

The relaxation of travel restrictions on outdoor recreation and the Lomond & Trossachs National Park

Description

Main points

At Level 4:

- you can meet in groups of up to 6 from 6 households outdoors in your garden or a public place
- you can travel anywhere in Scotland to meet others for the above purposes - but you must not stay away from your local council area (or for Highland or Argyll and Bute, the Level 3 or Level 4 part of those areas that you live in) overnight

Extract from latest Scottish Government guidance

Nicola Sturgeon's announcement last week that the restrictions on travel within Scotland for outdoor recreation would be relaxed on 16th April, ten days earlier than scheduled, took most people by surprise.

The legal restrictions on travel which were first introduced on 27th November remain in place, meaning that you still can only travel outside your local authority area to go indoors in certain specified circumstances. But the list of reasonable excuses for travelling now includes meeting up with others outdoors and to undertaken exercise or outdoor recreation, so long as it is only for the day:

- [F95**(t) undertake exercise or recreation—
- (i) outdoors,
 - F96**(ii)
 - (iii) is either undertaken—
 - (aa) alone,
 - (bb) with members of the person's household,
 - (cc) in a gathering within the meaning of paragraph 12(1)(a) **F97** ... or (c),
 - F98**(dd)
 - (ee) in a gathering within the meaning of paragraph 13(1)(a), or
 - (ff) in a gathering within the meaning of paragraph 13(1)(b), **[F99** and,
 - (iv) does not involve an overnight stay outwith the area in which the person lives**]]**

Extract from the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 20) Regulations 2021

Sub-clause (ii) of the provision dealing with outdoor recreation and exercise, which required people to start and finish from the same place (within five miles of their local authority area), has been repealed. Generally this greatly expands the options for people to enjoy outdoor recreation: drivers can effectively go as far as they want for the day; its no longer illegal to take public transport out of your area for outdoor recreation purposes; and its now clearly legal to do one way journeys, e.g get the train out of a town and then cycle back.

Sub-clause (iv), which requires people need to return to their own local authority area overnight, is new. Arguably this could, until 26th April, make it harder to go camping outside your local authority area as part of a backpacking or cycle tour. Previously, as a result of the way the legislation had been drafted, multi-day tours for exercise or outdoor recreation purposes were probably lawful so long as you started and finished at the same place.

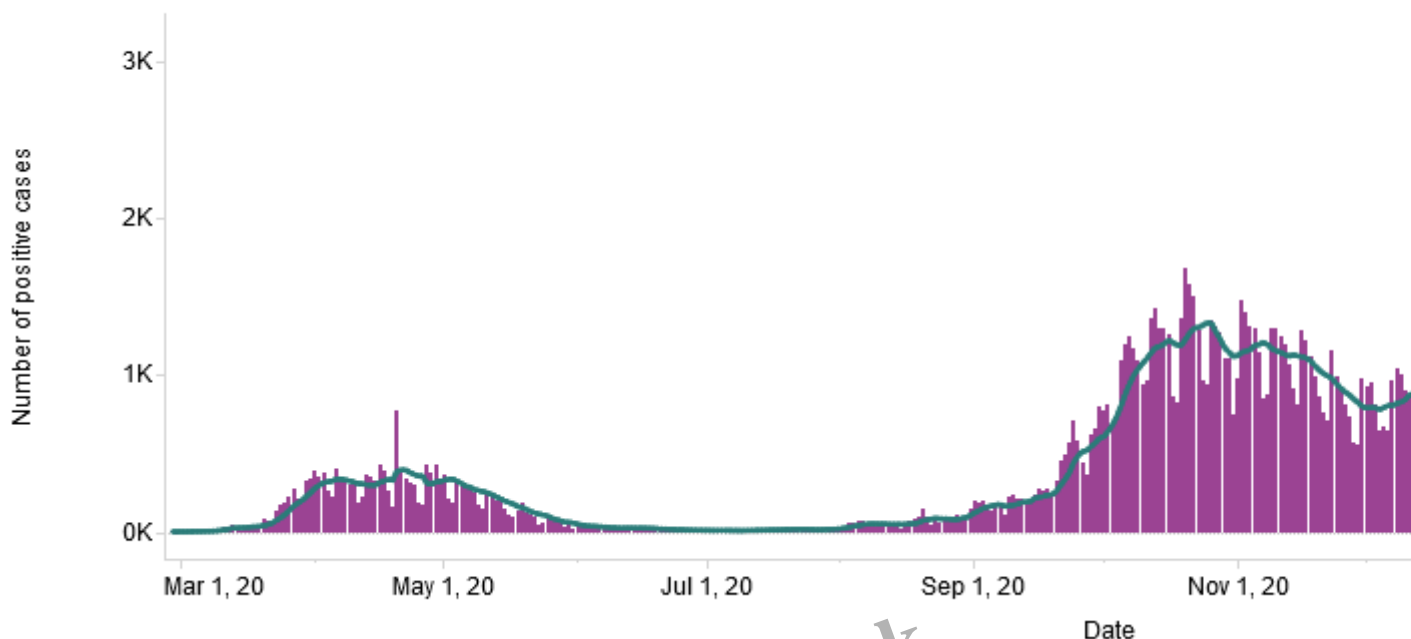
What's the rationale behind the change?

