

## **Doc 6: (Stage 2) Assessment of specific restrictions and measures: Being outdoors and staying local**

### **Restrictions under assessment**

The specific restriction set out in the Regulations related to this assessment are the restrictions on movement and gatherings during the emergency period (Regulation 8 of The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020).

These restrictions reflect the “stay at home” requirement. They state that no person may leave the place where they live without a reasonable excuse. Paragraph (2) sets out a non-exhaustive list of things a person might need to leave home to do and which would be considered to be a reasonable excuse. This structure follows the equivalent provision in the Regulations in other parts of the UK, albeit with small differences to the list of reasonable excuses. The rationale for the restrictions is that they are proportionate methods of minimising the transmission and incidence of the virus. That is clearly a key consideration and given the very strict restrictions being imposed on individuals, the justification for these restrictions will have to be kept under review.

There are also related restrictions within the Regulations linked to the closure of specific businesses and sites (Regulation 4 and Part 2 of Schedule 1). The rationale for requiring the businesses and services listed in Parts 2 and 3 of Schedule 1 to close is that they are predominantly public-facing businesses and services where members of the public would be on the premises, but they are not providing essential services to the public during this emergency period. If a decision to allow people to leave the place they live for additional reasons outdoors, the blanket closure of sports courts and museums should be reconsidered where they operate outside and can adhere to physical distancing guidance. The closure of businesses outdoors should also be reconsidered and this is discussed in Doc 8 (Working and running a business).

There are restrictions requiring the closure of public paths and land that were introduced to prevent gatherings at specific sites where people would congregate (Regulation 9). This provision was first included in the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020 in response to concerns about the numbers of people travelling to certain public land as part of their exercise during this period of emergency (in particular the record numbers who travelled to Pen y Fan). The provision was included as the most straightforward way to deal with the issue, and the onus was put on local authorities, national park authorities and the National Trust to close those places where most people congregate. The Regulation allows for those responsible authorities to remove these restrictions without requiring amendments to the Regulations. The Regulations remain appropriate as it is not expected that all paths or public land will reopen, in particular it is expected that ‘honeypot’ sites will remain closed to deter tourists.

The assessment below is organised into Principal Assessments which must provide the basis for Ministerial decisions and Secondary Assessments which Ministers should have regard to in making those decisions. The Principal Assessments draw

heavily on advice from the Welsh Government's Technical Advisory Cell (TAC), which in turn draws on advice from SAGE and its sub-groups in coming to consensus advice. The Secondary Assessments seek to address obligations in the Well-being of Future Generations Act, Equality duties and the United Nations Convention on the Rights of the Child.

#### **Recommendations:**

- **To amend the Regulations so the 'stay at home' provisions are converted to 'stay local' provisions to allow for outdoor activity within an area local to the place a person lives.**
- **To define in guidance 'local' in relation to the stay local provisions and to emphasise the continued requirement for 2m physical distancing outdoors.**
- **To note the recommendations in the *Seeing Friends and Family* assessments (Doc 5) which complement these:**
  - **To amend the Regulations to allow two households to meet outside, subject to physical distancing being maintained.**
  - **For guidance to clarify meeting another household outdoors can take place in private outdoor spaces (e.g. gardens) and to set out required precautions.**
- **To signal the likely removal of restrictions during the next review on outdoor sports and recreation activities where physical distancing is possible. As part of this to encourage preparations to be made for the reopening of managed outdoor museums, managed outdoor sports courts and training for non-professional elite athletes where it is safe to do so.**

## Principal Assessments

The principal assessments under this section form the basis for the Ministerial decision that needs to be taken.

### 1. Impact of maintaining or easing a restriction on containing coronavirus

Due to the nature of the legal power, and the gravity of the public health emergency, the consideration of this impact is the most fundamental assessment that needs to be made, and the subsequent assessments below are set against that context.

