

October 2016

Issue 51

# WALES UNDERGROUND

## News In Brief

- Some new changes seem to be happening in Poachers Cave in the Alyn Gorge near Cilcain with the recent disappearance of water from a normally flooded passage.
- At the Castlemartin Range Meeting (AGM) on 11 October, it was agreed that the Ogof Gofan access system is working well. Some prospecting for new caves has also taken place on Range West. The same access systems will be used again during 2017.
- Bat studies at Ogof Gofan, led by Dr Peter Smith, will also continue in 2017, but so far very few bats have been observed. Bat work is in progress at the Draethen Lead Mines too so as to negotiate an access system.

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## Photo credits

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Cambrian Caving Council Newsletter

Cylchlythyr y Cyngor Ogofeydd Cymreig

## Hafna Lead Mine - New Addition to the CAL Portfolio

Cave Access Ltd is pleased to announce that Hafna Lead Mine has been added to its underground portfolio and we would like to express our thanks to the owners, Natural Resources Wales, for permitting explorer access into this interesting site.

Hafna Mine has a long history starting in the 1800's and ending with its closure in 1915. Yields of lead and zinc ore were modest and it is likely the mine did not cover its operating costs throughout its



*The level 3 entrance portal*



*Old wooden wheelbarrow in an alcove*



*Wooden tub in the tramming level*

life. It is to an extent overshadowed by the massive ore dressing mill and smelter, the remains of which form an imposing backdrop to the present Hafna car park.

The mine worked a series of mineral lodes in the vicinity, the most important being the Hafna lode which ran in an east-west direction, with Rabbit and Ffrith lodes being shallower workings in the south and perpendicular to the main lode. Level 4, which probably served as a tramming level for the winding shaft, has an RSJ grille, and despite being partially blocked by a fall, this still drains the lower levels. The winding shaft, topped by a 'bat castle', lies adjacent to the level 3 portal which is the current access route. It seems likely that the upper workings

originally extended all the way to High Hafna, but now there is no through route due to extensive stoping and collapses.

At present it is possible to explore all of level 3, an intermediate level below it, and some areas of level 4. Access to higher levels has proved disappointing.

Visitors to the mine need to be experienced mine explorers competent at SRT and rigging pitches. Ropes, maillons and plate hangers for the 10/12mm bolts are required. Further details of access, including a risk assessment, are available on the Cave Access Limited website at: <http://www.caveaccess.co.uk>

*Dave Tyson, CAL Director*

## Training News

An SRT training session was held on Sunday 25th September at Plas-y-Brenin Mountain Centre with seven candidates being shown the ropes by two CICs and two helpers. Everyone who attended enjoyed themselves and we have had very positive feedback from the event.

*Richard Hill, CCC Training Officer*

## New CCC Treasurer

The CCC executive welcomes Mathew (Mat) Terry who will take over from Ian Adams as treasurer. The process of changing the CCC account mandate is in progress and we hope it will be completed by the end of the month.

We would like to thank Ian for his sterling work as our treasurer over the past 2½ years and wish him well for the future.

*Dave Tyson, CCC Secretary*

## 2016 DIARY

### Saturday 1st October

Joint SMWCRT/SWSARA  
Rescue practice

## 2017 DIARY

### Sunday 1st January

Columns open day, Ogof Ffynnon Ddu

### Sunday 12th March

CCC AGM 12.00,  
GCRG HQ, Cinderford

### Saturday 22nd April

CDG AGM, Llangattock

### June 9-11th

BCA Party Weekend & AGM  
Rotary Centre, Castleton

## SSSI Cave Conservation Notices

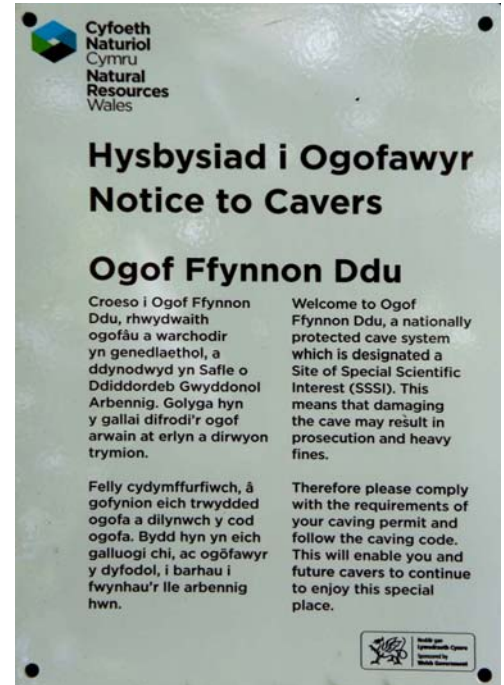
At the request of Natural Resources Wales, two conservation notices have been installed in the Daren Cilau entrances near Llangattock. These are similar to those already fitted into Ogof Ffynnon Ddu and in other large cave systems.

