

**Extending the right to roam:
the Countryside Code, Covenant and Christianity**

by

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This paper will explore some of the theological questions which Christians might want to ask when considering their position on any extension to the right to roam and will ask whether there is a distinctive voice with which Christians as individuals, or the church as a body, might be able to contribute to the debate.

Scope

The geographical scope of this paper is confined to England because of legislative jurisdiction; however examples of approaches to right to roam from elsewhere will be referenced. The contentious political issues surrounding land ownership will not be explored, and this paper starts from the premise that land ownership is a secondary issue to land use.

Definition

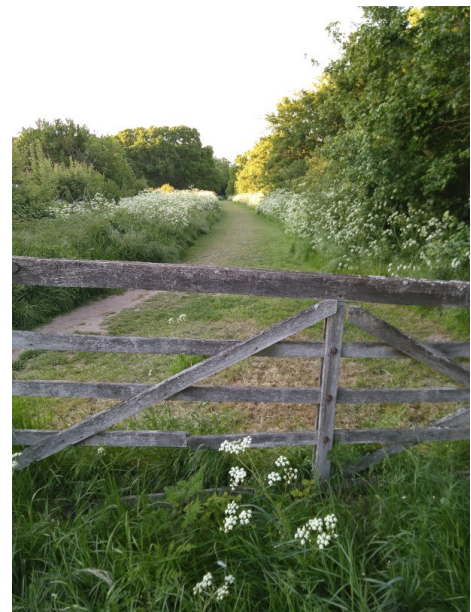
The right to roam is the ability to wander in open countryside on both publicly and privately owned land. This right is understood to come with exceptions, for example agricultural land and schools; limits, such as proximity to private dwellings; and responsibilities to the land, wildlife and local communities.

Current context

In 2000 the Countryside and Rights of Way Act (CRoW) opened up around 8% of the English countryside. Campaigners argue that the next logical step is to follow Scotland's lead with something approaching universal access.

The Covid-19 lockdowns meant that many people were asking for the first time 'where am I allowed to walk?' People wanted to know how to vary familiar routes and find quieter places. Uncertainty over the rules and a lack of accessible green space led to crowded parks and increased pressure on designated areas such as Local Nature Reserves. The lockdowns also demonstrated the need for access to nature for physical and mental health.¹ Those without gardens or easy access to green spaces tended to come from economically disadvantaged areas.²

The rise of the Black Lives Matter movement led to many environmental and countryside organisations looking much more closely at barriers to access for BAME communities.



Public Bridleway³

The Glover Review of Landscapes (2018) highlighted the link “...it has felt as if National Parks are an exclusive, mainly white, mainly middle-class club, with rules only members understand and much too little done to encourage first time visitors.”³

The Police, Crime, Sentencing and Courts Bill (as of January 2022 at the report stage in the House of Lords) will change the status of trespass from a civil offence to a criminal one. Countryside organisations have expressed deep concern about the potential impacts on rights of access and environmentally motivated protest, citing the success of recent anti-fracking demonstrations.⁴

The right to roam extension campaign⁵

Against this background, the current right to roam campaign focuses on opening up access to four key areas - rivers (only 3% of English rivers are open to a legal right of access) and river banks; woodland – especially species rich deciduous woodland; Greenbelt land which covers 13% of England, and is within easy reach of around 30 million people due to its proximity to towns and cities; and downland, which is already covered by CRoW, but exists in often unconnected pockets, so expanding the definition to cover the grassland that connects them would be beneficial.

The campaign also calls for a renewed emphasis on the Countryside Code to highlight our responsibilities to wildlife, local communities and land owners. The campaign argues that this work needs a higher budget and better promotion. A survey of visitors to the Lake District National Park in the summer of 2020 found that only 13% were aware they should follow the Countryside Code before their visit.⁶ The campaign’s longer term vision is for visitors that are active stewards through activities such as picking up litter or caring for nature.