Advice from TAC for the 7 May review suggests that opening up public spaces (parks, gardens, nature reserves) would be very likely to increase the rate of transmission to less than 1. There would be a slight increase in the call on NHS capacity, but within current capacity. TAC advised that current social distancing policy should remain in place. Within this context increasing time outdoors whilst social distancing is also not likely to impact R or hospital capacity. Opening up public spaces was considered as the least likely to affect Rt of the options considered during the 7 May review. 'Switching on' access to parks has a 89.7% probability of keeping R below 1 (95.9% in an optimistic scenario). However, any marked relaxing of the restrictions or an encouragement for widespread reversal of current closures is predicted to decrease the effectiveness of current measures. Outdoor spaces pose a much lower risk of affecting transmission and relaxing one measure may encourage longer-term adherence to other measures.

The consensus statement summary of advice from TAC for this review on outdoor activity states "*Permitting outdoor contact with members of other households, while continuing to maintain a 2m distance, would have a very small impact on overall transmission rates*".

Studies have demonstrated that SARS-CoV2 does not persist in sunlit well-ventilated outdoor areas for very long.

**Permitting outdoor contact with other members of other households or other bubbles, while continuing to maintain a 2m distance, would have no more than a very small impact on overall transmission rates.**

This advice from TAC does not take into account the additional risks that might be incurred if member of the public congregate in large numbers and use common facilities (e.g. public toilets, vending machines) where there may be an increased risk of exposure through contaminated surfaces.

## Mitigating actions and proportionality of restrictions

### *Being outdoors and staying local*

Given the low risks identified above the restrictions on movement and gatherings (outdoors) are no longer a proportionate response. Current restrictions only allow for exercise and do not permit wider activity, such as picnics or sunbathing. There is also confusion about what constitutes exercise and what is permissible (e.g. angling or metal detecting). There are high social and wellbeing costs associated with these restrictions that affect health more generally. Evidence on wellbeing is provided later in this paper, demonstrating negative impacts on mental health stemming from isolation, which are affecting some groups more than others.

In terms of meeting outdoors the main risks to the impact on containing coronavirus are that the underlying assumptions underpinning the scientific advice are not met. These include:

- A. Continued physical distancing at 2m is maintained between any people from different households.
- B. That public do not congregate in large numbers
- C. That common facilities are not used (e.g. public toilets, vending machines) where there may be an increased risk of exposure through contaminated surfaces.
- D. That wider compliance to the restrictions is maintained.

### *A. Maintaining physical distancing - mitigations*

Maintaining physical distancing is essential to enable more activity outdoors, especially when combined with the recommendations in Doc 5 (Seeing friends and family) to allow two households to meet outdoors. **A clear public message, supported by guidance, should make clear the relaxations are conditional on people sticking to the physical distancing requirements.** This can be supported in managed sites through adaptations such as one-way flows or signage.

The 2m physical distancing requirement is well understood and has been communicated extensively for activity already allowable outside the home. Therefore, it is not considered proportionate at this time to require this to be mandated in the Regulations. It should, however, be reinforced in public messaging and in guidance. This should be kept under review if there are signs compliance with this requirement begins to fall. It appears that most people believe this requirement to be in law in any case, which helps with compliance. The option to legislate for this should not therefore be raised publically as this might highlight it is not currently in the Regulations and risk it being seen as optional. Legislating for this remains an option in the future, though doing so may serve mostly as a signal about the seriousness of the issue rather than as being practically enforceable.

### *B. Avoiding people congregating in large numbers*

Limiting the number of people allowed to meet (as recommended under **Doc 5 – Seeing Friends and Family**) will help prevent large gatherings where the risk of

transmission will rise. Allowing for all outdoor activity not otherwise restricted would have the effect of more people being outside in particular places and not necessarily moving around (as implied by exercise). This has the potential for large numbers of people to congregate, particularly at popular sites. To prevent this taking place in relation to exercise following the 7 May review exercise was limited to within an area local to the place where the person is living. This provision could be applied more widely as a means of preventing people travelling large distances to tourist sites and as a proportionate step in allowing more activity in a local area, which could help contain any increase in transmission within smaller clusters. 'Local' was not defined by a distance when introduced for exercise following the 7 May review in recognition that 'local' is very different in a city and a rural area. This has caused some confusion.