### Llygad Llŵchwr 2

Enquiries are continuing into the recent deliberate breaking of some formations in Llygad Llŵchwr 2. The damage was both localised and very selective, and of a nature that seems amenable to partial restoration later.

If the intention of those responsible was self-publicity or promoting some ideology then the cave vandals have instead left a personal and enduring statement about themselves in those broken pieces that they lined up as ready for joining back together again.

*Stuart France,  
CCC Access/Conservation Officer*



## Plans for Fracking in the Forest of Dean Abandoned

South Western Energy, which was offered licences for gas exploration in the Forest of Dean and Wye Valley, has decided to not to take them up due to public pressure and lack of financial backing for the project. The Oil and Gas Authority, which allocates licences for the blocks, has confirmed that blocks SO50a, SO60a, SO60b, SO61, ST84, ST85, ST94 and ST95, which are near the Forest of Dean and Wiltshire, will not now be awarded. Environmental groups such as 'Frack Off Our Forest' are delighted with the OGA decision and regard it as a testament to the diligence and power of people in the Forest. Cavers and mine explorers will breathe a sigh of relief that fracking damage will not occur here, sadly there are other areas which may be targeted in the pointless quest for cheap fossil fuels.

*Dave Tyson, CCC Secretary*

## CCC Mailing Lists

Would secretaries of CCC member clubs please tell me if your email address changes so that you will continue to receive our newsletter, safety notices, and notification of meetings such as the AGM. Many clubs have now set up generic addresses for club officers since this avoids the need for regular updates.

Will club secretaries please remember to list CCC as one of their Regional Caving Councils when they complete their annual renewal application to the BCA so that I get all our BCA club membership statistics from BCA in one request. I will still contact our associate member clubs directly for their figures.

*Dave Tyson, CCC Secretary*

## The 90-Year-Old Statutory Right To Go Caving

Another year has gone by since some cavers tried to prevent some other cavers from going caving by applying to Natural Resources Wales (NRW) for a bat conservation licence to 'grille' a cave entrance. This access dispute, ongoing since 2009, has now evolved into a scheme to block the cave to cavers with scaffolding bars fixed across a narrow passage.

Referring to the bat licence, NRW's Senior Species Officer wrote to the Species Team Leader South Wales saying "*There is no clear conservation argument for undertaking grilling work as there is no evidence that caving activities are affecting the bats*". Having realised that a concrete wall with HT steel bars was the real intention, he added "*Contrary to what is contained in the methods statement, no grille is to be installed here*".

The cave entrance described above is called Drws Cefn. It is on CRoW Act 2000 Access Land with public rights for 'open-air recreation', and some cavers including myself prepared for a Judicial Review (JR) on the way NRW had disregarded the statutory access rights in the above case. NRW claims that it *withdrew* this bat licence application rather than *decided* it, and that their interpretation of the CRoW Act is also not a decision amenable to JR. NRW says that if a court ruled that their withdrawal of the bat application was merely an oblique description of a decision to refuse it, then NRW would then go on to argue that caving is not an 'open-air recreation' because caves have walls, thus placing caving outside the scope of CRoW. But most people accept that only a sender can withdraw their own application, while the recipient must decide on it, and that the term 'open-air recreation' used by CRoW does include caving.

CRoW is familiar to us because it is law passed in recent years and it has received much publicity in the caving world. But cavers are largely unaware of some much older legislation that is equally, if not more useful to us, at least in Wales. This is Section 193 of the Law of Property Act 1925 (LoPA).

NRW's own solicitor neatly sums up LoPA S.193 as follows: "*This provides the public with rights of access for air and exercise to any land ... which is a common ... within a borough or urban district immediately before 1 April 1974 or was subject to rights of common on 1 January 1926.*" So walkers have had the 'right to roam' in many places for 90 years without many of them knowing it, and people can go horse-riding and swimming on commons too - activities excluded under CRoW.

