

## The risk of Covid-19 outdoors – a distraction from the real issues

### Description

default watermark

# Neither Johnson nor Sturgeon has got the message right

NICOLA Sturgeon was right to say she does not understand what is meant by Boris Johnson's new message in England, "stay alert". However alert you are, viruses are invisible and hearing an occasional cough won't help much. However, she was wrong to continue the "Stay at Home" message.

The fundamental point is we know that physical distancing is the single most important measure for breaking the transmission of the virus. Moreover, the Scottish Government's own scientific advisory group confirmed last week that the risk of the virus being transmitted outdoors is "significantly lower than indoors" (where there are also hard surfaces that help transmit the virus). That is presumably why the Scottish Government has now lifted its advisory limits on physical exercise; as long as we do this while maintaining physical distancing, it's safe.

In failing to adapt its overall message, the Scottish Government, like the UK Government, is unfortunately also creating confusion. How does the quote in your front page headline, "If we don't stay at home now, more people will die" (The Herald, May 11), fit with the new guidance that it's safe to go out for physical exercise more than once a day?

How can it be that sunbathing, which has been singled out for social opprobrium from the start of this crisis, or that angling will cost

## LETTERS

That message, Stay Apart, is applicable to all areas of life and would provide a sound framework for managing Covid-19 for the foreseeable future. It would enable most work that takes place outdoors, where it's generally easy for people to maintain physical distancing, to resume next week.

The Stay at Home message has resulted in people doing solitary jobs outdoors, like wildlife surveying, being unnecessarily confined to their homes for weeks. That has done nothing to save lives in care homes.

The Stay Apart message could be also used to determine what other jobs could restart, on the proviso that people can get to work while maintaining physical distancing. It would enable Scotland to reopen its garden centres, as the Welsh Government has agreed, and could be used to determine what other workplaces could reopen safely. That should vary from workplace to workplace and sector to sector depending on how feasible it is for workers to Stay Apart. Such a framework would also provide a

clear message to businesses about how to rethink their workplaces and how they might interact with the public in future.

A new Stay Apart message would also help reduce levels of fear and



Letter to Herald 12th May

I had been fairly pleased with my letter to the Herald until I watched, on Wednesday, [the country that beat the virus](#) on Channel 4. Recommended viewing if you have not seen it. South Korea, a country with a population of over 50 million, have not beaten the virus of course, but they are suppressing and controlling it far far better than either the Scottish or the UK Governments. 10,962 cases and 259 deaths on Thursday, compared to 13,929 cases and 1,973 deaths in Scotland. It's all down to their contact tracing system.

Even more amazing is Kerala in India, per capita GDP £2,200, where the Left Democratic Front has so far suppressed the virus through contacting tracing and isolation ([see here](#)). The Government there started planning on 20th January and from the 27th January were testing people arriving by air from China – and isolating some!. Both, put us to shame!

I would have far more confidence in the number of reported cases in South Korea and Kerala than here, because the public health authorities literally hunt down every possible case. In Scotland, until recently, the only way we could tell where the virus is – most notably Care Homes – is because of the number of deaths. Contact tracing should be an absolute priority.

That is also the conclusion of the recently formed independent Scientific Advisory Group, Independent SAGE <http://www.independentsage.org/>.

*“The government should refocus its ambition on ensuring sufficient public health and health system capacities to ensure that we can identify, isolate, test, and treat all cases, and to trace and quarantine contacts. Quarantine should be for 14 days and not seven. The government must develop a clear quarantine and messaging policy, accompanied by real time high quality detailed data about the epidemic in each local authority and ward area.”*

Independent SAGE was formed out of frustration from both our governments selective use of scientific advice and sidelining of public health. All their online deliberations have been recorded on You Tube, quite a contrast to our secretive governments. They have produced a report and list of recommended actions ([see here](#)). A checklist, if you like, to evaluate how our governments are doing.

While the Report is clear its essential to “*maintain social distancing in all places outside the home including transport and workplaces*”, there is no mention of the outdoors specifically, either in relation to work or recreation. The rest of this post looks at how both our governments are (mis-)managing this.

## **The risks of transmission outdoors and indoors**

Anyone fearful of the virus being transmitted outdoors might do well to consider the footage from the Channel 4 film of dozens of people passing each other in the streets in South Korea without any sign of “social distancing”. While I have no doubt masks make some of the difference, South Korea could never have contained the virus if it transmitted easily between people passing close by each other outdoors.

