff in November. The Bangor forum was poorly attended being disrupted by snow. I was unable to get there, but I did attend the other two meetings. All outdoors sports governing bodies are represented plus a wide spectrum of business and political interests ranging from Welsh Water, NHS, YHA, National Trust, Farmers Union for Wales, county councils, and others.

I delivered a half-hour presentation to the November forum about caving, obviously covering the cave access subject for such an audience, and the potential tension between access and conservation. My format was just to talk over a series of full-screen photographs rather than customary PowerPoint techniques. Making things visual seemed to work well, gaining positive feedback even from landowner interests like the Countryside Alliance and the CLA. The NAFW chairman and NRW Board Member, Howard Davies, seemed impressed with the measures we take to protect the underground environment saying "From what I've seen today, there isn't any problem with conservation and caving". One wonders if Howard might previously have been led to believe that there was one.

### NRW

After several attempts, I did obtain a meeting with Christina Byrne and Graham Motley in April to discuss caving issues as NRW perceives them and support their organization can give. This appears to be a diminishing resource as the organization is being re-structured from April 2019 and its staff are uncertain about their future roles.

That exercise is now nearing completion. An organogram of NRW's entire new staffing structure has been circulating internally with every post shown as a number and a salary grade but not with any names attached. Staff letters assigning names to numbers have been delivered and it remains to be seen if there are posts for all existing staff.

NRW did not send anyone to the December meeting of the OFD cave management committee which, like the Mynydd Llangattock one, is an NRW committee chaired by them. The October MLCMAC meeting did take place as normal, but its next meeting due in May 2019 is being brought forward to March so that the usual NRW staff can participate.

Uncertainty remains as to what role NRW is able or willing to take in managing cave access and providing funding for caving projects like cave gates in the future. It certainly seems to be the end of the "warden system" where the caving members of their committees are appointed by NRW under the Wildlife and Countryside Act 1981 rather than being elected by the caving community. There is a some misunderstanding here as that Act only refers to Wardens as advisors to the general public in the context of public rights of way such as public footpaths, and then the wardens are appointed by local authorities. Possibly NRW's real concerns are avoiding creation of an employer-employee relationship for wardens, as honoraria or expenses payments have been made in the past giving rise to tax questions, health and safety compliance, pensions, employment rights, and other employer liabilities.

The new NRW is to be divided into three sections for Internal Services such as IT and finance, Operations such as forestry and flood defence, and Permitting such as licence issue and land management agreements. Leisure activities seem to be an Operation, but we understand the future scope for leisure support is limited, focusing on honey pots such as Coed-y-Brenin and Newborough which get hundreds of thousands of visitors per year.

### **BRITISH CAVING ASSOCIATION**

I attended BCA council meetings in April and October 2018 at Alvechurch and their AGM in June in the Forest of Dean. I also had a liaison meeting with the then BCA chairman Andy Eavis just prior. Allan Richardson has attended the January 2019 council meeting.

The 2017 BCA AGM voted near unanimously to delete the "*respecting landowner's wishes*" phrase from its constitution. This went to a ballot of BCA members to be ratified, with 82% of club and individual cavers who voted endorsing the change. The relevant clause has now been re-cast as "*4.6. Where caving bodies have control of access delegated to them by the owners, such access should be obtained and granted as freely as possible for all responsible cavers, within the terms of those agreements. When obliged to make new agreements, the appropriate body should endeavour to ensure that this freedom is maintained or improved*".

At the January 2018 BCA Council meeting, the Council adopted a policy statement that "*The British Caving Association holds the opinion that the CROW Act already permits access for recreational caving*". This policy was discussed and voted on at the AGM and endorsed near unanimously.

BCA has left its Legal Officer role unfilled after Bob Mehew's recent resignation. Robin Weare has handed over as acting treasurer to Howard Jones and the post is up for election in June. Andy Eavis has retired and been replaced as chairman by Les Williams. Jane Allen has resigned as convenor of the Publications and Information committee and been replaced by Les Williams until the next AGM. Robin Weare has become acting secretary following the retirement of Nick Williams. Matt Ewles, the present secretary of CNCC, has announced his intention on ukCaving to stand for BCA secretary aiming to bring about more fundamental changes to the organisation's methods and direction of travel.