Riverside Path⁷

A brief survey of some of the arguments for and against extending the right to roam

Equality of access – open access land is not equally distributed. People often find that they need cars to get to open access land, which combined with the cost of overnight stays, puts these places out of reach for a significant number of people, with 36% of people in England not in easy access of a National Park or an Area of Outstanding Natural Beauty (AONB).⁷ Rights to roam nearer to where people live could reduce reliance on cars and help provide more equal access to the countryside.

Relieving pressure on bottle necks – local beauty spots, well known paths and popular countryside areas bore the brunt of increased numbers during lockdowns. Greater access could help mitigate the impacts.

Cultivating a culture of respect for land and wildlife – land designations can be a double edged sword as they encourage a culture of commercialisation (for example through pay-to-enter reserves or National Trust membership), with the leisure industry dominating access. This fosters a sense that we are not trusted to go anywhere else. Increasing access would therefore be a demonstration of trust and open up the potential for a new relationship with the land.

Positive impacts on pro-nature and pro-conservation behaviour – studies by the University of Derby have shown that activities that lead to people making connections with nature or spending time in nature have a greater impact on behaviour than more theoretical or knowledge-based activities.⁸ Allowing people to encounter nature in a variety of settings could be a way to mend the disconnect between people, land and nature.

Rights of access can lead to environmental benefits – a recent example comes from the River Wharfe in Ilkley where bathing status was given after a campaign to clean up the river. The more rigorous public health testing required had beneficial effects for the whole ecosystem.⁹

Privacy – this can be solved via a codified definition of privacy. In Sweden it is defined as within 70 metres of house or garden, in Norway it is 150 metres, and in Scotland it is defined as a ‘reasonable distance’.

There is no need for more access – this argument points to the number of spaces already available, the extensive footpath network and other legal rights such as Public Rights of Way (PRoW). However, this sense of freedom is only available to those lucky enough to live in the right places. There are around 140,000 miles of PRoW but many more have been lost and some blocked by landowners. In 2000, the Ramblers Association estimated that around 25% of paths were blocked.¹⁰ Campaigners also raise the question of whether our appreciation of nature is affected by the need to stick to the path.

Litter (including PPE and dog waste) – an increase of litter during lockdowns has been well documented, with park bins overflowing and abandoned rubbish in nature reserves. In National Parks barbecues and tents were left on peaks and beaches.

Impact on wildlife – for example nesting birds and wild flowers. The Scottish system includes rules for dogs in certain periods of the year, with the clear expectation that they will be on leads.

Impact on farmland – for example widening footpaths due to muddy conditions and dogs worrying livestock. Without more responsible behaviour from walkers, farmers will continue to have justifiable concerns. One answer to the problems of litter and impact is better education, with improved signage which helps people appreciate what is special about landscapes or why wildlife or farmers in the area might need their help.

Impact on countryside – here the question is, would the right to roam spread problems like erosion more widely or relieve the pressure? In 2020 in Snowdonia it was deemed cheaper and more sustainable to manage (although not eradicate) the damage by funnelling people to Snowdon and leaving the quieter parts of the park for “serious mountaineers and fell walkers.”¹¹ However, the summer of 2021 saw reports of 45 minute queues to reach the summit of Snowdon, suggesting that concentrating visitor numbers in one place may not be the ideal solution in terms of visitor experience.¹² Other National Parks like the Peak District and the Yorkshire Dales used social media to encourage visitors to spread out, highlighting which car parks were filling up and suggesting quieter alternatives.

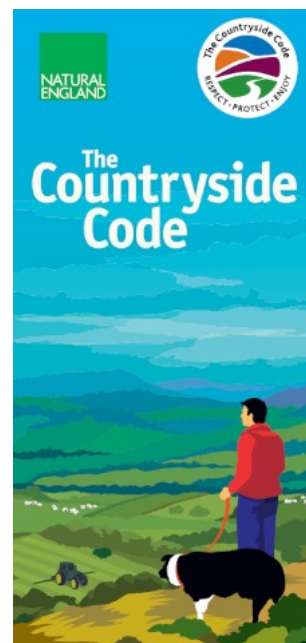
You can increase access to nature without increasing right to roam. Human disturbance means that nature cannot recover, areas are needed that can be left wild and untouched. This raises the question of whether rewilding, nature recovery and right to roam are mutually exclusive.