When allowing more outdoor activity on 13 May, England adopted an approach of including 'open-air recreation' as a reasonable excuse to leave the place a person is living. This approach risks undermining the coherence of the reasonable excuse set out in the restrictions on movement and gatherings (Regulation 8). The current provisions are based on need and essential activity. Including recreation as a reasonable excuse could undermine this, as people would be able to leave their house for any reason, making enforcement very difficult. This is not considered to be a sustainable solution as it is open to legal challenge and it undermines the coherence of Regulation 8 which is still required to restrict movement and gatherings.

Alternative options include fundamentally redrafting Regulation 8 to provide a negative list of reasons it is not acceptable to be outside, or to remove the restrictions and rely on guidance and messaging for compliance. It is considered too early to adopt either of these, which would be difficult to reverse and carry a higher risk of non-compliance and of being misunderstood.

The preferred option is to **redefine the area in which a person may not leave without a reasonable excuse to their local area, as opposed to the place they are living**. This effectively amends the 'stay at home' provision to a 'stay local' provision. It shifts the emphasis from restrictions on the place a person is living incrementally and gradually to their local area. This would allow for all activity to take place outdoors and mitigates against the need to define specific activities allowable in that area. Restrictions would remain for reasonable excuses to leave that local area only in specific circumstances as already (though not exhaustively) set out. **This is considered the most sustainable and proportionate solution, whilst maintaining the coherence of the restriction on movement and gatherings.**

The shift to including 'local' more substantively within the reasonable excuse provisions (i.e. a person needs a reasonable excuse to be outside their local area) opens up the need for this to be defined. This would also mitigate the risks of people travelling longer distances to sites for the purposes of recreation (e.g. a picnic or to go angling) and the related potential for large congregations of people. Setting a specific distance in regulations would be feasible, but any distance may be difficult to determine and justify given there is no scientific evidence to suggest any particular limits. The scientific advice is not based on how far a person travels to undertake activity, but what happens once they are there. It may also be possible to include an illustrative distance in supporting guidance that allows for reasonable interpretation

and flexibility. Scotland intends to include 5 miles as a guide for people, but recognise different situations (e.g. rurality, or visiting a close relative) may require flexibility. The intention in the Scottish approach is to discourage travel to tourist sites and limit the risk of large congregations (as seen recently in England). While defining this in guidance is perhaps the most proportionate response at this time, this should be kept under review if non-compliance makes it necessary to define this in legislation. There is no specific evidence to suggest what distance should be adopted, but aligning with the Scottish approach of 5 miles as a rule-of-thumb seems reasonable (subject to suitable flexibility in the guidance for different circumstances such as rurality).

*C. That common facilities are not used (e.g. public toilets, vending machines) where there may be an increased risk of exposure through contaminated surfaces*

This is a particular risk for the opening up of outdoor spaces containing such facilities. This can be mitigated by keeping restrictions on outdoor areas in place (see below) until appropriate protocols are in place and adaptations made (e.g. signage, or managing flows or numbers of people). The associated protocols for those places should focus on ensuring these risks are mitigated, including by keeping common facilities closed where they are high risk.

*D. That wider compliance to the restrictions is maintained*

Ensuring wider compliance is also considered above: clarity of message is essential to avoid confusion about these specific changes and their interaction with the wider package of remaining restrictions. The proposed guidance on what 'local' means, and emphasising the need to maintain 2m distance at all times, will help provide this clarity and reinforce existing restrictions. These changes would also be conditional on compliance being maintained, with the option to reverse changes or consider legislation if compliance is not maintained

*Related restrictions on outdoor facilities*

The restrictions that remain on outdoor sports and recreation activities may no longer be proportionate responses to contain coronavirus given the evidence of low risk outdoors and wider changes proposed.

The main risk to removing restrictions is that facilities and sites encourage behaviour that does not maintain physical distancing, encourage congregations in large numbers, or is accompanied by the opening of shared and common facilities. This can be mitigated by initially only allowing for *managed* outdoor sports courts to be opened where adherence to physical distancing and the numbers of people accessing those sites and services can be controlled and shared facilities remain closed.