BCA's CROW Working Group is now headed up by David Rose although Tim Allen is still very much involved. I accompanied the group to a meeting in Manchester on a November Monday at the British Mountaineering Council's HQ to discuss common ground and mutual assistance potential with senior BMC staff. The BCA group is now focusing more on England than Wales, given that outdoors access is a devolved public policy matter.

I have lost track of what is happening to training. There have been threats of resignations, possibly actual resignations, the software company supposed to be contracted by BCA to provide an online trainee management system went bust - but without any BCA money

being lost, and continuing confusion and conflict between the sport caver and caving instructor/leader training arms of BCA's training machine – as seen from my perspective.

The BCA website is still very unattractive and confusing to navigate. The BCA website still does not direct new inquiries from potential recruits to the NewToCaving website. Their email services that we rely on suffered outages and repudiation by some commercial ISPs for reasons of security concerns. Their FTP system did not work for me. Our webmaster Nick De-Gare Pitt has more to say on this in his report for discussion at the AGM.

### **CAVEFEST 2018**

The March 2018 CCC AGM voted to support Cavefest which duly took place on a rather wet August bank holiday weekend at Llangattock. I have provided a fresh endorsement saying *“CCC supports the Cavefest initiative by Gwent Caving Club and we're delighted that Cavefest is coming back to Wales from 23rd – 26th August 2019 at Crickhowell. This next Cavefest weekend is going to be a great opportunity for people in different clubs and for independent cavers to join in with a huge choice of underground trips and socially afterwards at the camp site. Passing on know-how, creating opportunities for caving, and demonstrating safe and responsible practice while having a good time next summer is all incredibly useful.”*

More details of their 2019 event are at the <http://www.cavefestuk.co.uk> website.

### **CCC NEWSLETTER**

Our newsletter has appeared three times rather than four in the current CCC year, in May and October 2018 and February 2019. Two of these issues are 6 pages long rather than usual 4 pages so the annual page count remains the same. It is available to all as a download, plus some hardcopies made available at caving club cottages and to hand out at various meetings to present caving in an attractive and professional way to third parties, and to highlight some of the issues being tackled by CCC. I have contributed some whole-page articles to this, along with smaller pieces of news.

Nick De-Gare Pitt has spent a lot of time on the council's media presence which is not obvious when a finished newsletter or new website piece pops up, so I would like to thank him for his support since effective communications are incredibly important to our work.

### **CAVE ACCESS LTD**

The CAL directors remain the same people: Dave Tyson, Roy Fellows and myself. Last year I did invite interest from anyone wishing to become a director after criticism that this not-for-profit access facilitation company was undemocratic. There were no takers.

The only issue this year has been discontent by some sections of the Cwmpenmachno community about the conduct of visits to the Rhiwbach mine. There is no formal parking provision nearby but there are pull-offs well outside the village at the foot of the large surface quarry. This is private land but the owner seems to tolerate considerate parking. Another upcoming issue is harvesting of the pine forest through which the access footpath (a public right of way) passes to the mine top entrance, and the NRW forest that engulfs the lower adit entrance. I have had an electronic caver counter in there since July 2018 and the first three months showed a total of 129 hours in which activity was logged. Not all these groups will do through trips, though most do that as there are many days with just one hour logged. So the number of groups is likely between 65 and 130 say, which equates to one group per day, or thereabouts, on average. Of course there are a few days

when nobody goes in there during the summer, but this is a small minority. So seeing a minibus or "Go Below" company vehicle at the quarry must be a near daily occurrence for the villagers. I will collect the autumn and winter data when I am next in the area and remove the equipment.

We have made no progress with the Draethen Lead Mines. NRW will simply not respond to emails or other approaches. The next step might need to involve an Assembly Member to ask questions, although now is not the best time in view of NRW's internal reorganization.

### **A465 DUALLING OF THE CLYDACH GORGE**

I held a private meeting with Jeff Mapps, Costain's public relations officer in April 2018 about the project's timetable and its effects on cave access.