Nicola Sturgeon placed far more emphasis in her announcement ([see here](#)) on the Scottish Government relaxing the travel restrictions to allow people to meet up with others outdoors, than she did on outdoor recreation. Possibly that was because the risks of spreading Covid-19 through meeting up with others is so much greater than for outdoor recreation. But that prompts the question, why couldn't the restrictions on travel for outdoor recreation have been lifted earlier?

The First Minister's explanation for bringing forward the changes from 26th April was that Covid cases had dropped by 40% in the last couple of weeks and that the *"figures we are seeing now represent the lowest level since late September last year"*. The second part of the explanation appears to be not true. According to the Scottish Government's own data ([see here](#)) there were 793 new cases on 30th September (the highest number recorded up till then though between the March and May peak far fewer people were tested). Cases had reduced to that level again on 22nd February, i.e seven weeks before Nicola Sturgeon's "surprise" announcement.

Scottish Government advice on restricting travel for exercise/outdoor recreation in response to the second wave of Covid-19 was only re-introduced at the end of October, when rates had reached over 1,300 new cases a day, and legal restrictions were introduced for the first time a month later. The number of Covid cases had dropped back to October levels by the end of January:

Positive cases by specimen date in Scotland



NB due to lack of testing, cases in March to May were significantly under-recorded, hence why the “f

The Scottish Government has, therefore, chosen to wait to lift travel restrictions until Covid levels were far lower than when it originally imposed them. In the course of her announcement the First Minister stated that “*we are legally obliged not to keep any restrictions in place for longer than they are needed*”. So, what was the Scottish Government’s justification for imposing legal restrictions on travel for outdoor recreation and why have they been kept in place so long?

By the time the Scottish Government imposed travel restrictions at the end of November, the scientific evidence was very clear that the risks of spreading Covid-19 through outdoor recreation was very low. Based on this evidence, the Scottish Government should have continued to allow travel for the day for exercise or outdoor recreation so long as transport was not shared. The fact that they have now amended the Coronavirus Restrictions Regulations to allow this, shows that this would have been quite possible to do.

When the more transmittable Kent variant of Covid-19 started to emerge in mid-December, a more restrictive approach might have been justified for a short time until the risks of transmission outdoors became clearer. But as cases started to drop despite the thousands of people enjoying city parks during the cold spell ([see here](#)), it should have been obvious that there was no justification for continuing to limit the distance people could travel for outdoor recreation.

There is therefore a very strong argument that the Scottish Government’s justification for limiting travel for outdoor recreation should form part of the public inquiry into their handling of the Covid crisis which the First Minister has promised for later in the year ([see here](#)). Alongside the evidence of the risks of spreading Covid-19 through outdoor recreational activity, the inquiry should also look at the serious impacts on people’s physical and mental health that has resulted from the restrictions. This week a very interesting piece of research was published from America showing that reduced physical activity by students, including in places like gyms, during the Covid crisis has resulted in large increases in

depressive illnesses ([see here](#)). As Parkswatch has been arguing for the last year, with gyms and other indoor facilities necessarily closed the Scottish Government should have been encouraging people to get out into the countryside, not fining them.

