



# BRITISH CAVING ASSOCIATION

## Annual General Meeting – 15 June 2014

### OFFICERS' REPORTS

#### **Item 5: Chairman's Report**

I suppose it is appropriate to start this report by saying how well I think the AGM weekend went last year at the Rotary Centre, Castleton. I thank everybody who helped, particularly BCRA Officers and other individuals who helped with many aspects of the organisation, particularly Slug, Basher and Damian who continues to work above and beyond his duties. We had a great deal of fun at a very well-attended AGM weekend. I am sure this one at Dalesbridge will be equally successful.

A lot has been going on in the individual Committees under BCA and I will leave them to report separately under their particular headings. Clearly the Training and Access and Conservation Committees, not to mention Equipment and Techniques etc have been very busy.

Also within the Regions a great deal of work is going on particularly with Access and Conservation.

The magazine *Speleology* has had another copy and it is hoped that a further one will be published soon. Many thanks to Dave Gibson and his team for their efforts here.

Hidden Earth went very well last year, so continued thanks to Les Williams and his team for their hard work.

BCRA and the Library continue to work very well and there have also been some excellent science meetings - many thanks to John Gunn, Dave Checkley and their team for this.

The subscription structure is under review not to mention Access and Commercial Caving!!

On a personal level it is possible that I shall miss Hidden Earth this year which will be the first time for many years but it's quite likely I will be in Australia attending an International Climate Change meeting.

I must finish by thanking the entire Council of BCA for an enormous amount of constructive work. Many people in addition to those already mentioned have put in great efforts. I thank you very much indeed and continue this thanks into the Regions and thank all Regional Officers for the work that they do towards British Caving.

*Andy Eavis, June 2014*

## **Item 6: Secretary's Report**

Fortunately 2013 was generally a quieter year for me, and probably Executive in general, than 2012. This allowed us to focus a little more on the bigger picture and I think some useful progress was made here. Most of this, though, is preparatory work and, therefore, unlikely to bring any noticeable benefit for another couple of years.

**Council Members:** June 2013 saw the appointment of several new young and enthusiastic members to Council. One has unfortunately been unable to attend meetings, but the contribution of Matt Wire and Henry Rockliff in particular has been fantastic and we are very grateful to them both.

**Access & Commercial Caving:** Following concerns expressed by the Training Committee, early in 2013 we carried out a consultation on access and professional caving. It was pleasing to see a huge response from across the country and the submissions allowed us to put together a proposed statement. This also received much comment and a revised version was agreed by Council in early 2014. This reminds cavers of BCA's guiding principles in trying to achieve access as widely as possible when negotiating. It also aims to support any cavers negotiating access arrangements with landowners to understand the different types of "commercial" caving in the hope that a blanket ban on "all commercial caving" can be avoided. My thanks go to all those who took the time to submit views.

**AGM Reporting Year:** The 2013 AGM tasked Council with clarifying what should be reported at the AGM and, in particular, whether it was the 12 month period from AGM to AGM (i.e. June to June), the calendar 12 months, or some combination of the two. Council has concluded that the 2014 AGM is fundamentally to report on the calendar year 2013, but also decided members would probably also appreciate a brief comment on the most recent events in the first half of the next year. Hopefully this clarifies the situation.

**Simplification of BCA's Membership Structure:** A fair amount of background work has been carried out over the last 12 months or so on possible ways to simplify our existing membership structure and, thus, improve it for the years ahead. This has not yet reached any definite conclusions but there is a proposal under Item 25 of the Agenda relating to this.

**Secretary Role 2016 and Beyond:** I should like to remind members that I am unlikely to be in a position to continue as Secretary beyond the end of my current term in June 2016. We are therefore in need of someone else to step up - that should be plenty of warning for people to polish their excuses!

*Damian Weare, June 2014*

## **Item 7: Treasurer's Report**

A year ago I had hoped that by the time of this AGM I would have been able to make at least some inroads into the process of improving the “back office” element of the Treasurer's job. Foremost amongst the objectives was the implementation of a basic software package to improve the efficiency of the transaction recording procedures of the Association. Sadly, and largely due to time constraints, this step forward was not achieved and the Accounts for 2013 have been prepared on the same platform as previously (i.e. Excel spreadsheets). There has been some progress made in terms of the style of record-keeping, but the desired outcome remains a fair way off. Similarly, despite a significant amount of time spent during 2013, the joint objective of spreading the investment risk whilst also increasing the return on the cash reserves has also proved elusive. It is uncertain when the latter of these objectives is likely to be materially more feasible in the short term, although the former remains under review.

At the time of writing, the 2013 Accounts are being scrutinised by our Independent Examiner. A draft copy has been prepared for circulation with the Officers' Reports and I expect these to be confirmed by the Examiner and then formally signed off at the AGM.

With respect to the 2013 Accounts, once more the broad picture is similar to the previous year. There have been no fundamental departures from the basic setup and operation of the main areas of activity. Some financial variations are noted below, but the overall scenario remains that the Association continues to more than meet its running costs. The Reserves position remains sound for our present view of future activities and any new plans can be considered accordingly. As noted earlier, there remains the dual objective of squeezing a greater return from the cash reserve (an ongoing trial in the still difficult climate of falling deposit interest rates) whilst at the same time minimising and spreading the investment risk. As previously noted though, dealing with financial institutions remains a challenge and swift action on a decisive mandate is essential to ensure opportunities can be grasped before they are withdrawn or watered down. With this in mind, I intend to seek an explicit mandate from the AGM to authorise BCA Executive to transfer deposits as required to obtain best returns on investment subject to those returns being with reputable (?) UK institutions.

In terms of the numbers, there was a modest increase in Subscription income during the year. Against this, the cost of administering membership also increased and the overall surplus reduced slightly. General expenses increased predominantly as a result of a non-recurring office equipment purchase. General Association running costs were comparable to the previous year, but a slight reduction in revenue fed through to the net

deficit. Conservation and Access expenditure related to a direct central purchase – other C&A costs are generally funded through the Regional Caving Councils.

For the first time in a number of years, Training Services ran a small deficit during 2013. Slightly reduced income from the various certification and revalidation schemes was accompanied by higher costs of providing them, although it must be noted that the net deficit is small compared to the net surplus year-on-year. Caver Training costs increased in the year due to support of the Voluntary Sector.

I am pleased to report that Publications costs increased materially when compared to the previous year; this of course is due to the revival of Speleology and is a trend we hope to see continue! As forecast, E&T expenses were considerably reduced from the previous level given the sourcing of replacement anchors had been accounted for in 2012. Meetings & Conferences saw the inaugural AGM Party Weekend – this increased both income and expenditure but the weekend itself returned a breakeven position. Web Services costs reduced at the same time as income rose and the net effect was to more or less eradicate the deficit. This trend should continue into 2014.

Funding of Expeditions (via the Ghar Parau Foundation) and the British Caving Library has continued at the same level as previous years, but Regional Council costs have returned to more normal levels after the 2012 accrual. The 2013 charge comprises outstanding funding claims for the year as drafted by the Regions and accrued accordingly. Further consideration of these claims will be undertaken shortly by Finance Committee and appropriate reimbursement made in due course. Thanks are once again due to the Regions for providing the necessary information on a timely basis.

Overall, the position for the year is that the Association recorded a surplus of £7,597, upon which £483 of tax is payable, thus leaving a net addition to reserves of £7,114. In light of the expiry of the long term insurance deal at the end of 2014, it is my intention to add £5,000 to the Sinking Fund and then review the position further once the result of renewal negotiations is known.

Finally, with regard to the AGM and the issue of election of Treasurer, I must inform the Association that at this time I am unable to commit to a full 3 year term. I am willing to remain in post for the next 12 months (or alternatively until a replacement can be found), but beyond that I would need a combination of changes in circumstances and/or duties to enable me to devote the time required to maintain and improve the workings of the financial side of BCA.

*Paul Ibberson, June 2014*

## **Item 8: Acting Conservation & Access Report**

**Bat Licenses:** The “problem” of cave leaders requiring a level 1 bat license at a Devon cave has been resolved. After a few enquiries to Natural England advisers in the South West a statement from NE Wildlife and Licensing was forthcoming which has clarified the situation to everyone’s satisfaction. There are no implications for other regions. This was a site specific local difficulty which is now resolved.