Ogof Nant Rhin and Pont Gam have had further brief closures in 2018 when explosives were in use to create the upper split carriageway section. There is new parking available next to the new footbridge above Blackrock village. Anyone who has not worked out how to return from the river to the old road after doing a through trip should contact me. Ogof Capel and Gelynnen are now closed for a long period while the middle section near the former Drum & Monkey pub is built. The old subway by the former pub has been turned into a bat sanctuary and the new route will eventually be via the Blackrock footbridge. The informal parking for OCAF access in a minor quarry next to the limekilns will be retained.

### **OGOF GOFAN AND CASTLEMARTIN RANGE WEST**

The present access arrangements continue unaltered. For Ogof Gofan, access requests should be made well in advance to me and I will clear it with the National Park and MOD. Generally it will always be granted provided no live firing is taking place on the date requested and no other group has booked the cave. A PDF permit is issued by email.

For Range West, access is only to go prospecting for new coastal caves, not to enter or dig them. This permission, granted for a year or so at a time, is obtained by attending one of the range access meetings – the dates on the CCC website and February 2019 newsletter.

I took Richard Brooks, Defence Infrastructure Organisation's principal officer worldwide for conservation, into Ogof Gofan on a midweek trip in August. Richard was keen to see the cave and conservation efforts himself, and was impressed with everything there. He is effectively the landowner and the most senior supporter of our cave access agreement.

This was followed up the following day by a visit with Dyfed Archaeology Trust's Charlie Enright who is on a Cadw contract. Our aim was not to enter the cave, but more to walk the whole coastal strip from Green Bridge to St Govan's Chapel looking at archaeological sites or potential ones. Charlie has since been taken on a visit to the small caves near Carreg Cennen Castle by Martin Lavery and Phil Knight for the same research purpose.

I attended the annual MOD Access & Recreation Meeting in October. This is attended by stakeholders rather than sport visitors, so included NRW, defence staff, the national park, county council, and so on. I gave a presentation there, similar in style to my NAFW one already described, but shorter and focused on Ogof Gofan. This was well received, in part because people were able to see the pretty places they cannot get into themselves.

Inspired by the BBC's Hidden Wales series with Will Millard, I have contributed Ogof Gofan material to Wales Online at their request. Their author has produced an inspirational piece that highlights the unique nature of the cave, conservation and access system:  
<https://www.walesonline.co.uk/news/wales-news/amazing-and-huge-hidden-cave-15833091>

I have placed high resolution air temperature loggers in the cave for a year, set to record hourly. These results are looking interesting so as to determine if the draught in the 5m deep dig in the final chamber comes from the sea or from further inland. Clearly, the large chamber did not form by solution of solid rock. All those blocks all over the floor are there because they fell off the roof into an existing space, implying there was an earlier cave at a lower level. Or have I misunderstood something? The equipment will be removed in March 2019 and temperature data scrutinized for correlations suggesting new passages.

### **BRECON BEACONS NATIONAL PARK AUTHORITY - LOCAL ACCESS FORUM**

I am a member of BBNPA LAF until 2020, but this is in a personal capacity, as per all the other public members. I feel it is important that caving gets a voice at National Park Authority level, given that most of the big caves in Wales are within the Brecon Beacons.

I have attended all the LAF meetings this year. In addition, I attended an outdoor meeting of the LAF to consider a forestry creation project on Common Land which is also CROW Access Land. This has potentially serious implications for loss of public access as-of-right because one side of the Bryn Arw hill will get covered with new trees. Such development activity on commons is subject to very strict controls and scrutiny.

The landowner here though appears willing to create routes through and around the new plantation, and not to plant trees in positions where they interfere with panoramic views. I concurred with the other LAF members at site meeting, and later in committee, that the project should be given approval as it creates economic activity and it is ecological and the NPA staff will safeguard the public access in the process.

### **OGOF DRAENEN**

Allan Richardson and I tried to influence Cadw during 2018 about the future of the Twll Du entrance. By May, our discussions had reached the point where Cadw were only interested in getting CCC on side so that the whole caving community was seen to endorse their plan to pour concrete into a cave entrance. We wanted it managed instead in a consensual way for the protection of the monument, wildlife, leisure activities, science and safety. The CCC executive decided to withdraw from talks with Cadw as we could not become associated with concreting cave entrances. Allan sent them a formal letter to that effect in May and from that date onward we heard nothing more from Cadw until the week of October 1st when their concreting operation was carried out.