The Regulations also include restrictions on museums that could prevent the reopening of any museums outdoors (such as St Fagan's). This may be disproportionate if other sites suitable for recreation and not explicitly excluded in the Regulations choose to open (e.g. zoos, botanical gardens, etc.). The Regulations might therefore be amended to allow for outdoor museums whilst ensuring indoor

museums remain closed. Guidance would be required to ensure places open safely and in line with physical distancing requirements, do not open shared facilities (e.g. cafes, restaurants) and operate safely.

The reopening of Cadw's unstaffed sites does not require regulatory changes. This can take place in a phased approach and in line with social distancing advice. A detailed risk assessment would be required for individual sites, with ability for social distancing a determining factor. It may be possible to open the majority of open, rural monuments in an initial phase. Other sites (e.g. Conwy castle walls) will need to wait until later phases. In some cases it will be possible to partially reopen sites initially, but keep closed those elements where it would be more difficult to practice social distancing. For Cadw's unstaffed sites the risk is considered by policymakers to be low as most sites are in the open air, but they may have gates or handrails where infection could be transmitted. Some mitigation might be possible through new signage. The main risk is generally considered to be in the wider behavioural impacts if numbers of visitors increase and a perception develops that Wales is open to tourists.

For all types of sport and recreation sites the risks of congregating can initially be mitigated by the requirement for activity to take place in an area local to where a person lives. Different sites will also need to consider approaches to manage visitor numbers to safe levels (e.g. booking systems).

Other areas considered during this review do not require regulatory change, such as the resumption of training for professional elite athletes, which is being supported through guidance and engagement with appropriate sporting bodies. This would mirror the approach adopted in England (as of 13 May) which advised elite athletes and professional sportspersons they could resume performance training in line with guidance published by DCMS. **There is a gap in Wales, however, for non-professional elite athletes (e.g. Olympic athletes) who would be bound by restrictions on travel and use of closed facilities. For these people it is proposed preparations (e.g. guidance and protocols) can be signalled at this review and easements considered on 18 June.** The approach for professional sports set out in guidance to date helps to mitigate the risks to transmission rates as it will take place in strictly controlled environments with protocols that include regular testing. Current guidance in England will be adopted to develop bespoke guidelines and protocols or principles for the athletes' relevant National Governing Body. This is the first step towards resuming professional sport.

It is not clear that sites are ready to reopen at this stage and further work would be required on guidance and adaptations to be sure they can open safely. This is particularly important with the limited headroom for additional risk, and the wider changes being advocated on seeing friends and family, allowing outdoor activity locally, and increased activity in the NHS. It would be possible to signal the intention to make these changes in the next review and for preparations to get underway now for those sites that wish to open following the 18 June review. This would also help mitigate the risk of sites opening before these adaptations are in place.

The further analysis in the secondary tests below identifies the benefits of doing the above and should be taken into account by Ministers in making decisions.

## Secondary tests

Ministers need to take account the considerations below in making a final decision. These assessments consider the extent to which a restriction may be disproportionate due to its wider impact on social, economic and environmental wellbeing and reflect the public sector equality duty.

### CONTEXT

The secondary assessments set out below include a focus on the different sectors and sites that are affected by lockdown and the potential benefits from activities linked to them. These assessments should be considered alongside those set out in for *Meeting family and friends* in Doc 5. The ability to do more activity outdoors in the local area (this assessment) complements and facilitates the objectives of allowing two households to meet (Doc 5). There are significant negative impacts associated with restricting movement and gatherings set out in Doc 5, that could be partially alleviated by a combination of the recommendations set out here and in Doc 5.

There is a limited evidence base of robust assessments and data relating to the impact on the sectors due to the short time since the virus emerged, and speed at which restrictions for individuals and lockdown measures were introduced. The emerging evidence suggests there are significant negative impacts on cultural and sporting sectors.

A survey by Public Health Wales<sup>1</sup> covering the period 11 – 17 May 2020 examining health and wellbeing during the coronavirus identified that only 6% of those surveyed felt that major events like sports and concerts should be able to run within the next 3 weeks (11% of males compared with 1% of females).