**Biodiversity Offsetting:** I have co-ordinated responses to the Government consultation on the possible introduction of Biodiversity Offsetting. The responses were restricted to sections relevant to Cave and Karst and did not cover species-specific sections. I would like to thank the Regional Caving Councils for submitting their response in such a short timescale.

**Government Review:** The Government’s Tri-annual Review of Natural England, Forestry Commission and Environment Agency has led to the decision to keep all 3 Bodies as independent institutions. The DEFRA Minister has called for all 3 Bodies to work in partnership to deliver more efficient processes and better outcomes for the Natural Environment.

Thanks again to the Regional Councils for submitting responses to the consultation.

**Bat Conservation Trust:** I represented BCA at a teleconference with the Bat Conservation Trust on the latest developments in WNS in UK bat populations. The BCT are issuing updated guidance through Descent Magazine and will issue a statement for the BCA website.

### ***Update from BCT:***

*Just to let you know that Chris Howes, editor of Descent magazine, is including a short report about the continuing hunt for Pd in the UK in next edition of Descent magazine. Chris has done a great job in keeping his readership up to date with the discovery of the fungus in the UK earlier this year and the on-going issues in North America as well as the European situation. (Thank you very much for helping us with the right contact Andy, much appreciated.)*

*I thought it would also be useful to give you a quick update on where we are with the hunt for Pd in the UK. Dr Sébastien Peuchmaille (now of the Max Planck Institute for Ornithology) has provided us with sampling kits to collect sediment and surface swabs from for 25 sites across the UK. Samples will be collected during January and February as part of normal hibernation survey visits. These will then be processed by Sébastien and his team. Hopefully we will be able to sample some additional sites in 2015 as well. We selected the sites based on the number of bat species as well as individuals recorded but also to give us as wide a geographical spread as possible. Our latest guidelines*

*for bat workers and carers are also up on the BCT website ([www.bats.org.uk/pages/about\\_bats-white-nose\\_syndrome-586.html](http://www.bats.org.uk/pages/about_bats-white-nose_syndrome-586.html)). If you would like any more information or have any questions please do not hesitate to contact either myself or Helen.*

*Lisa Worledge (Partnerships Officer)*

**Cave Conservation Handbook:** This NCA publication was published in the 1990s. A lot of the information regarding statutory bodies is understandably out of date. However, the Handbook still contains a lot of relevant and useful information. Should this publication be updated? Would a pdf be acceptable? Would anyone volunteer to help the author/editor in reviewing?

### **Access v Environment Debate**

I have represented the caving interests at a public seminar on ‘Access versus Environment’ at UCLAN. The speakers were a disparate bunch but the general consensus was that there is room for everyone – so long as the environment comes first. This debate also covered concepts such as “psychological ecology” and “we are the environment”. Laugh? I nearly bought a round! Nothing to further the knowledge of cavers here, I’m sorry to report.

A better report can be found in Descent 237.

*Andrew Hinde, June 2014*

### **Item 9: Equipment & Techniques Report**

Meetings were held on 14 April 2013 and 10 November 2013.

BCA continues to support bolting in all Regions despite non attendance at the meetings by representatives of DCA and CNCC. Progress has continued with the Bolt Products anchor and we now have a clear process for testing and adopting anchors.

Following problems with the material used to manufacture the BP anchor and an investigation into the potential problem of chloride stress corrosion cracking, we feel we have a reliable means of checking the materials for any further bolts delivered and a much better understanding of the use of stainless steels in cave applications. The investigation into chloride stress corrosion cracking indicates this is not a major concern although we will continue to monitor industry thinking.

The Committee also started work on the selection and maintenance of other fixed aids (ladders, hand lines etc.) and the selection of alternative anchors which may be suitable for use in slate and other non-limestone rock types.

*Nick Williams, June 2014*

## **9a) Rope Test Report**

14 rope samples were received for testing during 2013, mostly whilst the rope test rig was being used at Hidden Earth. Due to other demands, testing was not completed until early 2014. All owners have been informed of the results.

I was asked during 2013 about differences between manufacturers' SRT rope. I do not attempt to keep up to date on new rope and its performance when new, given it will bear little relation to its performance underground. (It is a well demonstrated fact that wet rope is weaker than the dry conditioned rope required by the standard BS EN 1891:1998 for use in testing.) The advice I gave was that before one buys a rope:

- a) confirm it is manufactured to BS EN 1891:1998 (or European variants which may start differently from BS but will include EN 1891:1998) and beware of imitations (South Africa appear to offer a rope with a similar set of numbers for the standard but the standard appears to be quite different).
- b) read the manufacturer's literature to find out what their unused shelf life is (often up to 5 years) and confirm the rope has not been manufactured years before the purchase date. If you are buying a reel/box, then the date of manufacture should also be printed on the end of the rope and on the packaging.

A related query has recently been received about life expectancy. Phase 1 of the Long Term Rope Test (see [tinyurl.com/rope-tests](http://tinyurl.com/rope-tests)) indicates that the performance of SRT rope as measured by the dynamic drop test number of drops survived rapidly drops off with usage in line with work done on climbing rope. Phase 2 of the Long Term Rope Test looks at how this drop off in performance behaves at much lower levels of usage (up to 200 individual abseil or prusik uses). This phase remains in progress with two of the four ropes having reached their desired usage levels in 2013.

Following a thread on ukCaving forum bringing to cavers' attention a finding by the French Caving School highlighting a problem with the Bowline on the Bight (see <http://efs.ffspeleo.fr/techniques/noeuds> reporting that clipping into just one loop could cause the knot to catastrophically fail) some work was undertaken with Pete Knight and Roy Rodgers on the Bradford Pothole Club's and the Craven Pothole Club's Rope Test Rigs during 2013 to look at differences between alternative Y Hang knots. Testing was undertaken on single samples of the Double Bowline on the Bight knot, the Bowline on the Bight (ABoK 1080) knot, the Double Figure of Eight (ABoK 1085) knot, the recently invented the Karash / Fusion knot and the Alpine Butterfly (ABoK 1053) knots. (ABoK is the Ashley Book of Knots reference number.) No clear difference was identified between the knots. However neither could we replicate the original report of a loop slippage, even though it was clearly repeated by Pete Knight's work. The work was published in Descent.

It became clear during the year that the number of drops survived in a repeated dynamic drop test is not that useful a parameter. Consideration has been given to static testing and also single dynamic drop testing. BCA purchased a static tester capable of creating tensile forces of up to around 50kN and it is located at the Bradford Pothole Club's hut. BCA has committed funds to several improvements, including protective screens (to ward off flying metal pieces) but these await some spare time to implement, hopefully later on in 2014. A simple extension measuring device has been created for the static rig which requires refinement once the improvements have been completed. A single dynamic drop test is where by using higher masses and larger fall factors we can break the rope on its first dynamic drop.

Work in 2103 remained ongoing with our third attempt at measuring rope extension on the Bradford's rig. This has required several other developments to be achieved including providing for a better guide system to constrain the movement of the 100kg test mass in the horizontal plane whilst not slowing down its rate of fall. With a plan for confidence in measuring extension, we can then compute the amount of energy going into the rope to either damage or break it. There are known complications, including sample length, which will need to be further investigated before an improved parameter can be specified.

In late 2013, Gethin Thomas borrowed the load cells and recording device used on the rope test rig to undertake an investigation into the forces created in tyrolean. This is an area I have been meaning to get a handle on for some while but have not had the spare time. During 2013 I have been able to obtain a computer program which computes the profile of a catenary curve as exhibited by a tyrolean for a stretchy rope. Gethin's work did indicate that a tyrolean may be a useful alternative approach to providing for a non-destructive test of the condition of a rope.

During 2013 I heard a report of a sudden unexpected failure of a rope left in a Mulu cave for only a few years. More recently in 2014, I tested one sample from a rope left in a UK cave for well over 20 years which broke on the first drop. This is the first sample of rope submitted to me for testing in over 10 years which has failed on the first drop! Subsequent testing of the remaining two samples awaits completing the upgrading of the Bradford's rig.