In 1998 a JR decided that the term 'air and exercise' used by LoPA included horse-riding. The Court said that Parliament intended to confer the broadest possible rights of access. NRW realises that caving is beyond doubt air and exercise, so instead they claim that "*caving is not a normal way of taking air and exercise.*" NRW says that caving is not a valid sport under LoPA because MPs in 1925 would not have understood caving as a sports activity, and so laws from 1925 do not apply now. But attempts on Gaping Gill began in 1845 and Martel bottomed it in 1895. The DYO caves became an attraction in 1912. Arguing that all statutes are only backward-looking is absurd when such as the Patent Acts anticipate only what is new. But law remains law in all its generality until it is altered.

NRW's solicitor is also trying to interpret public access rights under S.193 in terms of commoners' rights set out elsewhere, which are mainly the agricultural ones, and thus not relevant to public recreation which is the matter of principle for cavers. These surreal exchanges with NRW about CRoW and LoPA show just how artful NRW is willing to become in trying to prevent cavers from going caving under the same statutory rights that are enjoyed by horse riders, rock climbers and walkers.

Many industrialised areas of Wales (like Merthyr, Brecon, and the Valleys) were former borough and urban district councils. So there is a huge amount of urban common there, with big and interesting caves in it, even if much of that common looks rural today. An official report, available via [walesunderground.co.uk](http://walesunderground.co.uk), is worth a look. A colour photo, filling its front cover, shows the Ogof Draenen second entrance almost dead centre. Maps of urban commons for some parts of the Valleys are found inside.

I have asked NRW to state if walkers or cavers stepping under the rock roof of Chartist Cave (photo below), which is both on Access Land and Urban Common, are legal under CRoW and LoPA, and how far people can wander inside this cave or go beyond daylight before their legal access rights stop, and how far 'open-air' extends before it becomes merely 'air', according to NRW. But they will not answer, and instead claim it will need a judge to decide a matter like the degrees of freedom of gases.



NRW risks making itself look peevish in public by splitting hairs as to what 'air and exercise' or 'open-air recreation' may mean when normal people know these terms include physical activities done in a natural environment. We should become more self-confident and interpret the law as ordinary citizens would, and act accordingly. If NRW or others want to challenge this mainstream view, then let them start a legal challenge and be put to proof. Ongoing redundancies and closure of NRW premises, three more years of budgetary pressure and dwindling capacity, plus the threat of a caving JR and the actuality of two fishing JRs brought by [fishlegal.net](http://fishlegal.net), will all impact on NRW's appetite for taking risks and constrain its future actions more generally.

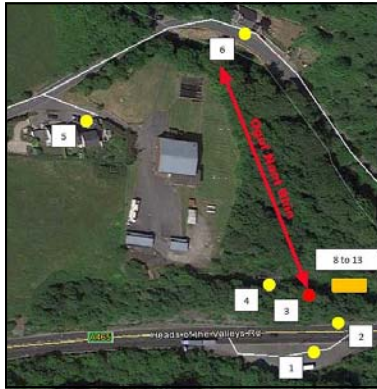
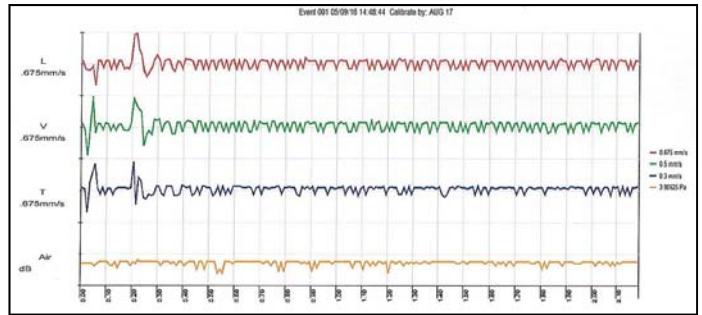
Chartist Cave makes a fine focus for a new political campaign. It has a sophisticated landowner who is supportive of caving and recreation in general, and this particular cave was strategic in a campaign against a former government to obtain voting rights for ordinary citizens. Prior to the 1839 Chartist Uprising, British men did not have the vote and they were disbarred from standing for Parliament unless they owned land or property. Getting votes for women took almost another 80 years. Cave access issues are lightweight compared to the pursuit of a genuine national democracy long ago, but our cause today is also about disenfranchisement. We have a valid cause and we should pursue it.