The Association of Large Visitor Attractions (ALVA) have published the results of a UK wide online survey of attraction visiting members of the public.<sup>2</sup> 668 survey responses were received in the period 20 – 24 April. They report that the market is highly cautious overall, but a quick return is more likely for gardens and country parks. Perceptions of how crowded a venue will be, and whether social distancing is able to be maintained, are the current key determinant of a quick return.

There is widespread anxiety around using indoor facilities, particularly those where social distancing is more problematic. Anxiety increases with age, especially for indoor facilities.

An Ipsos Mori poll<sup>3</sup> published on 1 May identifies that two-thirds (67%) of Britons say they will feel uncomfortable going to large public gatherings, such as sports or music

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<sup>1</sup> <https://phw.nhs.wales/topics/latest-information-on-novel-coronavirus-covid-19/staying-well-at-home/weekly-hayd-reports/week-6-report-how-are-we-doing-in-wales/>

<sup>2</sup> <https://www.aim-museums.co.uk/wp-content/uploads/2020/05/ALVA-attractions-recovery-tracker-wave-1.pdf>

<sup>3</sup> <https://www.ipsos.com/ipsos-mori/en-uk/majority-britons-uncomfortable-sport-music-bars-coronavirus>



events, compared to how they felt before the virus. Only 17% would feel comfortable attending such an event while 41% would feel not at all comfortable.

Despite being most willing to attend large public events and bars/restaurants, young people are least likely to be comfortable with meeting friends and family outside of their households. While two-thirds (64%) of those aged 35-75 would be happy doing so, only 57% of 18-34-year olds are at ease with this.

## WELLBEING IMPACTS

A detailed assessment of the wellbeing impacts associated with meeting family and friends is set out in Doc 5. This should be considered as part of this assessment as the ability to do more activity outdoors in the local area complements and facilitates the objectives of allowing two households to meet. There are significant negative impacts associated with restricting movement and gatherings set out in Doc 5, that could be partially alleviated by a combination of the recommendations set out here and in Doc 5.

The What Works Centre for Wellbeing identifies strong evidence that participatory arts, sport, and cultural activities can improve wellbeing when they bring together participants in the same physical space<sup>4</sup>. The restrictions for individuals associated with the lockdown measures, may limit the associated benefits of participating in arts, sport and culture together.

A survey by Public Health Wales covering the period 4 – 10 May 2020 examining health and wellbeing during the coronavirus identified that 29 per cent of people left their home to exercise every day, up from 22% in the week before. However, 20% of people have not left their home at all in the last 7 days, up from 15% last week.<sup>5</sup>

A recent online survey of 1000 Welsh adults from Savanta ComRes found that 62% of adults are exercising to help manage their mental health during the outbreak (women, younger adults and those from higher social economic grades are more likely to report saying this). Two in three (67%) adults are exercising to help manage their physical health during the outbreak. Older adults and those from lower socio-economic backgrounds are more likely to report that their regime has been impacted.

Physical activity plays a part in reducing loneliness and isolation, supporting a healthy and active nation, and is an integral part of the wider preventative agenda across a range of cross-government portfolio areas. There is good scientific evidence that being physically active can help us lead healthier and happier lives. Regular physical activity can reduce the risk of many chronic conditions including coronary heart disease, stroke, type 2 diabetes, dementia, some cancers, obesity, mental health problems and musculoskeletal conditions.

## ECONOMIC IMPACTS

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<sup>4</sup> [https://whatworkswellbeing.org/blog/places-spaces-and-loneliness-what-matters-for-participatory-art-and-sport/?mc\\_cid=c975bde8f8&mc\\_eid=e4236b0dbe](https://whatworkswellbeing.org/blog/places-spaces-and-loneliness-what-matters-for-participatory-art-and-sport/?mc_cid=c975bde8f8&mc_eid=e4236b0dbe)

<sup>5</sup> <https://phw.nhs.wales/topics/latest-information-on-novel-coronavirus-covid-19/staying-well-at-home/weekly-hayd-reports/week-5-report-how-are-we-doing-in-wales/>

In 2018, Sport Wales published a Social Return on Investment report<sup>6</sup>. The analysis, conducted by the Sport Industry Research Centre at Sheffield Hallam University, measured the wider contribution sport makes to Wales. The report found that:

