

## Covid-19, freedom of movement and the continued clampdown on outdoor recreation in the countryside

### Description

## Scottish Government COVID-19 Routemap



	Lockdown	Phase 1	Phase 2	Phase 3	Phase 4
	Lockdown restrictions:	As with previous phase but with the following changes:	As with previous phase but with the following changes:	As with previous phase but with the following changes:	As with previous phase but with the following changes:
Seeing family and friends	<p>Strict physical distancing and hygiene measures.</p> <p>Contact should be within own household only.</p> <p>No public gatherings except for meetings of two people permitted.</p> <p>Self-isolation/household isolation if displaying symptoms.</p> <p>Shielding of very high risk individuals.</p>	<p>More outdoor activity permitted – such as being able to sit in the park, as long as physically distanced.</p> <p>Meeting up with another household outdoors, in small numbers, including in gardens, but with physical distancing required.</p>	<p>Able to meet with larger groups including family and friends <b>outside</b> with physical distancing.</p> <p>Meeting people from another household <b>indoors</b> with physical distancing and hygiene measures.</p>	<p>Able to meet with people from more than one household <b>indoors</b> with physical distancing and hygiene measures.</p>	<p>Further restrictions with physical distancing and hygiene measures.</p>
Getting around	<p>Stay at home with essential travel only, staying in local area.</p> <p>Active travel including walking and cycling in local area for daily exercise.</p> <p>Public transport operating with limited service and capacity with physical distancing.</p> <p>Passengers recommended to wear face coverings, only to travel for essential purposes and to avoid busy routes/periods.</p>	<p>Consistent with the reopening of workplaces set out in this phase, where home working is not possible businesses and organisations are encouraged to manage travel demand through staggered start times and flexible working patterns.</p> <p>Permitted to travel short distances for outdoor leisure and exercise but advice to stay within a short distance of your local community (broadly within 5 miles) and travel by walk, wheel and cycle where possible.</p> <p>International border health measures are introduced.</p>	<p>Consistent with the reopening of workplaces set out in this phase, where home working is not possible businesses and organisations are encouraged to manage travel demand through staggered start times and flexible working patterns.</p> <p>People are permitted to drive locally for leisure purposes.</p> <p>Public transport operating increased services but capacity still significantly limited to allow for physical distancing. Travel at peak times discouraged as far as possible.</p> <p>May be geographical differences depending on circumstances.</p>	<p>Can drive beyond local area for leisure and exercise purposes.</p> <p>Public transport operating full services but capacity still significantly limited to allow for physical distancing. Travel at peak times discouraged as far as possible.</p> <p>May be geographical differences depending on circumstances.</p>	<p>Public transport operating full services but capacity still significantly limited to allow for physical distancing. Travel at peak times discouraged as far as possible.</p>

The most important section of the route map for outdoor recreation is “Getting Around” because, unless you can get around, most outdoor recreation in the countryside is impossible.

I read, with mounting disbelief, the Scottish Government’s “route map” out of lockdown ([see here](#)). The fundamental human right of freedom of movement has been reduced to something called “*getting around*”. The advice – we have yet to see whether it can be enshrined in law – is that from next week people may drive 5 miles for outdoor leisure and exercise. Then four weeks later the Scottish Government is saying people should still only be allowed “*to drive locally for leisure purposes*”. Effectively, if enforceable, this would confine people living in urban conurbations to the towns for the next seven weeks and effectively ban for most people most of the activities that come under access

rights, from hillwalking to birdwatching to kayaking.

There is absolutely NO justification for this in terms of reducing the risks posed by Covid-19 – as the countryside is the safest place anyone can be – and it is thus a fundamental breach of human rights. There may still be a case for limiting where people can stay overnight and the premises they can enter, but there is no case for preventing people from going for a walk in the countryside.

On Friday I was on the BBC arguing that preventing people from walking in the countryside has never been justified from the start of the corona crisis and, for example, that car parks at supermarkets pose far greater risks than car parks in the countryside. In arguing this, I am not someone who believes in “herd immunity” or who believes that all businesses should simply open again. On the contrary, I have spent much time over the last three weeks – hence the lack of posts – looking into the Scottish Government’s handling of the Care Home crisis (my old field of work). The Commonwealth published my report on Wednesday ([see here](#)) (and you can get the short version as presented by STV ([here](#))).