Work continued through 2013 on testing sufficient samples of knots to hopefully obtain statistically significant results to determine the difference between figure of eight, barrel and overhand knots as used in Cows Tails. The testing work was completed in early 2014 but the data is still being analysed so no statement can be made as yet about differences.

I wish to record my thanks to the Bradford Pothole Club, the Craven Pothole Club, Pete Knight, Alan Latchford, Bob Mackin, Steve Richards, Gethin Thomas and not least Roy Rodgers for their help and support in all of this work.

*Bob Mehew, June 2014*

## **Item 10: Training Report**

Both the Local Cave Leader and Cave Instructor schemes have continued to develop over the past twelve months, in terms of new cavers registering for the schemes, people qualifying within the schemes or revalidating the awards they already hold. The figures for 2013 are as follows:

### **Local Cave and Mine Leader Award (LCMLA)**

Registrations 167

Level 1 assessments: 47, Level 1 Revalidations: 32

Level 2 assessments: 32, Level 2 Revalidations: 29

### **Cave Instructor Certificate (CIC)**

Registrations 24

Assessments 2, Revalidations 24

**Award Holder Membership:** Currently some of the Award Holders are members of BCA, either as DIMs or CIMs, but some are not members. BCA Council approached BCA Training Committee in 2013 to propose a way for all Award Holders to become BCA members but this has not been resolved to date.

**Training Administrator Workload:** During the year the BCA Training Administrator expressed concerns about her work load increasing and some delays resulting from this. To resolve this problem, Council appointed an administrative assistant on a one year contract and to date, this has been working well.

**Recreational Training Grants:** A number of training grant applications were received throughout the year, some from Regional Councils and some from BCA member clubs. These were approved by Training Committee and it was strongly voiced that they wished more training grant applications were submitted for consideration.

**Duty of Care:** Having taken advice from a number of national organisations and H.S.E. regarding the Duty of Care that a BCA award holder may have when they observe safety issues that raise concerns with them, Training Committee have issued a statement to their Award Holders that they must fulfil their professional obligations and pass comment at the scene. Once this has been verbally delivered they have discharged their Duty of Care responsibilities.

**Access to Caves:** During the year, there has been an on-going problem in some Regions for providers delivering BCA training and assessment courses gaining access to suitable caves. Training Committee are pleased that access has been negotiated to some caves but feel isolated when trying to gain access to others. It has been reported to Training

Committee that if access is not improved in certain areas, the survival of the BCA schemes will be in jeopardy in these areas. It is felt that not all regional bodies are offering inclusion for all when discussing access to caves.

**Moderation & Centralised Appointments:** The Training Committee feels that it is important for the BCA leadership and instructor schemes to be viewed as a robot program of qualification and as such it has introduced a system of moderation for all training and assessment courses that are run throughout the U.K. At the same time Training Committee also decided that it will organise the appointment of all new trainers and assessors for BCA's qualifications.

**LCMLA Syllabus Rewrite:** Training Committee has discussed the need for a re-write of the Local Cave and Mine Leader Award syllabus and supporting documentation. A person was approached, with approval from BCA Executive, to put together an initial draft on a voluntary basis and the request was accepted. Unfortunately this offer has now been withdrawn.

**Professional Insurance:** An ex-member of the Training Committee has spent many hours negotiating a new insurance policy for BCA award holder's public liability.

**Recreational Caver Training Workshops:** The initial steps have been made to organise a series of caver workshops that are open to all members of BCA member caving clubs and individual BCA members but initial response was somewhat disappointing due to a potential lack of interest. The Training Officer wants to offer opportunities to cavers for training and would like feedback as to what members would like.

*Nigel Ball, June 2014*

## **Item 11: Publication & Information Report**

*Verbal report to be given at the meeting.*

*Les Williams, June 2014*

### **11 a) Webmaster's Report**

The new BCA website went live on the 31st Jan. Thank you to those who took part in the review. The new website is visually more appealing with a relatively uncluttered screen and more pictures. The new menu structure is easier to follow. It is easier for officers to update their sections of the website. Behind the scenes the technicalities of managing and maintaining the site is easier.

However much of the content is unchanged and out of date. Could officers please take the time to review their sections if they haven't done so already. I will update the pages if you feel unable to do it yourself but you must provide the words. If there is interest and time I intend to run a short training seminar on updating the website at the BCA party weekend.

There remains an opening for a website picture editor if someone could be found with an eye for an appropriate image.

*David Cooke, June 2014*

## **11 b) Web Services Report**

The BCA Web Server performed well during the year with only 2 unscheduled outages totalling 2.5 hours. There are 69 domains registered through BCA Web Services with 57 websites hosted. The BCA funds 17 of those websites including the Regional Councils, BCRA, BCRA's Special Interest Groups, the Caving Library and some of the cave rescue organisations.

The transfer of hosting accounts to the new server was completed. The commensurate reduction in costs has resulted in Web Services breaking even, as is the goal.

The savings have also been passed on in lower prices and a better offering to the members. The standard package costs £25/year. It is a fully featured package with unlimited mailboxes, unlimited bandwidth, 500MB disk space, php, mysql databases, etc, etc. Additional disk space costs £4/Gb/yr. This is a very competitive offering that continues BCA Web Service's mission to provide cheap, reliable, fully featured web hosting for our members.

The current on-going task is to upgrade the versions of php, mysql and apache on the server so that they remain current. This can cause compatibility issues with the hosted websites and therefore needs to be carefully managed to reduce any possible pain.

I would like to thank Katie Eavis for her excellent work recording and banking the money and also Karen Foxhall who stepped in whilst Katie was on maternity leave.

*David Cooke, June 2014*

## **11 c) Newsletter Report**

*Verbal report to be given at the meeting.*

*Ben Heaney, June 2014*

## **11 d) Handbook Report**

The Handbook is basically a directory of everything that is BCA, and includes a summary of all our services and contacts. It is published annually as soon as possible following the AGM and is posted to all DIMs, CIM Plus members (who are in all but name DIMs anyway) and Group Members. It is also available as a free download from the website, where it is kept fairly up-to-date as the year progresses.

The 2015 Handbook (i.e. the one we produce this year and badge 6 months ahead) will be slightly delayed this year, basically due to my lack of time to date (my busiest time of year at work runs into the time when I should really start work on the following

year's Handbook). Consequently it will probably arrive a few weeks later than in previous years, but hopefully no later than the start of August.

In truth I do not really have the time anymore to do all the things I currently do at BCA. As such I am looking to rationalise what I do so that the time I put in best reflects the benefits to the Association. The Handbook is one area where I do not feel the balance is right - it takes days and days of time, but in truth is probably only actually *used* by a small number of people. Instead the website receives very little of my time, but is undoubtedly used by many more members and potential members to search for information. Despite our IT Working Party's best efforts, our various Officers have not been persuaded this year to update their content and a lot of the site, while now looking fresh and smart, is actually out of date or poorly written.

Therefore I would rather put my time over the next year into sorting this out and reluctantly, therefore, am not going to volunteer to be Handbook Editor for an 8<sup>th</sup> year (I started in 2007). I am aware that this leaves the Publications & Information Committee (who appoint the Editor) with a problem, but I feel this is the best for the Association as a whole.

*Damian Weare, June 2014*

## **11 e) Speleology Report**

In 2003, Speleology was adopted by BCRA as its new *bulletin*, to replace Caves & Caving, which was getting increasingly expensive to produce. David Gibson originally designed Speleology to be easier and cheaper to produce by volunteers than C&C. When BCA was created, in 2005, it decided that it would like to use Speleology as its in-house magazine and so it offered to pay towards its production. As an acknowledgement of this funding, the strap-line was altered from Bulletin of BCRA to Bulletin of British Caving although BCRA remains the publisher.

Sadly, production of Speleology has been erratic and in an effort to try to bring it back on schedule, David Gibson took over as editor late in 2013 and oversaw the production of issue 19, with a cover date of December 2013. However, publication was delayed slightly and issue 19 was not shipped until February 2014 (but four weeks of that delay were due to our printers). Issue 20 has also been delayed, but it is expected that it will still be possible to publish the scheduled issues (20 to 22) in 2014.