- For every £1 invested in sport in Wales there is a return of £2.88.
- £3,428m of benefits for Welsh communities was generated from participating and volunteering in sport in 2016/17.
- A breakdown of the overall figure shows the social value of enhanced social capital is £651.47m; enhanced education is £91.15m; and reduced crime is £2.17m. The social value of improved health is £295.17m.
- Subjective wellbeing accounts for a significant proportion of the social value generated in Wales (60.6%).
- The sport industry in Wales grew by 10% to £1,142m in 2016/17. The sport sector was found to out-perform pharmaceuticals, travel, accommodation and textiles industries in Wales.
- The sporting economy contributed £1,182m in Consumer Expenditure on Sport and generated 29,700 sport-related jobs in the same year.

The Office for National Statistics is surveying businesses in the UK to understand the impact of COVID-19 on sectors<sup>7</sup>. Responses from 276 arts, entertainment, and recreation businesses are included in the most recent wave (20 April – 3 May). Of those businesses surveyed, 43% reported a decrease in turnover of more than 50% in the last two weeks. 20% of businesses in the sector reported their turnover remained unaffected and 100% of businesses cited coronavirus as the reason for their turnover being outside its normal range. This data should be viewed with caution as responses are currently unweighted and the data is not available at a Wales only level.

The National Lottery Heritage Fund conducted a survey with supported heritage organisations and the report presents a UK wide picture of the impact of the virus on this sector<sup>8</sup>. They report that 98% of organisations were impacted by the virus within the first three weeks of lockdown. Loss of revenue was the second most reported impact (69%) after postponement of planned events (91%). 36% of organisations expect a financial shortfall of up to £50k in the next six months; 6% expecting a shortfall over £500,000 and 7% an impact of over £1m.

Recent research by Alma Economics has identified that the “arts, entertainment, and recreation industries are to be the most heavily affected industry, with more than 60% of all employees placed on furlough”<sup>9</sup>.

Recent research from Nesta<sup>10</sup>, identified that arts and cultural charities are under significant threat due to the crisis’ economic implications. Restrictions on movement,

<sup>6</sup> <https://www.sport.wales/content-vault/social-return-on-investment-in-sport/>

<sup>7</sup> <https://www.ons.gov.uk/economy/economicoutputandproductivity/output/datasets/businessimpactofcovid19surveybicsresults>

<sup>8</sup> <https://www.heritagefund.org.uk/publications/economic-insight-impact-covid-19-march-2020>

<sup>9</sup> <https://www.almaeconomics.com/alma-blog/2020/4/15/coronavirus-job-retention-scheme>

<sup>10</sup> <https://www.pec.ac.uk/research-reports/charities-speak>

and consequential loss of earnings, mean that those reliant on donations and with financial operations are likely to be highly vulnerable in the current crisis and its economic aftermath.

### ENVIRONMENTAL IMPACTS

No environmental impacts have been quantified as part of this assessment. The potential increased movement of people could have an impact on air quality should vehicles be used to travel to destinations. Officials in Environment and Rural Affairs are monitoring the impacts on air quality that have arisen since lockdown measures were introduced, with wide media reporting of apparently improved air quality. External consultants have been commissioned to analyse the impacts and this work will inform future policy with a view to retaining air quality improvements for the future, as far as possible.

The potential negative impacts on air quality could be mitigated through the proposal to maintain the stay local message included in the Regulations. Guidance supporting this can promote active travel and seek to limit the distance people travel for different purposes.

Increased use of outdoor spaces could also have a positive impact in terms of peoples' attitudes and perceptions of environmental public goods. This could help reinforce the benefits of environmental protection as we move out of lockdown over time.

### EQUALITY IMPACTS

No specific impact assessment has been carried out in this area. An assessment against the potential impacts on groups with protected characteristics is included below, as well as the impact on discrimination.

#### *Age*

As noted under the wellbeing impact evidence in Doc 5 the restrictions on movement and gatherings appear to have varied impacts on different age groups. The proposal to allow for more outdoor activity will broaden the social activity allowable outdoors, rather than limit it to exercise. This will benefit older people with limited mobility for whom options for exercise are more limited.