A Christian response

On careful consideration of the arguments it is clear that there is a balance to be sought between conservation and access. Greater freedom should come with a commensurate understanding of ‘leave no trace’. There is something of a tension between our responsibilities to both nature and people. As Christians we might think of this as weighing our commission to care for creation against the call to love our neighbour. Should we give greater weight to the intrinsic value of creation or its extrinsic value for our own mental and physical health? What might the call to sacrificial living look like in this context?

The renewed emphasis on the Countryside Code in the right to roam campaign provides a helpful framework around which to begin thinking about these issues.

The Countryside Code has a long history¹³, it was launched in 1951 by the National Parks Commission with public information films, posters, Scout and Guide badges, and teaching in schools. Familiar fears were expressed, including the loss of tranquillity in the countryside, litter, vandalism, escaping livestock, damaged crops and the picking of wild flowers. The current right to roam campaign emphasises the need to re-embed the code. Following the increase in countryside visits due to Covid-19, the code was refreshed in 2021¹⁴. It was designed to be more welcoming and less rule based, with the themes of respect, protect and enjoy intended to bring rights and responsibilities together in an easy to understand way. However there was criticism of the low budget, a perceived lack of ambition and calls for a recognition of the need for greater investment in infrastructure like footpaths and public transport.¹⁵ It was also critiqued for not banning disposable barbecues outright or being strong enough about the need to keep dogs on leads in the lambing season and in nature reserves.¹⁶



The original code had ten points which lends itself to a parallel with the Ten Commandments. Graham Usher suggests an 11th Commandment – “thou shalt walk gently on the earth”¹⁷, which points to living lightly as a Biblical ideal. It also resonates with the spirit of the original code, ‘leave the place as you found it’.¹⁸ However, there is a deeper link between the code and a biblical concept of covenant; particularly when considering the Old Testament and land rights and responsibilities. Biblical covenants concern our relationship with God, with other people, and with creation. In the biblical period covenants were powerful people or nations offering protection to junior partners – the relationship was “intended to lead to mutual flourishing and be peace-giving.”¹⁹ The covenants with Noah (Genesis 6-9) and between Abraham and his descendants were bound up with land; the Ten Commandments and Sabbath laws include provision for the land to rest. In Isaiah 24:4-5 the destruction of the environment is blamed on breaking the Covenant. For Christians, Jesus is the culmination or ‘mediator’ of a new Covenant (Hebrews 9:15, Colossians 1:15-23) which allows us to reconnect with God, creation and each other.²⁰

The code is intended to be relational, bringing together the needs of different countryside users and nature, providing a way of considering how we connect to each other, nature and land. In this way it can be seen as an expression of the desire to find common ground, acknowledging that we all have to live together. It could therefore provide a practical starting point for Christians looking to open up balanced conversations about countryside access and right to roam. A more explicitly Christian perspective might want to widen the conversation beyond people, land and wildlife to bring in the relationship between those three and God, acknowledging the biblical covenants outlined above.

The code's themes of respect, protect and enjoy can be opened up further to explore other Christian perspectives on land, creation care and access. Broadly speaking, the code understands respect to be about other people, protect to be about the environment, and enjoy to be about personal experience.

Respect – thinking about other people



Path at field edge¹³

We can approach the question of right to roam through the lens of justice. The Jubilee and Sabbath laws allow for gleaning (Leviticus 19:9-10 & 25, Numbers 18:21) and require a generosity to those who have less – the poor, widows, orphans, strangers, the powerless. The edges of fields were left so that they could gather food, today field edges are often places of permissive access or PRow, where those who do not own land can walk, with physical and mental health benefits. There is a commonality in the provision of a connection to land / soil, and in terms of human dignity, where permission is given and does not need to be sought.