The South Koreans know, however, that the virus is very dangerous. I could not help but notice the

protection offered to their staff who do testing – complete barriers between them and the person tested – and contrast this with news footage of testers at drive in test centres in the UK. Here, testers seem to have been protected by little more than gloves and a face mask. Underpinning the South Korean approach is an understanding that the risk of transmitting Covid-19 varies greatly from the non-existent (the person living alone in the wilds) to the extremely high (hospital settings). By focussing on Personal Protection, where this is needed, and on tracing outbreaks and isolating people who are infected, they can control the virus. Hence how they have avoided lockdown.

The Scottish Government, by contrast, has been trying to control those who don't have Covid-19 in exactly the same way as those who do, by telling people to "Stay at Home". Neither the government nor the people have any real idea where the virus is – apart from Care Homes and hospitals. Hence tens thousands of people are off work unnecessarily – doing immense damage to the economy, including in our National Parks – while thousands of people who shouldn't be at work still are, because they are asymptomatic and don't realise they have the virus. If Kerala can identify potential carriers of the virus using temperature tests, why can't we?

The absence of contact tracing feeds both fear and complacency. Fear because you can't tell who it's safe to meet and who not. Complacency because if after 6 weeks sitting at home you know no-one who has had the virus, it's very easy to conclude its dangers are overrated. To take decisions, we need to know where the clusters of the virus are. Apart from places where people are dying from the virus, the only way we can know this is through contact tracing.

For the last few weeks the Scottish Government has rightly been emphasising the need is to keep the reproduction rate of the virus, the number of new people infected by each case, below 1. However, both Germany and South Korea have shown it's possible to contain temporary increases in the reproduction rate above that level if you trace contacts. If one person on the Isle of Lewis has the virus and passes it on to two friends, that increases the reproduction rate there to two. If the "outbreak" is then successfully contained by isolating all the contacts, the Reproduction Rate within a couple of weeks will reduce to 0.

Within this context, the risk of outdoor activities transmitting the virus and increasing the Reproduction Rate is very low as long as people Stay Apart. This was finally recognised by Scottish Scientific Advisory Group two weeks ago ([see here](#)) but the Scottish Government has been slow to respond. It is time for it to acknowledge that relaxing restrictions on activities that take place outdoors is unlikely to have any significant impact on the reproduction rate of the virus.

The significant risks stem from people being in confined spaces for any length of time, particularly indoors. Even where workplaces, for example, can observe physical distancing – and lots cannot – it's impossible to guarantee that the virus won't spread where people are congregated in the same building. Screens, hand hygiene, regular cleaning will all help but, sooner or later, an infected person will inadvertently bring the virus into the workplace and it will spread. Those risks are much much higher in places like pubs and theatres, and the only way those businesses are going to be able to re-start is when general infection rates drop to low levels and we then control outbreaks where they do occur through contact tracing.

In the absence of contact tracing, Boris Johnson, in telling people to go back to work without distinguishing low from high risk workplaces, was wrong. Conversely, however, Nicola Sturgeon by keeping the "Stay at Home" message has gone too far the other way. The claim that *"The single most important action we can all take, in fighting coronavirus, is to stay at home in order to protect the NHS and save lives"*

is not true. It has had and is having unnecessarily adverse consequences for both people's health and their economic well-being.

## The differences between Scotland and England

After all the noise over the last week about the different approaches to releasing the lockdown in the UK and Scotland, its worth cutting through the party politics and considering what the law and guidance in Scotland and England actually says.

### Scotland

## Outdoor exercise

on

You can go outside to exercise as often as you wish.

Exercise can include:

- walking
- cycling - on road and low-risk paths
- jogging
- running

High risk exercise (that may result in injury and require medical care or emergency services support) should be avoided.

Exercise, however, is not defined to include being outdoors for anything else, most importantly for mental health or, in the case of children for play. With Nicola Sturgeon making it very clear that she doesn't want to see picnics, barbeques or sunbathing, despite the undoubted health benefits the sun brings (and contrary to the latest advice from SAGE ([see here](#))) it really is unclear about whether people are allowed outdoors for their mental well-being in Scotland or not.

The reference to high risk exercise is similarly confusing. What is high risk to one person is low risk to another and risk also varies greatly depending on the circumstances. I can still just about solo severe

rock climbs safely, other climbers solo extremes, while some people would be a liability to themselves one foot off the ground. And so it is for all outdoor activities. This, however, plays to the lobby which is saying no-one should go hillwalking because you might just have an accident.