People over 70 are more likely to be worried about their health and the risks of contracting COVID-19, but are also more likely to be digitally excluded. Allowing for outdoor activity provides greater opportunities for contact linked to the proposals in Doc 5 to allow two households to meet outdoors.

Younger people (18-29) are most likely to be worried about their mental health, feeling isolated, and their economic situation. Relaxing restrictions to allow for a range of outdoor activity, linked to easements in Doc 5 on seeing family and friends, should help mitigate the wellbeing and health implications of current restrictions.

There will continue to be more negative impacts for those in the shielded group of people, which is predominantly those over 70. The shielding policy seeks to mitigate the impacts of this as far as possible.

### *Disability*

The design and amendment of restrictions to date has sought to take into account the specific needs of disabled people. This includes recognising the need to drive to accessible places for exercise. Equivalent provisions will be included for easements.

The proposed easement to allow for more outdoor activity does not in of itself raise issues for disabled people, but the ways in which operators of sites adapt them for physical distancing could discriminate against people with different mobility needs. Risk assessments and plans for reopening sites should take into account the different needs of different groups to ensure they are accessible to all and do not cause unintentional discrimination. This should also be reflected in guidance to support operators to reopen safely.

### *Gender reassignment*

The restrictions are not known to have a different impact on those undergoing gender reassignment compared to others. The wellbeing benefits of easing restrictions on movements and gatherings should apply widely to help address any issues associated with isolation.

### *Pregnancy and maternity*

The specific restrictions considered are not known to have a different impact on pregnancy or maternity compared to others. The wellbeing benefits of easing restrictions on movements and gatherings should apply widely to help address any issues associated with isolation.

### *Race*

The specific restrictions considered are not known to have a different impact on any race compared to others. The wellbeing benefits of easing restrictions on movements and gatherings should apply widely to help address any issues associated with isolation.

### *Religion or belief*

The specific restrictions considered are not known to have a different impact on different practicing religions or beliefs. The wellbeing benefits of easing restrictions on movements and gatherings should apply widely to help address any issues associated with isolation and do not discriminate on the basis of religion or belief.

It has previously been proposed to allow for the amendment of the reasonable excuse to allow for private prayer in places of worship to support the practice of religion or belief. This was not a change supported by faith leaders at that time, but is one that can be made once there is support for doing so.

## Sex

The restrictions appear to affect different sexes in different ways. Females are more likely to be self-isolating, very worried about their mental health, feeling anxious and feeling isolated. More females say their sleeping is negatively affected during lockdown. Whilst they report increases in snacking more and using social media more than males during the coronavirus restrictions, females are also spending more time outdoors and have been talking to friends and family more than they usually would.

The amendments to the restrictions on meeting outdoors and for recreation purposes could therefore have positive benefits that help mitigate some of these disparities.

## *Sexual orientation*

The specific restrictions considered are not known to have a different impact on any sexual orientation compared to others.

## *Protected characteristics summary*

It has not been identified that the provisions create unlawful discrimination, harassment or victimisation of protected groups. Different groups are, however, affected in different ways by the restrictions on movement and gatherings. The proposed easements seek to mitigate these effects where possible. Remaining restrictions will need to remain in place for the purposes of protecting public health.

No indication has been provided that the restrictions or the easements proposed advance equality of opportunity or foster good relations between those who share protected characteristics and those that do not. Neither is there an indication of additional negative effect from the proposals.

## *Welsh language*

No specific impact on the Welsh language has been identified from the restrictions.

## *United Nations Convention on the Rights of the Child*

The convention has been considered in this assessment. The restrictions on movement and gatherings conflicts with the following Articles:

- Article 15 – Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.
- Article 31 – All children have a right to relax and play, and to join in a wide range of activities.

The relaxation to allow for local activity outdoors will mitigate the significant restrictions on children meeting and being able to relax and play in a wide range of

activities. These rights will still be constrained by the need to contain the spread of the virus and protect public health (e.g. continued physical distancing, continued closure of playgrounds, etc.). Coupled with the proposed easement on allowing two households to meet outside this will allow children to see friends from another household outside.

