

British Caving Association

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ADVICE NOTE on PUBLIC RIGHTS OF WAY (PROW) USED for ACCESS to CAVES

The government has decided to act, possibly through changes to primary legislation in England and/or associated activities upon the recommendations of the *Stepping Out Report – recommendations to DEFRA of the Stakeholders Working Party, March 2010*. (NECRO35.ed.1.pdf)

In simple terms *Stepping Out* deals with the possible problem that might well arise in January 2026 when the cut-off date for unregistered PROW, as embodied in the Countryside and Rights of Way Act 2000 (CRoW) comes into force.

Without further primary legislation or more efficient activities in the updating of the Definitive Map and Statement and/or The List of Streets, and/or the Registration of unsurfaced Public Highways in the run-up to 2026 then those public rights of way that had existed before 1949 and have not by then appeared on the Definitive Map, List of Streets or record of unsurfaced public highways will be deemed lost for eternity. That is to say no public access rights over them will be valid or claimable after that date.

This concern does of course not take in the great bulk of PROW that have already been recorded, as above, and should be shown on the current 1:25,000 Ordnance Survey map, nor does it take in private rights of way (over the land of others) that have been recorded in legal documents associated with property ownership.

There is, in our belief, a very small risk that some PROW (mostly Public Footpaths and/or Public Bridleways) that are commonly used by cavers to gain access to caves, or perhaps **the most convenient access to caves** might be lost if local action by those in the know is not taken. Since this is very much a matter associated with local activity and local knowledge we feel that responsibility must in the first instance fall upon Regional Caving Councils (RCCs) and their active member clubs.

We suggest therefore that the RCCs in England and Wales should check with their records (public records) to see if access to any of their caves might be in jeopardy. If there are any such concerns then these should be taken up with the relevant Highway Authority (or PROW Officer if there is one). Where access is by agreement with the landowner, as is often the case, then there is no reason for any concern or likelihood of change. In Scotland the law is very different and we trust that the Grampian Speleological Group will advise us, and seek our help if needed.

If, contrary to our expectations, a considerable number of access problems appear likely to arise then these should be reported to us by the appropriate RCC's Officer so that action at the national level can be taken if considered necessary.

Elsie Little

David Judson

10th June 2012

Approved by BCA National Council 9th June 2012.