## **Physical distancing**

It is extremely important that you maintain physical distancing:

- stay 2 metres away from other people apart from members of your household
- maintain hand and cough hygiene
- avoid touching hard surfaces such as walls, fences and park benches

Exercising in crowded areas where physical distancing may be difficult - such as narrow paths - should be avoided.

In the absence of contact tracing, physical distancing is the key. I think it's time the Government got real about park benches. Many people are now cycling to places and then sitting in the sun on park benches. Either the Scottish Government need to tell public authorities to disinfect the benches regularly (as would happen in S.E Asia), or they should suggest people take their own hand gel and clean their hands afterwards or they need to accept the risk is low.

Crowded areas are not the same as narrow paths. Avoiding narrow paths, for example in farmland, is not always realistic and what South Korea should tell us is that passing another person close by in such circumstances is unlikely to be high risk.

The latest "advice" on travel is all over the place:

## Travel

Unnecessary travel should be avoided, so exercise should be done in your local area. You should not drive to beauty spots, parks or beaches.

However, if you (or a person in your care) have a specific health condition that requires you to leave the home to maintain your health - including if that involves travel beyond your local area - then you can do so. For example, this could include where individuals with learning disabilities or autism require specific exercise in an open space.

If you have a disability and need to travel a bit further to appropriate outdoor space where you can exercise safely, you can do so. For example, if you use a wheelchair you can travel to a location that has accessible parking and level access.

There is no rationale for restricting travel in this way. Travel by car, motorbike or bicycle is quite safe, so why advise travel should be in your local area?

The incoherence of the guidance is illustrated by the advice on health conditions and disability. People with disabilities often live in some of the areas with the worst greenspace but then why shouldn't other people living in these areas, people with young children say, also not be allowed to travel. Let's hope that the recognition that the closure of car parks discriminates against people with disabilities – and those in Pollok Park ([see here](#)) were still blocked off to all yesterday despite this new guidance – results in a re-opening of ALL car parks.

That would, instead of forcing people together, allow everyone to disperse through the countryside. The only explanation I can come up with for the continued travel ban for getting outdoors is that the Scottish Government is pandering to the fear coming from the countryside, fear that it has helped create through its “Stay at Home” message and its failure to set up comprehensive contact tracing.

## England

In England, by contrast, there have been significant changes to the Restriction Regulations. These came into force on 13th May ([see here](#)).

Interestingly, given the row about people being forced back to unsafe workplaces, there has been only a minor change in the regulation that covers leaving home to go to work:

“to *travel for the purposes of* work or to provide voluntary or charitable services, where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living;”

In England, the phrase in red has now been removed, in Scotland it remains. The difference appears to me to be a clarification, that the legal excuse for leaving your home is to be working, rather than travelling to work. The only change in the premises that are shut down by law is that outdoor sports courts and garden centres in England may now open. The main differences between England and Scotland, is about what's being said, not about the law.

On outdoor recreation, however, there have been significant changes to the law in England:

**[F12(b)** to take exercise—

- (i) alone,
- (ii) with one or more members of their household, or
- (iii) with one member of another household;]

**[F13(ba)** to visit a public open space for the purposes of open-air recreation to promote their physical or mental health or emotional wellbeing—

- (i) alone,
- (ii) with one or more members of their household, or
- (iii) with one member of another household;]

People can now do exercise with one person from another household. That means two people can legally go off for a bike ride, a canoe or a walk together, something a number of 80 year olds have been quite sensibly doing from the start of the crisis ([see here](#)). It will lead to a tiny increase in the reproduction rate, but not nearly as much as opening communal workplaces, and it seems to me humane. In South Korea, where they have contact tracing, stopping people from having a walk together would appear barbaric.

Allowing people to go outside of their homes once more to promote their “*physical* (absorbing Vitamin D) or *mental health or emotional well-being*” is extremely welcome. It also enables people to travel for outdoor recreation again. It removes restrictions which were never needed. However, this ability to go out only applies to “public open space”. This is narrowly defined and betrays a reactionary agenda set out in the 2019 Tory election manifesto “*We will make intentional trespass a criminal offence*”.



**[F20]** (5) For the purposes of paragraph (2)(ba), “public open space” includes—

- (a) land laid out as a public garden or used for the purpose of recreation by members of the public;
- (b) land which is “open country” as defined in section 59(2) of the National Parks and Access to the Countryside Act 1949, as read with section 16 of the Countryside Act 1968;
- (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000 (see section 1(1) of that Act). **]**

While the definition of public open space is not exhaustive, strangely rights of way and footpaths are not included (they are not included in the definition of Access Land in the 2000 Act). Nor is there any mention of the forest estate.