*David Gibson, June 2014*

## **Item 12: Legal & Insurance Report**

### **Access to Caves - Possible Revisions to the CRow Act or otherwise?**

Clearly over the 13 years since the passing of this major Act of the UK Parliament we have learnt a lot about how best to deal with this sometimes thorny issue. It appears that the question of clear definition and its interpretation need to be re-visited. (See also item 2 b. below.)

It might be that we should go for a change in the law within the framework of the current review, but in doing so we should be particularly mindful of allowing for specific exceptions, “where there is a settled written agreement between the landowner and representative caving bodies” — inclusion of words to that effect might be appropriate? (*Because I fear that we would look extremely stupid to the outside world if we were not able to keep our own house in order **and more particularly be seen to be doing this**, I suggest that if there are doubts here then perhaps we should simply leave well alone? To be clearer, what I mean is that until UK Caving in all its various local/regional bodies is fully agreed and co-ordinated then it could be foolish to enter into debate on a wider platform.*)

### **The Fracking Exploration Scenario - Possible Threats & Useful Spinoffs?**

a. Widely based research, both in the USA and elsewhere, are all tending to suggest that there is likely to be little or no detriment to our areas of interest, but this is ongoing and we still need to keep our eye on the ball. The Bowland Shales have again been mentioned as a major potential source, as has “the Blackpool area”, but since these strata, where still extant, always overlie the Carboniferous limestones, extraction from them would be unlikely to affect the structural stability of caves. Water quality could be affected, but since this consideration will be of primary concern to water users, I do not feel that we need to stress about it. No cave containing areas have so far been mentioned in shale/gas exploration proposals within the U.K.

b. Recent utterances in Westminster arising from the increasing number of bitterly opposed fracking exploration applications might have useful spinoff for us. “*There is a need for a change in the law in the relationship between access to underground resources and the ownership of the land above - the current need for landowner consent*”! I intend to watch this possible ‘development’ very closely!

### **Acute Shortage of Housing across the UK - New Town/Village Proposals**

Strangely, within hours of my reporting at our January Meeting announcements were made concerning the need for and possibility of a Third Generation of New Towns. Whilst only Ebsfleet, in Kent has been specifically mentioned, and more general areas, e.g. Sussex, Bucks and Oxons have been mooted I still think that we need to be vigilant and work closely with BCRA.

Whilst a third generation of New Town development would properly require primary legislation as its starting point, the thinking at this stage could well morph into the concept of new and/or extended or expanded villages (what does Prince Charles think?) and we should thus be both cautious and listening to all of this!

From the way that thinking appears to be developing here I suggest that caving interests across the Peak District might have the greatest need for our vigilance.

Our main caving/limestone areas are underwritten by the National Parks legislation, e.g. The Yorkshire Dales, and are likely to be much less at risk here, but almost anything can change when new primary legislation is being considered!

## **Global Warming - Concerns for Cavers and Caving**

The simple outcome so far as we are concerned lies in the term **erratic** weather, which in this context means unpredictable, or not as might reasonably be expected for the time of year. The recent repeated occurrence of high winds with heavy prolonged rainfall being just one example. Clearly the long-established equilibrium of our planet's weather system has been fundamentally disturbed, possibly by the 'affairs of man' but I suspect largely by much greater planetary/extra-terrestrial and/or solar-orbital activities that are totally beyond our control. All that can currently be said with certainty is that there is no sign of an end to this erraticism, and it might well get worse before it gets better, so, be prepared for anything!

There could be beneficial changes to our caves, as occurred in Swildon's Hole on Mendip a few years ago, but more likely we just need to be even more cautious than hitherto about prevailing and impending weather conditions before entering active cave systems!

*David Judson, June 2014*

## **Item 12a: Insurance Manager's Report**

*Verbal report to be given at the meeting.*

*Nick Williams, June 2014*

## **Item 13: Membership Administrator's Report**

### **Membership to 30 May 2014**

DIMs (Caving):403 (Non-caving):47 (of which DIMs incl. BCRA: 247 (including 21 students), CIM Plus: 7

Honorary (BCRA): 7 (BCA): 1

CIMs (Caving): 3661 (Student): 536 (Non-caving): 878

Clubs: 166

Associates: 4

Access: 7

**Membership Trends:** The table below shows membership trends since BCA's formation. It is important to note that data for 2004 and 2005 is presented in a different format to that currently employed, but I believe the figures for those years are accurate enough for comparison. There is no reliable data for 2006.

815 new membership numbers were issued during 2013: 13102 - 13917.

	<b>2004</b>	<b>2005</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>DIMs</b>	93	185	437	432	397	487*	505*	507*	513*
<b>CIMs</b>	3,523	3,909	4,965	5,216	5,115	5,296	5,435	5,397	5585
<b>Clubs</b>	89	140	153	152	160	166	189	159	186

*\*Including 21 CIM Plus members in 2010, 12 in 2011 and 9 in 2012 and 7 in 2013*

*Glenn Jones, June 2014*

During 2013 I began the process of completely re-writing and upgrading the online membership / subscription and sales forms in order to take on board all that Glenn Jones and myself have learned over the last few years and to come up with a system that does precisely what we want it to do. The upgrade is not in use yet – the process has extended into 2014 and should be completed by December 2014. In particular...

- The online forms will be simpler to use, as well as being more versatile
- The new system will allow membership payments by direct debit
- Customers will be able to update their records online
- The system will handle not only memberships, but also non-member subscriptions and casual publications sales. The fact that all these aspects of our operations are integrated and handled in a similar way will have considerable operational advantages.
- The system will incorporate traceability of documents and will link together the activities of the entire team of Glenn Jones, Katie Eavis, Mary Wilde, David Gibson and Dave Gough who, between them handle all of the membership, non-member subscriptions and casual sales.

*David Gibson, June 2014*

#### **Item 14: Radon Information Report**

I had asked that the AGM consider possible reasons why we have had a lack of enquiries from cavers and allied organisations regarding radon, but it would seem there has been little debate. My twopenneth is that probably people are not fussed. When we carried out the first negotiations I used data produced by the then Chief Medical Officer which showed that Devon and Cornwall, which have the highest radon concentrations around the granites, did not have elevated occurrences of lung cancer, as might be expected. This is even taking into consideration that retired people move to the area. So, obviously there is more to it than initially meets the eye. The then NRPB thought that use of this type of data was unhelpful. Over the now 20 years since then we have not seen any significant reports of cavers dying of lung cancer over and above that which might be expected from smoking (which many did). Perhaps we are seeing the results of individuals carrying out recreational caving doing their own appraisals, deciding that they are not going into areas of exceptionally high radon concentrations on any regular basis and concluding there is little risk. The commercial caving companies have legislation to adhere to for the protection of their employees and clients, so all we can do is advise that the law is followed.

The HPA would appear to be still concentrating on their real, polonium-contaminated people and as the legislation has essentially passed to a European-wide body, it may be

some time before the exposure levels are visited again. To all intents those set appear to be working. Despite the publicity we have given radon, I have had no enquiries in the intervening 12 months. It is possible that the new booklet is consulted and answers all of the questions but I have my doubts.

For many years now, I have been set on standing down, but have been persuaded not to. As I said last year, I commenced work in this post in 1994 and I had wanted to leave the post in a position that I thought was sound and going in the right direction. In my opinion it is wrong for someone to stay in post too long as turnover brings new ideas and impetus. The time has now come for me to say enough is enough.

I thank all those who have provided considerable help over the years. I have enjoyed the time and hope that it is considered that I have done an acceptable job.

*Clark Friend, June 2014*

### **Item 15: Cave Registry Report**

The Cave Registry Data Archive ([www.cave-registry.org.uk](http://www.cave-registry.org.uk)) continues to grow at a pace. It is currently some 7.5GB of data. It is important to realise that the archive is more than a simply a good place to backup your survey data but is also a tool to actively manage and help coordinate the work of current surveying projects.

There continue to be murmurings of more regional online registries but none have so far appeared. I remain ready to provide technical advice and hosting software if required.

*David Cooke, June 2014*

### **Item 16: IT Working Party Report**

The main work has been the new BCA website which is now live. For details see the separate report.