Stuart France

[Ed. The views expressed here are those of the author and are not necessarily those of the Cambrian Caving Council]

## A465 Clydach Gorge Dual Carriageway Project Reaches Caves

Costain carried out a pre-split explosives test on September 5th in the limestone area to the south of Ogof Nant Rhin where the new upper split carriageway will be constructed. The eventual blasting will aim to break the rock vertically so the split surface can then be excavated down by about 15 metres using mechanical diggers from Spring next year.



Costain deployed several data loggers in the locality to record the shock wave which varied from 0.5 mm/s at the Water Works (point 5 in the photo) to over 7mm/s in the big A465 layby (point 1 on photo). The highest vibration level recorded in the cave (point 3 and red line) was 0.7mm/s which is too

low to cause damage. This was confirmed by cavers Peter Smith and John Stevens who had positioned Costain's cave data loggers and checked for physical changes to the cave after the blast. So the upcoming groundworks are not likely to cause any harm to Ogof Nant Rhin although they will impact on cave access for a while. Costain have agreed to

a protocol for closing caves with Cambrian Caving Council which involves the timely placing of durable explanatory official notices at cave entrances plus disseminating the same information in various media. So take notice that:

- (1) Nant Rhin and Pont Gam caves will both be closed, along with their associated access paths, from March 2017 to June 2017 due to blasting operations for the A465 east-bound lane rock cutting.
- (2) Ogof Capel and Ogof Gelynnen and nearby footpaths will be closed from July 2017 to October 2017 during the removal of overburden above these caves construction of the west-bound lanes of the new road.

*Stuart France, CCC Access/Conservation Officer*

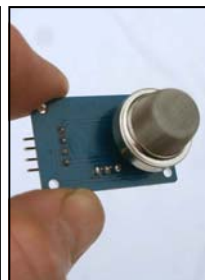
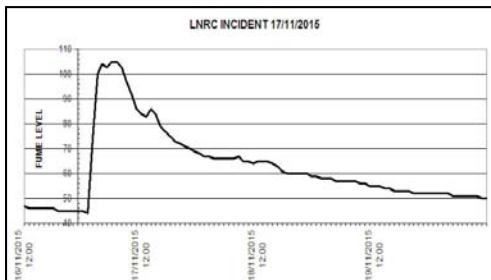
## Little Neath River Cave Polluted Again

The hydrocarbon fume level data logger and the caver counter were left running during last winter but it was only during this summer that I went in the cave to collect the data.

Unsurprisingly, nobody had visited between mid-October and mid-March, at least inside the cave. But the fume sensor, in the photo below, which detects anything combustible in the air from butane gas, to solvent from drying paint, diesel fuel and so forth, recorded an incident beginning at 2 a.m. on Tuesday 17th November when all honest citizens should be tucked up in bed. These cave fume levels halved in about 24 hours but they took another week to disappear altogether.

## The Cambrian Caving Council

- |  |                |
|--|----------------|
| Chairman   | Martyn Farr    |
| <a href="mailto:chair@cambriancavingcouncil.org.uk">chair@cambriancavingcouncil.org.uk</a>                             |                |
| Secretary/Newsletter   | Dave Tyson     |
| <a href="mailto:secretary@cambriancavingcouncil.org.uk">secretary@cambriancavingcouncil.org.uk</a>                     |                |
| Treasurer  | Mathew Terry   |
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| Access/Conservation  | Stuart France  |
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| Training   | Richard Hill   |
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| Equipment/Fixed Aids   | Vince Allkins  |
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| Cave Registrar   | Martin Laverty |
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| Legal/Insurance  | Roy Fellows    |
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| Webmaster  | Barry Hill     |
| <a href="mailto:webmaster@cambriancavingcouncil.org.uk">webmaster@cambriancavingcouncil.org.uk</a>                     |                |



The BCRA Cave Radio and Electronics Group Journal No.95 (the latest issue) carries a more detailed report on this.

*Stuart France, CCC Access/Conservation Officer*

Please send news items, short articles, club profiles and newsworthy photographs for the next issue to Dave Tyson by **31st December 2016**