In my view Boris Johnson’s advice to people that they could go to “beauty spots” was also stupid, because it directed people to a few limited places rather than asking people to disperse in the countryside. It is a consequence of the belief in the Conservative Party in England that much land in the countryside should be “out of bounds” to the public. Nicola Sturgeon’s advice, telling people to keep away from beauty spots goes too far the other way. We need to encourage people to disperse through the countryside while managing the more popular visitor hotspots.

The other major change in the English Regulations is that fines for breaking the regulations have increased significantly in England with maximum penalties increasing from £960 to £3200:

(6) The amount specified under paragraph (5)(c) must, subject to paragraph (7), be **[F29 £100]**.

(7) (a) Unless sub-paragraph (b) applies, a fixed penalty notice must specify that if **[F30 £50]** is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty;

(b) if the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—

(i) sub-paragraph (a) does not apply, and

(ii) the amount specified as the fixed penalty is to be—

(aa) in the case of the second fixed penalty notice received, **[F31 £200]**

**[F32]** (bb) in the case of the third fixed penalty notice received, £400;

(cc) in the case of the fourth fixed penalty notice received, £800;

(dd) in the case of the fifth fixed penalty notice received, £1,600;

(ee) in the case of the sixth and subsequent fixed penalty notices, £3,200. **]**

Since the law on gatherings has not changed, the “lockdown” in England is in some ways now even more stringent than in Scotland. The potential fines for stopping and talking to people in a public park, even if spaced 2m apart, are now very high. A lot depends on policing but the law in England suggests that gatherings like house parties will absolutely not be tolerated.

## Work in the outdoors

While Boris Johnson's message about getting back to work in England was extremely confusing, the actual guidance in England ([see here](#)) is clearer. It segments the economy by type of workplace and risk and has produced detailed advice for each sector, including work outdoors. I think this is right, just like outdoor recreation, the risks of working outdoors are generally far lower than work indoors.



I have run by these abandoned pipeworks daily for six weeks now. That Scottish Gas Networks is installing a new gas pipeline through Pollokshields seems crazy given the Climate Emergency. But, set that aside, equally crazy was stopping the work here. There were three people working here at most and they could have blocked off the whole pavement to keep the public away. Yet they have had to shut down in just the same way as indoor workplaces.

The senselessness of the outdoor shutdown is even greater in the countryside. A recent example from

Scottish Natural Heritage ([see here](#)) explains how staff trying to control the spread of White butterfly “sadly” can’t visit the sites affected because of the current restrictions on travel. The number of outdoor jobs may not be that great compared to indoor jobs, but the money that is being wasted furloughing staff who could have worked safely, would be far better used supporting those who can’t.

While Boris Johnson was extremely rash trying to open up all workplaces – and has already effectively retreated from that with the announcement that furloughing would continue – Scotland has been unduly cautious due to a failure to distinguish the different risks in different working environments.

## What needs to happen in Scotland

The failure to set up contact tracing in Scotland has had disastrous consequences, not just because of the number of deaths but because of the levels of fear it has created. Some people have been so frightened that they have stopped looking after their own health, whether this is seeking medical treatment or getting outside. Meantime, others who have gone outdoors for their health, and undertaken actions like sitting down on a park bench, have been questioned by the police or subject to vigilantes. I will take a further look at how this fear is manifesting itself in the Highlands, and how it’s likely to impact on outdoor recreation in a future post.

Meantime, Nicola Sturgeon has today announced that she will announce some further changes to the lockdown in Scotland next week ([see here](#)). This post has argued that without contact tracing there is a limited amount she can do. However, what the Scottish Government could do safely next week is:

- Change their message from “Stay at Home” to “Stay Apart” or “Keep Apart”
- Change the Restriction Regulations to allow people to go out for their mental health and mental well-being
- Remove the restrictions on travelling for the day to do outdoor exercise (so long as people only travel with members of their own household)
- Remove the restrictions on outdoor work, whether judged essential or not, so long as Physical Distancing can be observed
- Allow people to meet others outdoors so long as they are physically distanced (making it legal for example for people to meet up in gardens or parks)

### Category

1. Access rights

### Tags

1. access rights
2. Covid-19
3. outdoor recreation
4. paths
5. Scottish Government

### Date Created

May 15, 2020

### Author

nickkempe

default watermark