The TryCaving website has been moved lock stock and barrel to the BCA web server. Thanks must go to the Bristol Exploration Club for hosting the website until now and to Chris Jewell for his assistance. The website was [www.trycaving.co.uk](http://www.trycaving.co.uk), whilst that address still works it is more properly [www.trycaving.org.uk](http://www.trycaving.org.uk) since TryCaving is not a company. The .org.uk address should be used in any future publications, etc.

With thanks to Nigel Ball and Mary Wilde I now have the Training Database requirements documents and examples of the current training databases. Once I have completed my review of those, I will propose a way or ways forward for the Training Committee's consideration.

I feel the BCA Forum is under-utilised by Council and the various committees and working groups. I remind you that it is there, as are the mailing lists. The Training Committee are making good use of video conferencing another useful tool to aid communication.

Work continues with the project to develop email communication with our members. Assuming it is passed, the proposal at Agenda item 25 to review the membership structure relies heavily upon this project succeeding. I'm concerned that this and other BCA IT projects are developed using a compatible framework and coding standards to minimise future maintenance and support costs.

*David Cooke, June 2014*

### **Item 17: Youth & Development Report**

*Verbal report to be given at the meeting.*

*Hellie Brooke, June 2014*

### **Item 18: 2016 Report**

*Verbal report to be given at the meeting.*

*Les Williams, June 2014*

### **Item 19: CRoW Working Party Report**

**Introduction:** In June 2013 BCA accepted my proposal to set up a Working Group with the following remit:

*That BCA investigates the position with regard to access to caves on CRoW land in England and reports back to BCA Council as soon as possible.*

Wales comes under the same CRoW (Countryside and Rights of Way) legislation as England but the administration of this is overseen by the Welsh Assembly under separate Welsh organisations and Cambrian Caving Council is recognised as the “governing body for caving in Wales”, hence I felt a BCA working group should concentrate on England.

**Appendix 1** (*printed below*), “A POSSIBLE APPLICATION OF CROW TO CAVING”, produced by Bob Mehew, examines in detail what is meant by access land under the CRoW Act - basically it is “open country” (i.e. mountain, moor, heath, or down), RCL (registered common land), land more than 600 m above sea level or is land Dedicated for the purposes of the Act.

It is acknowledged that, if land is covered under the CRoW legislation, this has the added benefit of reducing the level of liability to the landowner.

My proposal was prompted by the acknowledged level of concern over access to Casterton Fell, which is an access area under the CRoW legislation (hence walkers may wander wherever they will on the surface of the land) but where access for cavers to the multiple entrances to the huge cave system underlying the Fell is controlled by CNCC at the request of the landowner, who requires that only a limited number of permits are issued. CNCC is put in the position of being threatened with withdrawal of all access to the Casterton area unless it can control caver access; while a substantial number of

cavers consider the restrictions to be unreasonable and feel that access for cavers to land designated under the CROW legislation should be on the same basis as for walkers.

Two articles in DESCENT have since highlighted the issue: Sam Allshorn in issue 235 “Caves and Crow, an analysis of caves in Northern England” and Tim Allen in issue 237 “Cave Access, out in the open”. I have written a response to Tim’s article, which will appear in issue 238.

**Initial Work:** Having been appointed convenor of the group I began by seeking help to compile a database for all caving regions in England which would identify as a minimum:

1. caving areas covered by the CROW legislation;
2. caving areas which include SSSIs (Schedules Sites of Scientific Interest) designated by NE (Natural England) or SAMs (Scheduled Ancient Monuments) designated by EH (English Heritage); and
3. areas where a special permit or permission (obtained in advance) and public liability insurance are required in order to obtain access to caves;

and the overlap between these different areas within the various regions.

The point being that designation as an SSSI or SAM confers protection which can override the CROW access legislation if this is required for reasons of conservation. Hence access to a cave under any revised CROW legislation would not necessarily mean that it is a “free-for all” - either NE or EH may impose restrictions on access or take legal action if damage is caused underground. I have been told by one cave scientist that 75% of caves overall are covered by SSSI legislation, though this clearly varies from region to region.

Cavers in Northern England, the Peak District, Devon & Cornwall and the English part of the Royal Forest of Dean are already at work but I have yet to hear from any Mendip cavers although I have kept their C&A Officer informed.

I now have some interim results from the North, the Peak District and Forest of Dean which already show the great variation in the situation around the regions, although the database has yet to be completed.

**Northern England:** 71% of their 2,500+ caves are on CROW land; in some cases, e.g. Leck Fell, this applies to 100% of caves; a number of other areas, e.g. East Kingsdale, Easegill, The Allotment and Fountains Fell, have more than 90% of the caves on CROW land.

**Peak District:** Out of a total of 645 sites, 459 have been checked so far and of these only 11% are on CROW land; 58% of sites overall are SSSIs but 79% of the SSSIs lie on CROW land; only 1 cave on CROW land has access restrictions and one show cave lies under CROW land; there are a few sites with no access at all.

**Royal Forest of Dean:** All 171 sites in the English area have been checked. 43% are on Designated Access Land and 84% of these require Crown permission for access underground; less than 5% overall are SSSIs, only 2 of which are on Dedicated Access Land. The Forest is unique in that it has no ordinary CRoW access land but it does have land which has been specially “Dedicated” by the Forestry Commission under the CRoW Act; here permission from the landowner to reach the entrance and permission from the Crown to go underground are both required and this applies to both caves and mines. It must be emphasised that there is no right of underground access in the FoD without specific Crown consent.

### **Anomalies**

It has become apparent firstly that the CRoW legislation itself says **nothing at all** about access to caves; caving is not listed as being permitted but neither is it listed as an activity prohibited under CRoW in the 2010 guideline document issued by Natural England, NE 13FS[1].

However, the legal guidance issued separately by NE and Defra (Dept. of Environment, Food & Rural Affairs) is that the CRoW legislation relates to “open air recreation” and that caves are not “open air”, thus CRoW does not allow access to caves. One of their advisors also commented that:

CRoW boundaries relate to surface areas. Cave systems may meander around under the ground in a way that is very difficult for anyone to relate to the mapped boundaries. If the caver reaches the point underground where he crosses the boundary and the land above is no longer open country or RCL, how is he to know it? He has no means of relating his position to the statutory maps.

Despite this surface mapping of SSSI boundaries, cavers are currently monitoring SSSIs underground on behalf of NE and, of course, know exactly where the features they are monitoring lie in relation to the surface. In addition, SSSI and SAM legislation allow for the prosecution of anyone who causes damage to a scheduled site underground - so the existence of caves and mines frequented by people is acknowledged and the exact position of their activities underground must be known for a prosecution to succeed.

Tim Allen’s DESCENT article challenges this definition of “open air” and it has been conceded by EN and Defra that descent of an open shaft from the surface **does** constitute an “open air activity” - the question then becomes: where does the “open air” end and the “cave” begin?

In the case of some open shafts surrounded by CRoW land, the boundaries have been drawn to exclude the shaft itself from the surrounding CRoW land, e.g. Marble Steps and Eldon Hole. In other cases the shaft itself is included within the CRoW boundaries.

In 2009 an NE commissioned a report, NECRO 12 edition 2, which recommended in section 3.2.1: “The CROW Act provides for open-air recreation, basically on foot, which would **include** the following activities:- ... **potholing** ...”

It then went on to list those activities which should be specifically excluded.

However, the 2010 EN guideline document referred to above did not follow this 2009 recommendation - it makes no mention at all of caving but instead says:

#### *13.4.2 The access afforded by CROW*

*CROW provides the public with a right of access on foot only. This includes running, climbing, photography, having a picnic, and bird watching. Wheelchairs are also allowed. It does not include cycling, horse riding, camping, or rock climbing.*

So climbing is included but rock climbing is excluded under this definition!

In some areas, particularly in the Yorkshire Dales, by longstanding custom and practice, no permission is required to descend caves whether they are on CROW access land or not.

### **NCA and BCA's past Role**

The history of attempts to include caves in the CROW legislation dates back to 1998, when the then NCA Conservation and Access Committee responded to the government proposals on the projected legislation. It is clear from the minutes of the C&A Committee meetings of the time that all regions, including the Forest of Dean, as well as BCRA, Pengelly, etc. were included in the formulation of the responses in favour of caving being included in the CROW legislation. There was no dissent recorded at the time, nor was there dissent when this decision was reported to NCA Council.

