

The Scottish Government's approach to outdoor recreation is not justifiable

## Description



Queen's Park in the snow 10 days ago - getting outdoors for Outdoor Recreation is as important to us all, children and adults

I was not expecting the Scottish Government to relax the current rules on Outdoor Recreation when Nicola Sturgeon made her announcement in the Scottish Parliament last week and I was right. While P 1-3 children will be allowed back to school this week, a welcome move but one which has some risks (there is now some evidence from England that young children can spread Covid-19 in schools ([see here](#))), families are still very restricted where they can take their children. Those who live in local authority areas away from the sea, for example, are still not officially allowed to take their children to the beach.

While the Scottish Government has rightly argued it should put the welfare of children first and allowed children under 12 to continue to meet up in groups, it continues to have a blind spot when it comes to the benefits of outdoor recreation to people of all ages, whether children, young people or adults. This post takes a look at the issues in the light of the latest evidence.

## The evidence on spread of Covid-19 and Outdoor Recreation

I must admit I was slightly nervous about the hundreds of people who gathered in my local park to enjoy the snow and ice on the pond because, although I believed the risks of spreading Covid-19 were

low, based on my reading of scientific research, there is never no risk and had there been an outbreak of Covid-19 I feared current restrictions would be tightened. It was therefore very re-assuring to read this week ([see here](#)) from a real expert that to date there is no evidence that people gathering in places like beauty spots have been responsible for outbreaks of Covid-19:

**40m ago** 13:54 There has never been a Covid-19 outbreak linked to a beach, MPs have heard.

Images of crowded beaches across the **UK** drew outrage as people **flocked to Britain's beaches last summer**, prompting police to step in and ask people to stay away from some popular spots.

But Prof **Mark Woolhouse**, professor of infectious disease epidemiology at the **University of Edinburgh**, told the science and technology committee today:

**“**Over the summer we were treated to all this on the television news and pictures of crowded beaches and there was an outcry about this. There were no outbreaks linked to crowded beaches. There's never been a Covid-19 outbreak linked to a beach ever anywhere in the world to the best of my knowledge.**”**

Prof Woolhouse, who is a member of the SPI-M modelling subgroup of the scientific advisory group Sage, told MPs that mass gatherings - such as a horse racing event - are an exception because they do not involve social distancing and there are “pinch points” like travel and refreshment facilities, PA media reports.

SPI-M = Scientific Pandemic Influenza modelling SAGE = Scientific Advisory Group on Emergencies

And,

He explained:

**“** I think we probably could have considered reopening schools much sooner in the first lockdown. The other thing, quite clearly, is outdoor activities. Again, there was evidence going back to March and April that the virus is not transmitted well outdoors. There’s been very, very little evidence that any transmission outdoors is happening in the UK. Those two things, I think, could have been relaxed sooner in the first lockdown.

This chimes with my own experience. I go running every day, have done for over 5 years now, and a reasonable estimate is that since restrictions were first introduced, I have passed an average of 50 – 100 people each time I have been out. Sometimes its been a handful, sometimes 300 or more, but in the c330 days since lockdown first started that comes to a minimum 16,500 people. I am careful, I generally avoided meeting people indoors even when lockdown was relaxed and outdoors I swerve round people if I can and if I meet friends and stop to talk I keep 2m physical distance. Nevertheless I must have had dozens of momentary encounters of less than 2m, although many fewer than those I have had during my weekly trips to the supermarket. I have not caught the virus yet. I suspect that if researchers looked at people living in towns who are lucky enough like me to live in households where no-one needs to have contact with others indoors, but who get outdoors frequently, very few if any would have caught Covid.

The evidence, I suggest, should tell us several things:

- that the risks of transmission of Covid-19 outdoors is even lower than for young children in schools and it therefore makes no sense for the Scottish Government to continue to ban families from visiting the beach;
- that the Scottish Government had NO need to be worried about people “flocking” to beauty spots last summer ([see here](#)) and should not have allowed rural infrastructure to be shut down;
- that the action taken by the police last spring and summer against people who were out of doors, whether this was fixed penalty notices to visitors to Balloch ([see here](#)) or using the criminal law was not just disproportionate, it was unnecessary ([see here](#)) and as a consequence all the penalty notices and charges that resulted should now be annulled;
- and, that our Public Authorities should have opened up far earlier than they did last summer ([see here](#)).

Unfortunately, the current guidance on Outdoor Recreation in Scotland fails to reflect this evidence and is a guddle.

## The current law and guidance on outdoor recreation

While the revised Coronavirus Regulations issued on 4th January introduced new restrictions on meeting people outdoors, they also added "outdoor recreation" to the list of "reasonable excuses" for leaving home ([see here](#)). This means that people can travel up to five miles outwith their local authority area not just for exercise but for recreational activities like birdwatching or enjoying the scenery safe in the knowledge that this is quite legal.

The First Minister failed to mention outdoor recreation explicitly in her speech on the new restrictions on 4th January: "Unlike the lockdown last year, the frequency of outdoor exercise is not being limited" though she did say it was important "for physical and mental health that we can get outdoors for fresh air and exercise as much as possible". No-one would know from the reference to "fresh air" that the law had changed to enable people to travel for outdoor recreation as well as exercise.

That might not matter if the guidance on the Scottish Government website was accurate. The Stay at Home infographic ([see here](#)), however, while stating you shouldn't meet more than one other person for recreation, fails to say anything about either exercise or outdoor recreation under travel:

## Travel and Transport



Only leave home if it's essential and avoid unnecessary travel. You should stay close to home as possible.