I put some caver counters into Ogof Draenen during 2018 to evidence what use was being made of the additional entrances including Twll Du in case imaginative claims were made. I am relieved to say that no real cavers used the Twll Du entrance following Cadw's non-use request in late 2017 although someone entered through Twll Du in the late morning of 1st October (and they left via Twll Du too) for the purpose it seems of removing ladders, ropes, hangers and even nuts from fixings before any concrete was poured.

Usage of Drws Cefn is very low (1 visit in 6 months) and the Nunnery (10 visits in 6 months). These numbers exclude my visits to maintain the counters. PDCMG's general meeting in November thought these footfall measurements were very useful and should continue in conjunction with their access officer and be expanded to monitor the original way entrance too. One visit in January 2019 suggests camping beyond Snowball and once again there are many fungal spots from Lucky 13 onwards suggesting spilt powdered food.

Cadw paid for a surface bat survey of Twll Du which was conducted in secret. Requests for their report were refused by both Cadw and NRW. Eventually Cadw released a redacted version. This showed three emergence/entry surface bat surveys done between mid-April and early-May, and then no more measurements over the summer until 30th September

when another check was done prior to the concreting works in the following week. All four of their 90-minute surface surveys failed to find bats using Twll Du. No attempt was made to look inside the cave for actual roosting bats or secondary evidence like bat droppings.

Dr Peter Smith, PDCMG's ecology officer, and I did a bat survey for 2 hours from dusk on 11th September and we found bats of various species using the entrance in one direction only which implied roosting inside it. A professionally-produced bat report was hastily sent to Cadw and the landowning company directors soon after cavers reported seeing contractors' equipment on site to indicate that the cave concreting project was imminent.

After discussion with Peter, I informed Gwent Police's wildlife team and asked them to attend the construction site to intervene before any concrete was used. Peter and I were at the site on 4th October to witness concrete being mixed and barrowed but no police came along. Peter called 999 and a uniformed officer then attended but he lacked the specialist wildlife law knowledge to have the confidence to intervene. The Gwent Police wildlife crime team started a specialist investigation during the following week. Various people were interviewed and a police file was sent to the Crown Prosecution Service at the start of December 2018. The CPS subsequently decided in February 2019 that no case would be brought as they were unable to say beyond reasonable doubt whether there is a roost present at that particular part of the cave and a defence would exist that numerous appropriate steps were taken to mitigate against species disturbance.

What can we draw from this? Clearly, there is no doubt at all that a few bats were seen using this cave entrance by us whilst the other group had no success with finding them. So some interesting points arise:

- 1) How many observations of how many bats does it take to declare a bat roost exists?
- 2) Protected species are ipso facto rare things and so observation attempts can have a low probability of success, especially when done in borderline months. Is it logical that successful bat observations can be invalidated by unsuccessful experiments when seeing a bat fly past is partly a matter of luck?
- 3) When a roost is defined in law as a "resting place", how can a roost ever be proven unless surveys are designed to discover resting bats rather than bats in flight as is normal practice. Is it logical that not looking for stationary bats means no roost can be proven, and without a proven roost no obstruction of access can be proven?
- 4) Lacking sufficient evidence later on can arise from narrow experimental design earlier on. So should licensing bodies like NRW approve methods statements before any research begins on which a licensing decision of theirs will ultimately depend to ensure it has a sufficient evidence base? At present NRW decides between a licence application being granted or refused if one is submitted but not whether one is needed in the first place.

I attended the PDCMG biannual meetings in 2018. The second PDCMG meeting decided that their executive should call an EGM to re-visit the 2009 decision about the Drws Cefn entrance in particular and the "single entrance policy" in general because their member clubs might have changed their views in the past decade. PDCMG is tasked to complete an outstanding action to write to CCC about our interest and involvement in Ogof Draenen. Allan Richardson has received a draft of it and I leave it to him to report on this.

## **LOOKING BACK AND FORWARD**

I am willing to stand again in this role again, but I would like anyone interested in taking over to get in touch so as to work together for a smooth transition. Really the job does need someone living in Wales able to travel mid-week to national and regional meetings, or to have direct discussions with people who work in public bodies. They also need to devote some time to thinking, creative writing, talking in public, and responding to emails etc.

Stuart France, CCC Conservation and Access Officer. 3rd March 2019.