All these decisions were reported in NCA's magazine “SpeleoScene”, which was posted free of charge to every member club of NCA and was available for free in caving shops. The progress of the legislation through Parliament was followed in succeeding SpeleoScenes and was reported to NCA Council and to the 1999 NCA AGM. In SpeleoScene of May 2000 an article: “**The Countryside Bill**” appeared, quoting a CCPR (Central Council for Physical Recreation) press release from Robert Pettigrew, Chair of the Outdoor Pursuits Division, which included the following:

[...] We wish to take forward the principles of free and responsible access in a spirit of collaboration, to the benefit of countryside interests as well as those of recreation and environmental understanding. ... England is not a land in which everything is forbidden except what is expressly permitted, but one in which

everything is permitted except what is expressly forbidden. ... We need to follow best practice elsewhere, especially in Europe where there is a

history of recreational enjoyment of land and water, and open-air tourism, to the economic benefit of local communities.

Mick Day, NCA and later BCA Chairman, was the caving representative on the Outdoor Pursuits Division of CCPR and there was no question but that caving was regarded by CCPR as an “outdoor pursuit”.

In 2008 the BCA Chairman’s Report to the AGM referred to BCA’s membership of the CCPR Outdoor Pursuits Division and went on to say:

*CCPR Access Policy: CCPR has a long-standing history of supporting members’ desire for increased access to land and water. One of CCPR’s key strategic priorities is to secure sustainable access to land and water for sport and recreation, underpinned by good practice in outdoor and adventurous activities. The initial draft document merits further work to satisfy as wide a range of members as possible. Also, DEFRA has just (iv-2008) published the draft Marine Bill, including provisions on access to the English coast.*

He also noted that CCPR acknowledges a single named representative of each member body in order to provide a democratic structure for meetings of its divisions (BCA is a member of the Outdoor Pursuits Division, OPD).

(What was formerly the CCPR has now been renamed the Sport & Recreation Alliance.)

### **Where Next?**

It seems clear that in order to obtain access to caves under the CRow Act BCA itself, on behalf of cavers, will need to seek a new interpretation of the law relating to access underground.

It is therefore for members at this AGM to decide whether BCA should attempt to take this matter forward.

*Jenny Potts, June 2014*

### **Proposal:**

The BCA Working Group on Countryside and Rights of Way Act of 2000 (CRow) is instructed to pursue legal advice on the application of CRow to caving, subject to Council’s agreement if funding is required, and subject to that advice being favourable, instructs BCA Council to amend the terms of reference of the Working Group to:

- a) The Working Group has a membership of:
  - i. A Convenor nominated by Council,
  - ii. BCA’s Conservation and Access Officer,
  - iii. A representative from each Regional Caving Council and National Body member,

- iv. Any other persons nominated by Council, and
- v. As non-voting members, any persons that the Working Party may co-opt;
- b) Completes its work on identifying potentially affected cave and mines in England and also Wales;
- c) Undertakes negotiations on behalf of BCA with other bodies interested in CRoW;
- d) Negotiates with Natural England and Natural Resources Wales on behalf of BCA to obtain acceptance of the legal advice;
- e) Produces advice to regions on acceptable forms of access agreements based on the legal advice and information from Natural England and Natural Resources Wales;
- f) Make recommendations on aspects of conservation to the Conservation and Access Committee;
- g) Produces advice to Regions for use in briefing land owners on developments; and
- h) Produces advice to Regions on any appropriate supplementary topics.

Proposed: B Mehew (Individual Member 57)

### **The Possible Application of CRoW to Caving**

1. Section 2(1) of the Countryside and Rights of Way Act of 2000 (CRoW) states “Any person is entitled by virtue of this subsection to enter and remain on any access land for the purposes of open-air recreation...” subject to various conditions. The key phrases are therefore are ‘access land’, ‘open-air’ and ‘recreation’. The purpose of this note is to review legal interpretations of the meaning of each phrase. CRoW only applies to England and Wales. Scotland has it’s own law which explicitly covers caving. Northern Ireland has no equivalent law.

2. Access land is defined in subsection 1(1) of CRoW as:

In this Part “access land” means any land which:

- (a) is shown as open country on a map in conclusive form issued by the appropriate countryside body for the purposes of this Part,
- (b) is shown on such a map as registered common land,
- (c) is registered common land in any area outside Inner London for which no such map relating to registered common land has been issued,
- (d) is situated more than 600 metres above sea level in any area for which no such map relating to open country has been issued, or
- (e) is dedicated for the purposes of this Part under section 16,

but does not (in any of those cases) include excepted land or land which is treated by section 15(1) as being accessible to the public apart from this Act.

3. In England, a number of caves have been identified as being on ‘registered common land’, notably in the Dales at Ingleborough and Clapham. In addition, it is known that many of the Forest of Dean sites are on Forestry Commission land which is ‘dedicated land’ under section 16. Land over 600m is easily identifiable and excludes anywhere on Mendip. A slightly closer look at land above 600m in areas of potential interest to cavers and miners indicates that few other cave or mine entrances lie on land above 600m. But the vast majority of caves and mines on access land are likely to lie on land which has been identified as ‘open country’.
4. Subsection 1(2) of CRow helpfully defines ‘open country’ as:  
“open country” means land which:
  - (a) appears to the appropriate countryside body to consist wholly or predominantly of mountain, moor, heath or down, and
  - (b) is not registered common land.And also defines ‘appropriate countryside body’ as:  
“the appropriate countryside body” means:
  - (c) in relation to England, the Countryside Agency, and
  - (d) in relation to Wales, the Countryside Council for Wales;
5. Parts of the Countryside Agency were subsequently merged with parts of other bodies to form Natural England (NE) who now holds this role for England. In Wales, the Countryside Council for Wales was merged together with functions from other bodies into the body known as Natural Resources Wales (NRW).
6. This definition of ‘open country’ mirrors that used in section 59(2) of the National Parks and Access to the Countryside Act of 1949 as passed, though not as amended by the Countryside Act of 1968. (That extended the definition to cover woodland, rivers and canals and their watersides.) It is perhaps expected that in the first major debate following the introduction of the bill for the National Parks and Access to the Countryside Act there was even then protests about the limited intent of the bill. The late Barbara Castle said in that debate “We have tended in the past to consider that the working-class enjoyment of the open air must necessarily and permanently be limited to hiking and cycling. That is not the vision we get from the Hobhouse Report.” (The Hobhouse report proposed the basic structure for the National Parks and Access to the Countryside Act.)
7. A key feature of the definition of ‘open country’ is that it means land of certain types. And provided it is land of one of those types, it is therefore ‘access land’. So the word ‘land’ is qualified by access to produce the phrase ‘access land’ which comprises of certain types of land as defined in section 1(2). Common law reaffirmed as recently as 2010 states that the owner of land owns from notionally

the centre of the earth to the skies above. This position also provides for clarity where a cave is sufficiently long to extend beyond the land of one land owner. Simply put, each land owner owns that part of the cave which lies on their land.

8. This common law position is reinforced by the Law of Property Act of 1925 which at section 205(1)(ix) defines land as including "...mines and minerals, whether or not held apart from the surface" and goes on to state "mines and minerals" include any strata or seam of minerals or substances in or under any land, and powers of working and getting the same . . .". Indeed this definition was slightly amplified in the Land Registration Act of 2002 where in section 132(1) it states that land includes "land covered with water, and mines and minerals, whether or not held with the surface".
9. Hence it is proposed that in law 'access land' means not only the surface but also what is below that surface. And that it matters not whether access land was defined on the basis of it being 'open county', 'registered common land' or 'dedicated land'.
10. It is also worth reflecting that given the definition of land also includes above the surface. So in theory a person could use the above surface space. Except that CRoW specifically excluded from the right of access the activities of hang-gliding and para-gliding under paragraph 1(s) in Schedule 2. (CRoW does not exclude kite flying so it is clear that not all above surface activities are prohibited.) NCA's submission to the consultation paper which preceded the CRoW bill made clear that we viewed the bill should cover caving. The subsequently published paper on responses specifically mentions that at least one response mentioned CRoW should cover caving. So clearly the lawyers who drafted the bill were alert to the fact that the definition of land included both above and below the surface and its implications. And by implication, that they consciously chose to not exclude land below the surface and hence include the caves which might lie therein.
11. The Physical Training and Recreation Act of 1937 contains no definition of recreation but consistently uses the phrase 'physical training and recreation' and 'exercise and recreation', suggesting a relationship between exercise and recreation. The Education and Inspections Act of 2006 includes a section which is intended to amend the Education Act of 1996 by the addition of a new section which at subsection 157(B)(13) contains the not overly helpful definition that "recreation" includes physical training (and "recreational" is to be construed accordingly). A search using Westlaw UK facilities on the word 'recreation' by itself produced a large number of hits. When limited to those associated with land, many turned out to be related to planning applications and the meaning of sport and recreational facility within planning guidance.