Christopher Wright explains the principles in terms of the self-sufficiency of families on the land, the protection of the weakest, poorest and most threatened.²¹ The principle is that every family should have enough through shared access to resources.²² The laws are about relationships with God, land and each other. Jubilee allows for the restoration of land to people and the chance to begin again. Margot Hodson points to a strong link between ‘human justice and environmental harmony’ in Isaiah,²³ and across the prophets we see a link between land and restored creation and human justice and the keeping of God’s laws (Ezekiel 47 and Isaiah 61). This idea is also expressed in Romans 8:18-25; creation is redeemed when we act in a Christ like way. From the command to love your neighbour (Matthew 22:37-40) to the sense of mutual responsibility amongst early believers (Acts 2:42-47) we are called to consider the needs of others. As Christopher Wright puts it, biblical justice is God making ‘practical compassion’ and generosity as more urgent than rights of ownership.²⁴ One possible practical expression could be the opening up of land for access. This raises the question of who we are asking this of, as it is an easy request for non-landowning Christians to make, and we might ask what sacrificial living (Mark 8:34) means for us in the context of land access.

Exploring a theology of place and belonging is another fruitful approach. A greater sense of belonging to, and therefore caring for, places could be created by a larger stake in how land is managed and accessed. In his recent book, *The Way Under Our Feet*, Graham Usher explores the spiritual aspects of walking, particularly an attentiveness to our surroundings, an openness to encountering God and the connection between walking and understanding the ground beneath our feet, and by extension the places in which we walk.²⁵ His earlier work, *Places of Enchantment*, looks at the idea of anchorage, or what we bring to landscapes via our history, memories and associations.²⁶ This echoes Brueggman’s description of the Old Testament as ‘storied place’ with meaning because of its history.²⁷ David Walker suggests that when we are considering the balance between public and private rights in the countryside, the heart of the question is about what it means to belong. He goes on to define belonging as a theological position (as opposed to ownership, which he defines as a legal position) where we belong with God, we belong with people and places, and

we belong with the land.²⁸ Opening up access has the potential for more places of encounter and the creation of a deeper sense of belonging for all.

A third way of thinking about the right to roam and other people is via a theology of housing and home. The authors of *Why the Church Should Care About Housing* make the point that homes should be places of privacy and safety.²⁹ They also advocate the need for secure and stable housing so that people can put down roots and belong in a place; with the ability to act as hosts in their own homes.³⁰ Both these points are concerned with human dignity – the ability to choose when privacy or welcome are appropriate. These ideas taken together might suggest that Christians should advocate for some codification of privacy requirements in any legal extension of the right to roam.

Like many countryside debates from fox hunting to the reintroduction of predators,³¹ right to roam is often a very polarised subject: setting farmers against walkers, people against wildlife, urban versus rural, and so on. The public are made to feel like a threat, rather than welcomed. Putting ourselves in the shoes of a farmer or of an urban-living low income family may be the imaginative leap needed to see other perspectives.

Muthuraj Swamy suggests that it is a Christian task to resolve conflict and build relationships between different groups, describing it as ‘part of our responsibility to protect God’s creation and to build God’s kingdom.’ He points to bridge building, the creation of friendships and the exercising of hospitality as out-workings of this.³²

2 Corinthians 5:19 points to this mission as does Colossians 1:20, where all of creation is reconciled to God through Christ. A useful case study can be found in *Places of Enchantment* where Graham Usher sets out how different groups might understand the Scottish Highlands including as a place to ‘appreciate the grandeur and wonder of a creator God’, to protect biodiversity, to



*Tranquil Wild Landscape – Loch Lomond and the Trossachs National Park*³³

recognise past injustice (the Highland Clearances), for recreation or for economic benefit.³³ Local churches, which are often deeply rooted in their communities, might be well placed to understand how national campaigns like the extension to right to roam translate on the ground, and which voices are / are not being heard in their communities.

