



Record of joint meeting of the Conservation & Access and Legal & Insurance Committees

7th November 2009 at Welland, Malvern

Present...

Elsie Little (CCC), David Judson (BCRA), Les Williams (CSCC), Linda Wilson (CSCC), David Webb (DCA), Pete Mellors (DCA), Peter Claughton (NAMHO), Kevin Baker (NAMHO),

John Hine (FODCCAG/ Welsh Mines), Maurice Febry (FODCCAG)

Apologies...

Marion Dunn (CNCC)

Item 1... Access to National Trust Properties

a)... The current **Guidelines for Caving and Mine Exploration** agreed between BCA and the NT have not yet been widely disseminated by the Trust to all its regions. Although it was agreed we may put them on our web site this was deemed unsuitable. The Trust are to be asked to disseminate them fully and to expedite putting them on their web-site.

(Action EL)

b)... The **Guidance on the Preparation of Local Access Agreements to Caves and Mines** in its current state was considered. The group had a number of suggested amendments to put to the Trust which made the document more “user friendly” to both sides. This included developing appendices of information regularly required and deemed best provided centrally rather than providing extra work in each disparate case. Similar changes are to be suggested to the **Proposed Terms and Conditions to be Included in Model Agreement**

(Action EL in consultation with L. Wilson)

*It was noted that CNCC are in the process of re-negotiating access terms to **Robinson's Pot**. The negotiator for CNCC is aware of the Committee's current work and has agreed he is prepared to wait for progress until he returns to the country in January.*

Having considered the proposals above it was pointed out that the draft agreement the cavers already have fits into the acceptable pattern in all ways except what we would deem to be an acceptable duration of the agreement before it need be re-negotiated.

Item 2... Insurance as related to access

Many organisations we need to deal with do ask for £5 million cover. Some insist on it despite all arguments.

We considered this and balanced it against rises in cost should we need to raise the limit.

We also record the points that –

- a) one is more likely to be sued if there is the potential for higher profit by the suer.
- b) the necessity is for the litigant to prove a breach of duty of care for the case to succeed.
- c) case law (Tomlinson, Gaping Gill) indicate that individuals hold the liability rather than the landowner who has no control at the scene.
- d) the participants in such sports as ours are deemed to have undertaken the risk knowingly and of their own volition
- e) large organisations are concerned with “events”. We are dealing with sporting caver situations as the professionals hold their own cover at a rate deemed necessary for them.
- f) the “experts” in any caving group are the ones who must be certain to exercise their duty of care to those with less experience.
- g) we, rather than the landowner, are the experts in the underground environmental issues.
- h) Changes in legislation current and anticipated (Owners & Occupiers Liability Act, Coastal Access legislation and CROW) do seem to be working towards reducing the owner liability for natural features and maybe even for man-made features in time.

The outcome was that we decided there is no need to raise the sum yet but that the organisers of the scheme would need to balance the costs against the knowledge that a rise will undoubtedly be needed at some future date. **Economy to be born in mind!**

Meanwhile, any region or club that has a stand-off in negotiating access is more than welcome to seek a second or even a third line of persuasion from officers within the group.(EL/DJ/L.Wilson)

FODCCAG will send copies of the formal agreement they hold with the Forestry Commission that we may all use to assist in out negotiations.

(Action J.H.)

Item 3...Cave monitoring schemes

Monitoring of SSSI sites is progressing generally and all are using the system devised by NCA with English Nature and with the necessary local adjustments.

It was felt by all around the table that it was essential that the checks stay in the hands of the Regional Councils as they can then keep an overarching view. This is vital because the checks will inevitably be subjective and in many cases it is only cavers who can go freely underground to assess the sites.

In some areas the same individual checks annually. In others a number of different individuals check and the Conservation Officer then combines the results into the final report. He can thus check personally on aberrant reports.

In the CNCC area the move is to use a numerical scoring system as well as the verbal description. It was pointed out that this was avoided at the initial development of the monitoring system because it was subjective. It did give opportunity for simple data recording but was every bit as subjective as a description without the potential to readily assess its fairness and reliability.(*In Wales the BGS about to set up the RIGS system have said they prefer to move to a “traffic light system” rather than use a number to quantify the situations.*)We look forward to see how the numerical system works in the CNCC and happy they are retaining the verbal descriptions alongside.

We are re-assured by the knowledge that the scientific quality of the sites is not dependant on aesthetic condition. That the item checked is still present, broken or in tact, is the over-riding factor.

The monitoring is a requirement for SSSIs but the same methodology can be helpful in caring for other sites too.

Item 4... Caver education

It was agreed that, rather than re-issue or re-write previous pamphlets etc we would attempt a fresh approach using small 100 word bite sized releases on specific issues raising underground awareness that may be used in web-based campaigns as well as possibly in paper format.

It was hoped these may reach a wider audience than the more weighty longer documents.
(Action EL)

Item 5... Regional Matters of mutual concern

a) Ogof Draenen... BCA have been approached by the Pwll Du Cave Management Group who seek endorsement that they are the legitimate body dealing with the access and conservation of the cave in conjunction with the owners.

As the next BCA Council meeting is not due until January we considered the position and decided to write declaring them the legitimate negotiating body and supporting their democratic procedures in making the eventual decision as regards the 3rd entrance or indeed other factors.

(Action DJ on behalf of the Committee)

b) Carbon Dioxide... This has been providing a difficulty especially in Mendip and Derbyshire.

We must remember that if we have knowledge of such matters, maybe because of measurements taken, that we have a duty of care to disseminate that knowledge in some way.

In extreme cases it may be necessary to close a site for a while but it was generally agreed that a notice at the entrance to the site or attached to keys if these are involved would be adequate.

It is unclear as yet why we are having these raised levels of CO2 and that research of the subject could be encouraged within the BCRA/university world. The name of Tim Atkinson was suggested as a possible candidate.

(Action DJ)

c) No progress has been possible towards the access to **Pandora Mine** or yet to the **Milwr Tunnel**.

Dorothea Engine House is suffering from vandalism that threatens the pump house engine.

The committee will offer what assistance it can if kept advised of the situation which is complicated by the ownership of the site being unclear.

Item 6... Any other business

a) Lost Caves of Britain.... As part of our drive to inform the caving public in readily accessible manner it is to be considered whether “the Lost Caves of Britain” video could be updated or re-made. The original is to be sought from Sid Perou.

(Action LW)

b) Caver Counters...Linda reported limited success with the cheap version she previously brought to attention. She will re-visit them to check on viability.

(Action L.Wilson)

c) Radon pamphlet... It was asked when the updated Radon Booklet will be available as the detail is needed. This is to be raised with BCA Council

(Action EL/LW)

Next meeting to be arranged subject to need.

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