12. However, The Work at Height Regulations of 2005 (No. 735) in paragraph (4) (d) of at regulation 3 includes the phrase "...caving or climbing by way of sport, recreation, team building or similar activities". It goes onto to usefully note in paragraph (6) (a) that "caving" includes the exploration of parts of mines which are no longer worked". This is in line with the membership of the British Caving Association (BCA, the national body for caving in the United Kingdom of Great Britain and Northern Ireland) of the Sport and Recreation Alliance. (The Sport and Recreation Alliance is the umbrella organisation for the governing and representative bodies of sport and recreation in the UK, being the successor to the Central Council of Physical Recreation.) Sport England also recognised caving as a sport and BCA as the national governing body. And as a consequence, HM Revenue and Customs accept that suitable caving clubs can apply for Community Amateur Sports Clubs status. Thus it is concluded that the law does recognise caving as a recreation.
13. A search on the phrase 'open air' by itself also using Westlaw UK facilities identified only one case of interest. This was based on a request for an open air cremation by a Hindu. The judicial review judgement indicated that the phrase 'open air' is not applicable when inside a building. Paragraph 14 of Schedule 1 of CRow usefully defines building as "includes any structure or erection and any part of a building as so defined, but does not include any fence or wall, or anything which is a means of access as defined by section 34; and for this purpose "structure" includes any tent, caravan or other temporary or moveable structure".
14. This affirms that 'open air' cannot be inside a building and other manmade structures. But can 'open air' be inside natural things such as a cave or man made things such as a mine? Subsection 93(4) of the Environmental Protection Act of 1990 states "open land" means land in the open air". And interestingly subsection 1(2) of the Environmental Protection Act states "The "environment" consists of all, or any, of the following media, namely, the air, water and land; and the medium of air includes the air within buildings and the air within other natural or man-made structures above or below ground." Which seems to imply that the air within caves and mines is not 'open air'. Reading several cases involving mines indicates that the phrase 'open air' is used to denote locations on the surface of the land .
15. So open air recreation is recreation which is carried on in the open air and not in a building, structure or other enclosed space such as a cave or mine. It is a statement of the obvious that many recreations can be conducted in the open air as well as inside buildings, a simple example being dancing. Normally caving would be conducted beneath the surface, underground. But there are a few caves

with entrances which require caving techniques whilst still very much in the open air. So caving is undertaken in the open air and hence can be described as an 'open air recreation' in such circumstances.

16. NE is reported as "...still not convinced that caving is an open air activity (or even that it takes place in the outdoors, for that matter). What they have conceded is that cavers do have the right of access (under CRoW) to open caves and potholes on the sides of mountains and the like, because they are in effect open to the air." It has also been reported that Natural England have stated in an email that: "It is the view of our Access Specialist that it's pretty clear that in common parlance, the term "open-air recreation" wouldn't be perceived to include use of areas under the ground. And this is what two different Defra lawyers thought (DEFRA's view in 2001 referred to below). It might well be different where a large open cave sets in the side of a mountain, as for example sometimes happens in the Lake District. In such a case a person entering the cave still has a very real sense of open-air recreation. But once one is in effect disappearing down tunnels in the ground, it seems to me that one immediately loses that sense."
17. The exciting feature of this information is that it appears that NE concedes that caving is an 'open air recreation'. But I suggest that they fall into the common misapprehension that the phrase 'open air' also qualifies the phrase 'access land'. It is suggested that most people have been interpreting the statement "...access land for the purposes of open-air recreation..." as if it read "...on any access land for the purposes of recreation in the open air...". But as noted in paragraph 9 above, the lawyers who drafted the bill were aware of the desire to see caving included. They did not see fit to explicitly qualify 'access land' by the use of 'open air' or to make clear they were explicitly talking about 'recreation in the open air'. My argument is that to take an example such as dancing, not only does CRoW give a person the right to dance on the surface of the 'access land' but because 'access land' also includes the caves below its surface, CRoW also give that person the right to dance in a cave. For dancing substitute caving.
18. It is therefore proposed that the working group seek legal advice on the merits of this argument, including if necessary to paying for that advice, subject to Council's agreement as to the specific costs. (One barrister has indicated a willingness to provide pro bono work, subject to work load.) If legal advice is favourable, it is proposed that the working group directly negotiate with Natural England and Natural Resources Wales.
19. It is acknowledged that if this line of argument is successful, then there are substantial implications for cave access agreements; simply put, most will no longer be legal. It is therefore proposed that subject to such legal advice being

favourable, then the Working Group's terms of reference be expanded to include BCA's Conservation and Access Officer and that the working group take on the task of producing advice to regions on acceptable forms of access agreements under the new interpretation and any appropriate supplementary topics (such as educational material on cave conservation and early briefing notes for regions to use to keep land owners informed).

20. This paper has been based on a piece of work looking in some detail at CROW, a copy of which is available on request. Further planned work includes reviewing the impact of CROW covering caves on the liability of land owners.

*Bob Mehew, June 2014*

## **Item 20: International Report**

Since my last Report to the AGM in 2013 there has been an International Congress in Brno in the Czech Republic this as anticipated went very well with a very good turnout from British Cavers. We were indeed the third biggest contingent after the Czech Republic and the United States.

I know all the British people attending enjoyed themselves thoroughly and I think the various vendors did good business and had a very good time.

We are all looking forward to the next UIS International Congress in Jenolan Australia in July 2017.

I had to stand down as President of the UIS having done the maximum amount of years. I was however made an Honorary President which was interesting seeing as some time ago I voted against this being an institution, but now find myself as one of only two Honorary Presidents. I was very surprised and somewhat honoured. I do intend to go to further UIS meetings hopefully including Jenolan Australia this October. Now that I have finished my term in UIS office my International commitments have been somewhat less, although I do keep in touch with everything going on within that organisation in my capacity as Honorary President.

At the moment the main subject being discussed on International circles is conservation and access, particularly quarrying which seems to be a problem all over the world.

There are three International meetings involving cave conservation, one in Auckland New Zealand at the beginning of September, one in Melbourne Australia at the end of September and then the UIS meeting in Jenolan at the end of October. I intend, if at all possible, to go to all three.

Arrangements for the European Congress in England in 2016 are progressing which is now only 18 months away. We can confirm Dalesbridge as the venue, much work has to be done.

*Andy Eavis, June 2014*

## **Item 20a: FSE Report**

Since the last years report to the AGM there has been one bureau meeting and a **General Assembly Meeting (GAM)** of the FSE both of which took place in Casola Italy on 2 November. Over 2,000 cavers attended the Casola event and delegate attendance at the GAM was good. A number of officers presented for re-election and the incumbent president, Juan Carlos Lopez from Spain stood down. I was persuaded to stand for President and had not anticipated competition from my Bulgarian colleague, Alexey Zhalov. However, despite there being quite a few proxy votes from Eastern European countries supporting Alexey, I was elected by a comfortable margin. As a result of my Vice Presidency post becoming vacant, Micheal Laumans (Germany) was elected as new Vice President. Olivier Vidal (France) was re-elected Secretary General, Henk Goutier (Netherlands) Treasurer, Ernst Geyer ( Austria) Vice Treasurer. Alexey Zhalov remained Vice Secretary. However, in May Alexey resigned from his post so this position is vacant and candidates are being sought.

Two new countries, Albania and Turkey, were voted into the FSE at the GAM. The FSE now has a membership of 27 countries.