As with similar debates, the question is how do we, including non-human creation, live together and flourish? The visions of renewal in the prophets and Revelation suggest a reconciled world where this is possible. Despite differences in landscape, we can learn from dialogue with places with wider access rights such as Scotland and Scandinavia. Writers like James Rebanks have opened up discussions on farming, food and relationships with land which allow us to see familiar landscapes with new eyes.³⁴ For example, realising that ground-nesting birds are endangered because of how society has expected farmers to farm adds a new level of understanding to the arguments around right to roam and sensitively managed farmland.

Protect – thinking about the environment

As we have seen, care for land and wildlife is intertwined with care for other people. To take this further we can briefly consider some biblical views of relationships with land:

Ownership – the earth belongs to God (Psalm 24:1, Leviticus 25:23-24). This principle makes humans tenants and therefore accountable to God for how we treat the land.

Stewardship – we have a responsibility to care for God’s good creation (Genesis 1&2), and this principle should be embedded for landowners and visitors alike.

Thanksgiving – this acts as a reminder that all things come from God (Deuteronomy 8:11-15, Leviticus 23:9-15). The principle of gratitude might lead to an increased awareness of the gifts creation provides in terms of our mental health and the beauty of creation (Psalms 8, 19, 24 & 104). This awareness extends to recognising the need for humility, recognising our place within creation. We might also want to contrast these freely given gifts with the commodification of nature noted above. Enjoyment of these gifts leads to obligations in terms of how we treat creation.

Inheritance – this asks, ‘how are we safeguarding the land for future generations?’ For Naboth in 1 Kings 21, land is not a ‘tradable commodity, but an inalienable inheritance’.³⁵ Land is a dominant theme in ancestral promises (Genesis 12:7) and is for families and tribes rather than individuals.

Sabbath rest – the idea of rest (Exodus 23:10-12, Leviticus 25:1-7) can be interpreted in two ways. It can be seen as areas left without human pressure for wildlife to flourish, and the human need for Sabbath rest in a natural environment. Moltmann addresses this, “The ecological day of rest should be a day without pollution of the environment – a day when we leave our cars at home, so that nature too can celebrate its Sabbath.”³⁶ This would seem to give weight to a right to roam from our doorsteps but needs to be taken further so that we are not causing other environmental impacts.

The sections above on Sabbath rest and thanksgiving lead us on to considering how we experience the countryside and in what ways Christians might regard it as a place to encounter God.

Enjoy – thinking about personal experience

Common narratives around ‘thin places’, places where the gap between heaven and earth seems particularly permeable, tend to concentrate on isolated places like Iona or Lindisfarne. Importantly though, John Inge, writing about Iona, suggests that it is its Christian past which confers holiness rather than any intrinsic attribute.³⁷ There is often reference to Jesus and the way that he would escape to mountainsides and quiet places to pray, or to encounters with God in the Old Testament (e.g. 1 Kings 19). This raises the question: what are we saying about encountering God and creation in everyday / urban places if the language we use as Christians unintentionally reinforces an idea that God is to be found most easily off the beaten track? Christopher Wright helpfully observes that the presence of God in the midst of his people is more important than the gift of the land (Exodus 33:15-16)³⁸. There is a need to balance the desire for people to have experiences like dark starry skies or wide panoramic views with noticing what is on the doorstep and bringing nature into towns and cities.

CPRE London have been involved in some thinking about an urban right to roam – suggestions included more consistent rules of access, opening private garden squares, and extended opening hours at cemeteries, royal parks and flagship sites like the London Wetland Centre. Increasing the right to roam on Greenbelt land and other easily accessible but undesignated ‘countryside next door’ from urban areas via footpaths would also be beneficial.³⁹ This thinking offers an approach to right to roam that Christians in more urban settings might find helpful and more grounded in everyday life.