My view is that the Scottish Government has failed to take effective action in some areas, particularly settings like hospitals and Care Homes where the virus is still rife, while imposing unnecessary controls in others. Some failures and mistakes were inevitable, even had we continued with contact tracing from the start ([see here](#)), but others were not. The new route map enshrines the mistakes that have been made with respect to Outdoor recreation by limiting people’s ability to travel. The consequences for people’s physical and mental health and the rural economy will be serious.

## How countryside outdoor recreation is being treated compared to other activities

To understand what’s going on, it’s worth comparing how the Scottish Government intends to treat informal outdoor recreation in the countryside, as covered by access rights, compared to other activities in the next few months.

Under Phase 1 (three weeks from 28th May – 18th June (possibly))

The good thing is the Scottish Government, three weeks after England, intends to change the law so people can legally go outside for their well-being as well as for physical exercise

**“Seeing family and friends:** *we are planning in this phase to change regulations to permit people to use public outdoor spaces for recreational purposes, for example to sit in a public space. We are also planning for one household to meet up with another household outdoors, in small numbers, including in gardens, but with physical distancing required.”*

This is a fundamental human right restored and in theory should have allowed people to enjoy outdoor recreation again. However, the ability to exercise this right will remain severely constrained:

**“Getting Around.** *You will also be permitted to travel short distances for outdoor leisure and exercise but advice to stay within a short distance of your local community and travel by walk, wheel and cycle where possible.”*

Now contrast that with:

*“We are also planning for outdoor workplaces to resume with physical distancing measures in place once guidance is agreed.”*

So, you can travel into say the Loch Lomond National Park for work outdoors but not for outdoor recreation. What's more:

**“Sport, culture and leisure activities:** *In this phase we are planning to allow unrestricted outdoors exercise adhering to distancing measures and non-contact outdoor activities in the local area – such as golf, hiking, canoeing, outdoor swimming, angling – consistent with the wider rules and guidance applicable to any activity in this phase.*

This sounds great too, until you realise the implications of the 5 mile travel restriction. Most people living in urban areas effectively won't be able to exercise these freedoms while the freedom of people living in rural areas will continue to be severely constrained. Effectively this allows mainly middle class men to play golf again, while preventing anyone else from doing much. I support the right to play golf but why is golf less of a risk than walking say 30 miles away from your house? A few weeks ago one commentator on this blog went to great lengths to point out that Covid-19 could in theory be transmitted when playing golf by touching the side of the holes, touching flags and picking up droplets from the grass. For a nine hole course that's around eighteen potential transmission points. No-one is likely to touch that many gates on a walk in the countryside so why is golf being allowed but walking away from home not?

Under Phase 2 (possibly 18th June – 9th July)

*“People will be able to drive locally for leisure and exercise purposes.”*

In other words it is proposed to continue the travel ban so that activities like hillwalking are impossible for almost all the population. Meanwhile:

*“Indoor non-office based workplaces can resume, once relevant guidance has been agreed – including factories and warehouses, lab and research facilities –with physical distancing”*

So, the Scottish Government is effectively saying that to travel 30 miles by yourself and go for a walk outside is MORE dangerous than going into an indoor workspace. Moreover:

*“Physical distancing: Pubs and restaurants can open outdoor spaces with physical distancing and increased hygiene routines”*

So, you can sit outside while stationary and have a drink from a bar but NOT go for a walk 30 miles from where you live, AND ”

**“Sport, culture and leisure activities:** *In Phase 2, we are planning a reopening of playgrounds and sports courts with physical distancing, and a resumption of professional sport in line with public health advice.”*

So contact sports like football might be able to start again but you still cannot go for a walk in the

countryside even if you are alone.

And finally there is this for both Phase 2 and 3:

*“There may be geographical differences in approaches to transport depending on circumstances.”*

There is no attempt to explain the thinking behind this but it appears to be code for saying that people may be prevented from visiting certain areas in the countryside indefinitely.

This attempt to stop people going to the countryside, even for day visits, for the foreseeable future is completely wrong. Cars don't spread Covid-19 and nor do people walking, as long as they stay apart. What should be clear now is that the Scottish Government is discriminating against people who want to enjoy outdoor recreation and they are doing this through trying to deny people their right to freedom of movement.