**Article 12** of the Constitution was hotly debated. This allows non delegates to stand for positions on the FSE Bureau. This article was adopted by the FSE following the UIS's decision to include this approach in their internal regulations. At the moment Olivier Vidal is not supported by his national organisation the FFS (the French Federation) who are unhappy with this situation. However, countries voted overwhelmingly to retain article 12. Only France was against and Greece abstained.

The next Bureau meeting and General Assembly meeting will take place during the 9<sup>th</sup> ES Forum 2014 in Baile Herculane, Romania between 22nd & 24th August 2014. The FSE has now launched a **Facebook page at [www.facebook.com/eurospeleo](http://www.facebook.com/eurospeleo)** to facilitate good communication about news, events etc.

**The website [www.eurospeleo.eu](http://www.eurospeleo.eu)** has had a complete upgrade after the previous web masters departure. Grotto Centre, a European cave registry group have contributed significantly to this facelift.

The next **Euro Speleo Magazine** will be published this month. The Editor Mihaela Micula ( Romania) is doing an excellent job of putting this together.

A representative of the FSE (Ernst Geyer) attended 1st International Geosciences Congress 2014 in Tehran & Hamadan, Iran in February. It was attended by approximately 150 foreign scientists and experts. Cavers from South Korea, Pakistan, Italy, France, Poland, Turkey & Austria attended this event.

**Eurospeleo Projects (ESP):** There have been some very good awards for Eurospeleo projects. British cavers were involved in the publishing of Cave Pearls of Meghalaya and ‘Speleological days’

Some feedback on ESPs last year. The table below is from the annual ESP report and outlines the expeditions/projects that received funding support and countries participating.

<b>Project Name and Location</b>	<b>Participating Countries</b>
ESP 2012-13 Exploration of Caves in Mt. Athos , Greece	BG, GR, RUS, TR
ESP 2012-15 Book publishing of Cave Pearls of Meghalaya	CH, GB, RO, D, IRL
ESP 2012-16 Northern Lao – Euro Cave Project 2013	D, NL, RUS, I, CH
ESP 2013-02 Camp Berger -1112	FR, HUN, B, SLO, OAE, B&H, CAN
ESP 2013-03 Expedition Banski Suhodol ‘2013	BG, RS, RO, GR, CZ
ESP 2013-04 Balkan Speleological Conference’2014”	BG, GR, RO, TR, RS, SLO, AL, CRO
ESP 2013-05 5 <sup>th</sup> FSE Exploration Camp of Chamois Cave	FR, HUN, I, D, RUS,
ESP 2013-06 Training course for perfection	FR, Ethiopia, OAE
ESP-2013-07 Exploration of Greece’s second deepest cave	GR, FR, RO, SLO, D, CH, E
ESP 2013-08 Exploration of Caves in Mt. Athos , Greece	BG, GR, RUS, UA, SR
ESP 2013-09 Speleological days	B, NL, FR, D, GB

### **Organisation of EuroSpeleo events over next 3 years**

ES Forum 2015 Applications will be invited. Bulgaria has expressed an interest.

European Congress 2016 will be in the UK.

The next UIS Congress will be in Sydney in 2017.

*Ged Campion, June 2014*

### **Item 21: Media-Liaison Report**

It has been a quiet year. When the post was created several years ago there was a time period where my telephone number was very prominent on the BCA website – so much so that I ended up receiving numerous calls completely unrelated to media enquiries. Since we have raised the prominence of the main BCA number I have certainly had fewer phone calls but I assume that the office in Great Hucklow is receiving these instead?

I am currently treating my role as a reactive one. It is clear to me that there are cavers who certainly don’t need BCA to help them work with the media – they know exactly

what they are doing, have their own contacts and are used to answering questions when the members of the press contact them.

However I do wonder whether that means there are BCA members or Officers who would like assistance when it comes to dealing with the media and whether there is an opportunity to be more proactive here.

*Chris Jewell, June 2014*

## **Item 22: British Caving Library Report**

**Cataloguing the Collections:** Work continues on re-cataloguing the entire contents of the Library - necessary because of the huge backlog inherited when BCL was set up in 2008 and the transfer to Glutton Bridge of the former BCRA Library (with its out of date printed catalogue) from the Matlock Local Studies Library in 2010. The old BCRA Library filled some 70+ m of shelf space at Matlock; in contrast we now have over 200 m of shelf space plus map chests, filing cabinets, cupboards, etc., all on the one site at Glutton Bridge.

**UK periodicals:** we now have a complete list of all 330+ sets of UK caving periodicals we hold and so far approx. 30% of the sets have been catalogued in detail for every single item contained.

**Foreign Periodicals:** virtually all the foreign periodicals on our list of 55 exchanges with BCRA publications are now catalogued in detail plus some 50% of other foreign periodicals.

**Books:** there is no backlog and new items are added to the catalogue as they come in.

**Expedition Reports:** We have a growing collection of expedition reports classified by country.

As far as we know other material in the collections had never previously been catalogued although some of the following items were found in the BCRA Library.

**Surveys & Maps:** work on cataloguing these is now well in hand with the help of volunteers and we continue to receive donations of many more items.

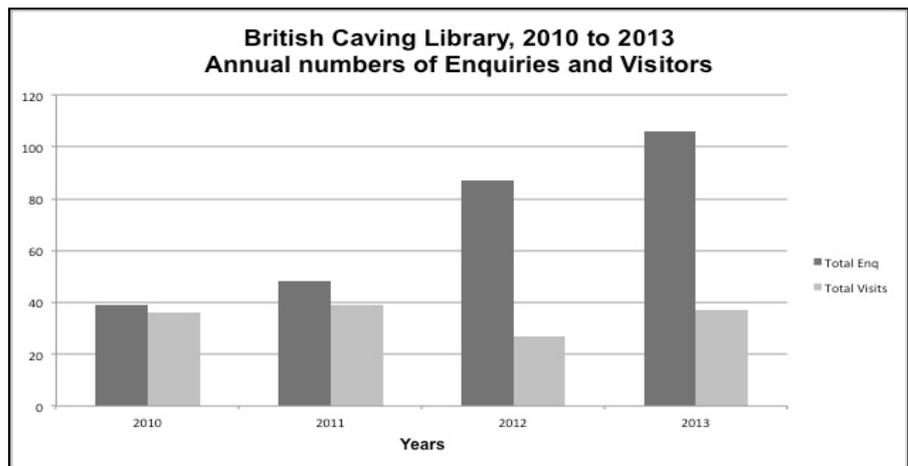
**CDs, DVDs etc.:** these are gradually being catalogued as they arrive.

**Photographic material:** some has been catalogued and some has even been scanned and is on the BCRA Archives website; however, we need an expert volunteer to help deal with the remainder of the very large collection.

**Donations / Liaison:** We continue to receive donations from many cavers, ex-cavers, their families and friends, so all areas of the Library collections are growing, including a sizeable amount of archive material. We try to ensure that duplicate items are passed to other caving libraries to complete their collections and other libraries, in turn, supply missing items for our collection.

**Enquiries:** We collect information on numbers of enquiries and visitors and regularly report these figures to BCA and BCRA Councils. Where visitors contact us in advance we find and collect together the items requested to enable them to make maximum use of their time at the

Library. Visitors may bring their own laptops and make use of the Library WiFi or are welcome to make use of our own computer, scanners and copiers. Prior to 2008, when we moved into the Glutton Bridge premises, there



had been almost no enquiry service and no records were kept; there were no on-line facilities and we know from the old visitors book that visits to the BCRA holdings at the Matlock Local Studies library were in single figures per year. The graph below illustrates the position at the end of 2013 following the consolidation of all the collections at Glutton Bridge in 2010 - rising to a total of 143 enquiries and visitors in 2013. Cavers are now able to use our on-line facilities, which include: the Audio Archives, the BCRA Archives website, the Librarian's Facebook, the On-Line Catalogue, etc.

**Other Visitors:** We have space for groups to visit the Library and it is now regularly used for meetings of caving organisation committees. We hope to increase this service and also to enable some supervised public access.

*Jenny Potts, June 2014*

### **Item 23: Constituent Bodies, Regional Councils etc**

*Verbal reports may be presented at the meeting.*