

The Scottish Government's continued restrictions on the right to travel for outdoor recreation

Description



Sunset from just below the summit of Aà??Mhaighdean

Last week I went walking and camping in the north west of Scotland with friends and did something I have always wanted to do, spent the night on the summit of Aà??Mhaighdean. Magic!

In doing so, some of our small party left Glasgow, where the coronavirus travel restrictions still applied ([see here](#)). I believe we had a reasonable excuse for doing so, the trip was important for our physical and mental well-being â?? added to which the weather forecast was good and we wanted to be able to enjoy the best Scotland has to offer before the midgie season starts in earnest! The point of going public about what we did is to show that its quite possible to travel over most of Scotland by car for the purposes of outdoor recreation without posing any risk of spreading Covid-19 â?? and to defend the

right to do so.

Having kept away from people in Glasgow â?? no cafes or pubs for me â?? and with all the party having had both doses of the vaccine, the risk of having Covid-19 were very low. But I took advantage of the local testing centres set up on Glasgowâ??s Southside to take a PCR test and then, on the morning of travel, took a Lateral Flow test. Both results were negative and I could have shown the police if challenged. In truth though, anyone who had been as careful about contact with others could have taken neither vaccines nor tests and posed as little risk.

We got to Dundonnell and back with spare fuel in the tank, so had no contact with service stations. We were self-sufficient in food for the week and did not go into any shops. Not that there were any in the area we stayed. We kept away from settlements and had no contact with local people, even though I believe there were safe ways we could have supported the local economy.



Looking north across Fisherfield, from Beinn Tarsuinn to An Teallach, one of Scotlandâ??s finest wild landscapes

Our only contact was with other walkers. We met a few on An Teallach and doing the round of the Fisherfield Six but none, surprisingly, beyond the car parks in two days out and about around the

Fannichs. In all cases it was easy to maintain our physical distance.



An Teallach from our "roadside" campsite by Dundonnell River

After three days backpacking, we camped 100m below the A832 between Braemore Junction and Dundonnell, five miles from the nearest habitation. While other people were stopping off overnight along the road, in four evenings we saw nobody and after about 8pm there was no traffic. Other people who had camped here had left no trace and neither did we. The Covid crisis has made the right to camp by the roadside more important than ever before, its even safer than staying in a campsite or in self-catering accommodation.

Midway through the week we heard the announcement that the Scottish Government was going to move the City of Glasgow to Level 2 Restrictions from the Saturday ([see here](#)) after claiming that Covid cases, which were down slightly, were now under control. The same claim had been used three weeks earlier to justify not imposing travel restrictions on East Renfrewshire. But cases there have continued to rise and the rate is still higher than the recent peak in Glasgow. As the First Minister admitted to the Scottish Parliament "if we looked at just the raw numbers, it could be argued that some of these areas should be in Level 3"³.

Nicola Sturgeon's statement has important implications because the Scottish Government has not amended the recent regulations ([see here](#)) that restrict people's right to travel out of Level 3 areas for outdoor recreation. Instead, they have loosened the criteria used to determine which local authorities should be placed at what level, so this becomes a matter of "judgement" which does not appear susceptible to any rational challenge. Wherever you live, therefore, if cases rise in future you could well find your right to travel for outdoor recreation once again restricted.

Unfortunately, neither the bodies that have a duty to promote enjoyment of the countryside (Naturescot and our two National Park Authorities), nor our politicians, nor the organisations that represent recreational interests have challenged the legal basis for these restrictions. Under international law, restrictions on human rights, which includes the right to freedom of movement, must be proportionate. As this post has, I hope, shown, there is absolutely no justification for the Scottish Government's continued restrictions on people's rights to travel by car for outdoor recreation. Its time for a bit of solidarity across Scotland among those who enjoy outdoor recreation and that the Scottish Government was forced either to justify publicly its restrictions or to amend the law.

Category

1. Access rights

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2. Covid-19
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