More broadly the Welsh Government has recognised the overall approach to coming out of lockdown needs to take into account the views of children (Article 12 – Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account). This is being addressed through an online survey, promoted by schools, that will inform future decisions.

### IMPLEMENTATION ISSUES

Some specific issues linked to implementation have been highlighted by officials and is included below.

Any changes to movement of people and gatherings, particularly if done in concert with allowing for a wider range of activities, will have a significant impact on organisations managing publically accessible spaces, both statutory (e.g. NRW, national parks, local authorities) and eNGOs (e.g. RSPB, National Trust, Wildlife Trusts). These spaces include national parks, nature reserves and woodlands, as well as encompassing other access land and the rights of way network.

The statutory and eNGOs (with WG input) are currently developing guidelines for the phased reopening of their facilities (e.g. car parks). There is a significant overlap with tourism and culture activities. The Welsh Government is working closely with the relevant officials in these areas.

We are also working with the water companies in Wales – Dwr Cymru Welsh Water (DCWW) and Hafren – to understand their considerations should restrictions be lifted. DCWW for instances are not looking to open visitor centres in the immediate future. They are working on a 3 phase approach where they will look at their general estate (rural areas with no parking/facilities); areas where they have specific agreements in place with local communities (e.g. angling clubs) and then their visitor centres. DCWW are currently following BEIS guidelines although we would like to contribute to the sector guidance for the workplace.

DCWW have highlighted risks around policing related to relaxation of freedom of movement restrictions for their sites. DCWW have had to double up on staff deployments recently to deal with current problems (some localised problems involving Police). NRW may face similar issues at their visitor centres. Other risks include sailing facilities, paddle-boarding etc. and potential need for DCWW staff to be on hand as lifeguards (part of their standard role) and how they can do that within social distancing guidance. This issue will also apply to any bathing waters with a blue flag (it is a requirement for the LA to have facilities and lifeguards).

Some coal tips are used for multiple outdoor activities from walking to cycling, with a number sited on common land. They are an important part of access to outdoors but at present inspections are ongoing in relation to the current stability of high risk sites. During this time, the Coal Authority have been able to undertake the inspections without any disruption. Local authorities are responsible for any risks associated with access but the key factor here is the CA being able to continue to inspect the sites.

In terms of Cadw sites an approach is being developed based on three tranches:

- **Tranche 1** – the majority of unstaffed open and outdoor sites – approximately 60-70 monuments (including sites such as Castell y Bere, Talley Abbey and lots of our prehistoric monuments, but also including sites that are closer to centres of population such as Ogmere Castle, Montgomery Castle, Flint Castle and Coity Castle). We are suggesting that an opening date of **potentially Monday 8 June** (but in some cases might slip to mid-June) might be possible to allow us to do site checks, undertake essential grounds maintenance work and install appropriate signage to explain to visitors that they must behave responsibly and comply with the regulations.
- **Tranche 2** – further unstaffed monuments and a small number of staffed monuments (but keeping the visitor centres closed) – a further 20 or so sites such as Criccieth Castle, Valle Crucis Abbey, Denbigh castle – although elements of these sites (such as towers) might remain closed due to the challenges of maintaining physical distancing. **Potentially 1 July opening.**
- **Tranche 3** – the majority of staffed monuments with visitor centres (such as Caernarfon Castle and Castell Coch) and some unstaffed monuments (mostly indoor sites) – approximately 40 sites. These will not be possible to open in the red phase and will likely have to wait until the amber or even the green phase – Lots of work to do in terms of infrastructure and introduction of online timed booking systems etc – **not possible to indicate a date at this stage.**

Operators of other sites will need to make decisions on reopening based on their specific situations. For example allowing outdoor museums could allow St Fagan's to reopen its outdoor spaces to visitors, but they may not want to do so until they have protocols in place to do so safely or to avoid large numbers of visitors as a potential honeypot site with a large population nearby. Similarly, the National Botanic Garden could look to keep any buildings closed (eg. the glasshouse) in the first phase of reopening, but may be constrained in any case by the requirement for local recreation.