Ongoing anomalies in the law

Had the restrictions on travel for outdoor recreation or exercise been lifted earlier, the Scottish Government might have been able to resolve some further anomalies in the law:

- If you live near the border, it is still potentially unlawful to step over it to go for a walk or a paddle in the sea, as the border restrictions are not being lifted until 26th April. People who live on either side of the border are still being affected in ways that the rest of the population aren't.
- The unfairness of people living in rural areas like Highland or Perthshire being able to stay away from home overnight in tents or campervans when those living in built up areas or small local authorities are banned from doing so continues.
- The lifting of restrictions on staying out overnight (where there is almost no risk) on the same day, 26th April, that self-catering is opening up (where there is some risk) and on the same day that “*Pubs, cafes and restaurants will be also able to fully open outdoors..... – and indoors on a more restricted basis*” is certainly not based on any science. While keeping quiet about camping and self-catering, the First Minister commented: “*It is worth noting that the restricted indoor opening of hospitality on 26 April, will be actually three weeks ahead of the indoor opening of hospitality in England.*” Maybe that is justified for indoor hospitality, but if so people should have been allowed out to camp weeks ago and could have been allowed to book self-catering over the Easter holidays.

The response of the Loch Lomond and Trossachs National Park Authority

While the Loch Lomond and Trossachs National Park Authority did, apparently, manage to deploy some mobile toilets before last weekend, its website today ([see here](#)) shows it was not properly prepared for the influx of visitors to the National Park last weekend. Here is an extract:

| Location | What3Words location | Facilities | Car pa |
|--|--|--|-----------------------------|
| Firkin Point | honey.mend.shine | <ul style="list-style-type: none"> • Car park • Toilets | Open |
| Milarrochy Bay | parrot.hiker.heartened | <ul style="list-style-type: none"> • Car Park • Toilets | Open |
| Sallochy | tweed.copper.reserving | For information on the opening of this site and its facilities please visit Forestry & Land Scotland | Open |
| Glen Finglas | lake.upper.positions | <ul style="list-style-type: none"> • Car Park • Toilets <p>For information on this site and its facilities please visit The Woodland Trust</p> | Closed April |
| Duncan Mills Memorial Slipway | galaxy.rooting.amphibian | <ul style="list-style-type: none"> • Slipway • Car Park • Toilets | Closed April |
| Loch Lubnaig (The Cabin at Loch Lubnaig) | emerge.skies.trek | For more information on the opening of this site and its facilities please visit The Cabin at Loch Lubnaig | Closed notice |
| Tarbet | haven.forgiving.useful | <ul style="list-style-type: none"> • Car Park • Toilets | Open |
| Three Lochs Forest Drive | defends.passport.otter | For information on the opening of this site and its facilities please visit Forestry & Land Scotland | Access closed from 3 Easter |

Some of this information is well out of date. The position of the the toilets at Tarbet has not been up to date. The Cabin's website states its due to re-open 26th April

Comment:

- what does the LLTNPA think visitors do once toilets have closed at 4pm?
- why shouldn't boat users who use the Duncan Mills slipway not now be able to enjoy Loch Lomond?

Even more worrying is the LLTNPA's main message to visitors:

We know from last summer that after a long time staying home, lots of people will want to travel to the Park. We have been working hard on extensive preparations to welcome you, including additional extra toilets and more car parking spaces. However it's more important than ever to plan ahead to make your visit as safe and enjoyable as possible.

Is now the right time to visit?

Before any visit please think carefully about whether the time is right and if your visit is in keeping with the Government's guidance.

Please familiarise yourself with the latest [national guidance](#).

[Overnight stays outside your local authority are not yet permitted](#).

So where does the LLTNPA believe people should go? The National Park was set up in large part because the area is so important to people living in the Glasgow conurbation. The LLTNPA, however, would clearly prefer it if people stayed away and have been backing up this message with a whole lot of actions that make it harder for people to visit ([see here](#)).

The contrast with the Cairngorms National Park Authority (CNPA)'s response to the change in travel restrictions, which while careful is very different in both tone and content, is striking ([see here](#)).

While the CNPA is encouraging people to plan ahead, there is nothing on the LLTNPA website that might encourage people to try anywhere except the usual honeypots. One suspects that the reason for that is if the LLTNPA recommended other places they might be forced to provide basic infrastructure like car parks and litter bins elsewhere. The LLTNPA's lack of ambition over the last few years in trying to improve opportunities for outdoor recreation, for example its minimalist approach to its core path network ([see here](#)), will I believe come back to haunt them this summer. And, despite it now being perfectly legal to go camping in your local authority area, the LLTNPA has still not opened up its camping permit areas to residents of Perth and Kinross, Stirling and Argyll and Bute and continues to use the camping byelaws for purposes that were never intended.

Category

1. Access rights
2. Loch Lomond and Trossachs

Tags

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2. camping

3. Camping bye laws
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