Leaving your home to go on holiday, in Scotland, the UK or abroad is not allowed.

The fuller "Stay at Home Guidance" ([see here](#)) does slightly better, explaining the law for exercise but again makes no mention of Outdoor Recreation.

"There is a list of examples of reasonable excuses below"

- local outdoor informal exercise such as walking, cycling, golf, or running (in groups of up to 2 people, plus any children under 12, from no more than 2 households). Exercise can start and finish at a place in your local authority area (or up to 5 miles from its boundary), but you should travel no further than you need to reach to a safe, non-crowded place to exercise in a physically distanced way.

Throughout, there is a tension between the advice, which generally urges people to stay as close to home and travel as little as possible and the law which, if you are lucky enough to live in a rural area, entitles you can travel miles for exercise or recreation: "Although you can leave home for these purposes, you should stay as close to home as possible" "Travel no further than you need to reach to a safe, non-crowded place to exercise in a socially distanced way. To minimise the risk of spread of coronavirus it is crucial that we all avoid unnecessary travel."

The last sentence is simply not true when it comes to travelling for outdoor recreation.

## What needs to change

Here is Mark Woolhouse again:

---

*“This is not a subtle picture,” he said [to the UK Parliament’s Committee]. “The published studies were already quite clear at the time but after the reaction to my comment I am now concerned that this is not fully understood and maybe this is something the politicians do need to factor more into their thinking. As they make their plans to get us out of this, maybe they do need to be reappraised of where the risks really lie.”*

His is not the only voice, here is Lucy Yardley, a professor of health psychology at the University of Southampton who sits on Sage:

*“It’s a really important message, and this is the right time to push it home,” she said. “The difference between indoor and outdoor is huge. Every report about restrictions and enforcement focused on outdoor contacts distracts from the places where the transmission is really happening.”*

Contrast what the science is saying to the political position of the Scottish Government, as announced by Nicola Sturgeon last week, which starts with the obvious:

*“Lockdown has been working.”*

Before wrongly concluding that:

*“Even a slight easing of restrictions now could cause cases to start rising rapidly again.”*

The mistake here is the failure to distinguish what is important (minimising occasions when people meet indoors), from what is not (people meeting outdoors). The risks of Covid-19 being spread by people travelling out to countryside for a walk have always been minimal so long as they stay outdoors and the increased risks of four, rather than two people from two households meeting up outdoors would also appear to be tiny. Despite the evidence and despite the success of the vaccination programme, however, Nicola Sturgeon last week indicated that *“because of the new, more infectious variant, our exit from lockdown is likely to be even more cautious than it was last summer.”* That caution might be justified when it comes to indoor venues opening up, but it shouldn’t be the case for the outdoors.

The muddle continued when Ms Sturgeon equated people going to stay in hotels with people going to stay in self-catering accommodation: *“we are likely to advise against booking Easter holidays, either overseas or within Scotland, as it is highly unlikely that we will have been able to fully open hotels or self catering accommodation by then.”* Hotels and self-catering (and indeed second homes) should be treated as totally different cases: the first like re-opening bars and cafes risks bringing people into contact with others indoors, the other doesn’t. The benefits of opening up self-catering to enable all the health and social care staff who have been put through the mill in this crisis to get a proper break should be obvious, but instead Ms Sturgeon stated that in the summer *“staycations might be [possible] but this will depend on the data nearer the time.”*

Ms Sturgeon’s argument then moved from *“in a world where we can’t do everything immediately,”* which is true, to *“we will need to decide what matters most to us. That’s why you will hear me and other Ministers talk increasingly about trade-offs.”* That is false. The Scottish Government could fix what is safe now, but instead argues that *“being able to get children back to education may mean the rest of us living with some other restrictions for longer.”* Again that might be true for going indoors to pubs and restaurants but is not the case for outdoor recreation, there need be

no trade off between schools and outdoor recreation. Indeed as I argued at the start of this post it would be in the interests of the mental well being of children and families to let them travel to get outdoors.

## **The wider failure to understand or appreciate outdoor recreation**

Sadly, I have heard no-one in the Scottish Government who is prepared to advocate for outdoor recreation, whether from a Covid-safety perspective or more generally. Despite some rural areas being overwhelmed by visitors last year and despite the likelihood that demand will be even higher this year, the Scottish budget for 2020/21 included a paltry Â£6.2m in funding for rural infrastructure:

*â??The Scottish Government will provide Â£55.1 million for tourism. Recognising the acute impact seen by rural communities, it will double the Rural Tourism Infrastructure Fund, to Â£6.2 million, helping communities make improvements to cope with increased visitors, such as parking areas, visitor facilities and recycling points. This will support the resumption of domestic tourism when the time is right.â?•*  
[\(see here\).](#)

Our population is estimated to be 5.46 million so the budget provides Â£10 a head for promoting visitors to come to Scotland but just over Â£1 a head on infrastructure to support that. No wonder parts of government, like the Loch Lomond and Trossachs National Park Authority, act as if they would prefer people to be locked in the cities indefinitely rather than provide the sort of infrastructure needed to enable them to enjoy the countryside.

### **Category**

1. Access rights

### **Tags**

1. access rights
2. Camping bye laws
3. Covid-19
4. Scottish Government
5. Tourism

### **Date Created**

February 22, 2021

### **Author**

nickkempe