A Pocket Urban Nature Reserve^{P5}

There is a larger question about what people are really looking for with countryside access. CPRE research suggests that one answer is tranquillity.⁴⁰ Mapping and research work identified tranquil areas and sought to understand what tranquillity means in the context of the countryside. The top survey responses showed that people equated tranquillity with the sounds of nature (running water, birdsong, wind in trees), landscapes (often with wide views) and being amongst nature (seeing wildlife, being in woodland) Although peace and quiet scored highly, people did not usually demand solitude or silence, space to spread out was more important and natural sounds were welcomed. Noise from urban areas, road traffic, aircraft and railways was seen as detrimental. One of the important measures is relative tranquillity – this shows that whilst towns often score poorly, they can be close to areas of greater tranquillity which provide places of escape for urban residents. Graham Usher draws on the idea of tranquillity in two chapters of *Places of Enchantment*, in the section on forests he considers the ability of woodland to absorb sound, alongside biblical passages where trees become places of shade and refreshment. In the chapter on sky, he cites open skies and the lack of intrusion as lending tranquillity to a landscape – which in turn allows us to see the immensity of God’s creation.⁴¹ However, Usher is also aware of the tension between everyday and wild spaces, pointing out that God is also encountered in more urban settings and drawing on Revelation and the image of the New Jerusalem as a garden city where people and nature exist side by side.⁴² Without diminishing the power and importance of the more famous ‘thin places’ and the ways that people have encountered God in them, we should take a wider view of where those encounters might take place, alongside finding ways of making opportunities for access more widely available – the right to roam nearer to home might be one element of this.

Conclusion

The key to unlocking much of the debate is in a greater understanding of people's relationships to land (or the lack of them) which would allow us to think about how we balance needs often seen as being in competition with each other, and in a way that ensures human and non-human flourishing. Regardless of which side of the debate individual Christians might lean towards, an important springboard for discussion could be the Countryside Code and its themes of respect, protect and enjoy. These positive and relational perspectives would, for Christians, include God and link our rights and responsibilities to biblical models of covenant.

There is a challenge here for the church (and perhaps particularly for the Church of England). Should church-owned land be open access where possible? Can churchyards and other land holdings be made more welcoming and accessible to the public? The Coming Home report issued in February 2021 by The Commission of the Archbishop of Canterbury on Housing, Church and Community, suggests that rural land may be 'increasingly significant' in terms of tackling the climate crisis and 'may also serve the growing need for public access.'⁴³ The report also recommends that housing developments on church land should "connect with surrounding communities (in an urban context) or farmland, footpaths and woodland."⁴⁴

Right to roam needs to be seen as part of a wider toolkit to tackle access issues – from urban greening and appreciating nature on our doorsteps, to new ways of bringing tranquil and high quality nature-rich spaces into towns and cities – rather than placing all the emphasis on taking people out into the countryside. Helping to foster this sense of wonder and peace where people are would reinforce the idea that God and creation can be encountered everywhere.

Questions such as could extending the right to roam open up more opportunities for people to encounter God and creation, or help us to reconnect to creation with a renewed sense of awe and wonder, or encourage us to better care for God's creation, might provide positive and faith led ways into discussions amongst individual Christians and local churches seeking to respond to issues around access to land in their contexts.

Biography

Shelly has a background in communications in the charity sector. She is currently the digital engagement officer at CPRE Bedfordshire, the countryside charity, having previously worked in heritage and arts education and outreach roles. Particular interests include access to nature and the countryside, and how to communicate effectively on environmental issues. She is a graduate of the Christian Rural and Environmental Studies Course.



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Picture References

The following pictures were provided by the author:

- ^{P1} Public Bridleway
- ^{P2} Riverside Path
- ^{P3} Path at Field Edge
- ^{P4} Tranquil Wild Landscape – Loch Lomond and the Trossachs National Park
- ^{P5} A Pocket Urban Nature Reserve

A printable A5 leaflet of The Countryside Code is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1014038/countryside-code-summary.pdf

THE JOHN RAY INITIATIVE

The John Ray Initiative promotes responsible environment stewardship in accordance with Christian principles and the wise use of science and technology.

Inspiration for JRI is taken from John Ray (1627-1705), English naturalist, Christian theologian and first biological systematist of modern times, preceding Carl Linnaeus.

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The John Ray Initiative is a company limited by guarantee and a Registered Charity.

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(England and Wales)