### **Why is Outdoor Recreation being discriminated against in this way?**

I believe there is only one way to explain this and that is about fear in the countryside. I have been thinking about this for nine weeks now and will look at in more detail in another post. But the basic point is that while there is understandably fear among people living in rural areas about Covid-19 being brought into the countryside, the more extreme manifestations of that fear – and I don't believe these views are representative – have for the last 10 weeks dominated the political landscape. The dominant message, whether expressed by certain members of mountain rescue teams ([see here](#)) or politicians like Ian Blackford, who have been railing for weeks against anyone coming into the Highlands ([see here](#)), is KEEP OUT.

These are extremist views. If members of Mountain Rescue Teams don't want to offer a service, that is absolutely their right, but that does not give them the right to decide where people can and cannot go. While millionaire Neil Gaiman was singled out for travelling across the world to Skye, he only got there because 8,000 people a week have been coming through Glasgow from the airport without any tests and hardly a murmur. Which is the greater scandal and why weren't vigilantes out on Glasgow's streets?

This fear and these extremist views coming from rural areas should not be allowed to justify the Scottish Government preventing people from exercising their fundamental right of freedom of movement, which includes being able to undertake day visits to enjoy outdoor recreation in the countryside. Someone driving to a car park in the countryside to go for a walk, or indeed walking past someone's front gate, is not going to introduce Covid-19 into rural communities.

The latest evidence from the Lakes ([see here for link to text below](#)), where there were all sorts of scare stories of visitors overwhelming the countryside, is that since legal restrictions were lifted even popular places can be managed successfully with a little bit of common sense and help from public authorities:



Last updated: 21 May 2020

## Safer Lakes.

Please help protect our communities, observe social distancing and stay safe.

When the time is right, we look forward to welcoming visitors back to the Lake District. We are working with our partners to put measures in place that will help keep people safe.

[Check how busy car parks are across the Lake District National Park](#)

**From 13 May** we started to safely re-open our LDNP Authority-operated car parks around the Lake District. We have put social distancing measures in place to help our visitors stay safe, including contactless queuing, 2-metre queuing signs and online information to help people plan their visit.

**Saturday 16th May**, we are now patrolling car parks across the Lake District National Park throughout the day. Update the status on each visit. If a car park is red, please do not travel to this area, choose somewhere else. You might discover a great new place to enjoy!

While I doubt any country car park is worse than the supermarket, alerts that car parks are busy,

distancing measures and the patrols put in place by the Lake District National Park all help re-assure people. Our National Parks and Public Authorities in Scotland should learn from that for later in the summer when visitor numbers normally peak. We should not, however, have to wait for our public authorities to get their act together – they have had ten weeks now to prepare for this – to re-open the countryside for day visitors. Scotland has far more space than England and there never has been a good reason not to use it for day visits.

## **What needs to happen**

The Scottish Government needs to recognise that the proposed travel restrictions in its route map intended to keep people within a 5 mile radius of their homes are disproportionate, discriminatory and contrary to fundamental human rights of freedom of movement. They need to be removed and outdoor recreation needs to be placed at the heart of Phase I of its route map out of the lockdown.

Only when people living in the countryside start seeing visitors again and realise that they don't pose any serious threat will the fear in the countryside start to abate. Effective tracking and isolation of people with Covid-19 – which is due to start this week – will also help reduce the risk of anyone infected transmitting the virus, whether in their own area or outside of it. That should provide added re-assurance to people living in rural areas who are unnecessarily worried about visitors walking or even driving past their front door/gate.

Until outdoor recreation re-starts, it will be impossible to re-start any aspect of the rural tourism industry which was the bedrock of the rural economy. Unless the Scottish Government allows day visits now, it's almost impossible to see how they could allow self-catering and other such businesses – where there is very low risk of Covid transmission – to open by the school holidays. The financial collapse of rural businesses, which I will consider in a further post, has already reached devastating proportions and threatens to make the economic fall-out from the Foot and Mouth Crisis appear a picnic.

There is a large overlap in the interests of outdoor recreation and the rural tourism sector, as the Foot and Mouth crisis in 2001 proved, and there is now an urgent need for a plan that incorporates the interests of both. Unfortunately the latest Scottish Government route map fails to do this. Its starting point should be that because rural tourism is outdoor based, those activities that take place outdoors or don't require people to mix indoors (like staying overnight in self-catering accommodation) should re-start as soon as possible. The more complex activities, where there is some potential for the virus to be transmitted, should then follow at a later date.

## **Category**

1. Access rights
2. National Parks

## **Tags**

1. access rights
2. Scottish Government
3. Tourism
4. visitor management

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