



Section 15A file reference number
15A/DER/4

THE COMMONS ACT
SECTION 15A(1)

**DEPOSIT OF MAPS AND STATEMENT
SUMMARY SHEET**

Title and/or description of land referred to	Consett – High Knitsley Farm
District	Derwentside
Parish	Consett
Ordnance Survey grid reference (6 figure)	NZ111493
Land Post Codes	DH8 9HU
Documents deposited by	Joseph David Vipond
Date of Deposit of map and statement	27 th February 2020
Durham County Council contact	Senior Committee Services Officer Telephone Number 03000 269703 Email commons.registration@durham.gov.uk

APPLICATION FORM
for a deposit under section 31(6) of the Highways Act 1980 and section
15A(1) of the Commons Act 2006

PART A: Information relating to the applicant and land to which the application relates

1. Name of appropriate authority to which the application is addressed: Durham County Council

2. Name and full address (including postcode) of applicant:

Joseph David Vipond
High Knitsley Farm
Consett
DH89EH

3. Status of applicant (tick relevant box or boxes):

I am

(a) the owner of the land(s) described in paragraph 4.

(b) making this application and the statements/declarations it contains on behalf of

~~[insert name of owner] who is the owner of the land(s) described in paragraph 4 and in my capacity
as [insert details].~~

4. Insert description of the land(s) to which the application relates (including full address and postcode):

Land to the east of Knitsley Lane forming part of High Knitsley Farm, Consett, DH8 9EH

5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known):

NZ 11187 49335

6. This deposit comprises the following statement(s) and/or declarations:

Parts C, D, F & E

PART D: Statement under section 15A(1) of the Commons Act 2006

I am Joseph David Vipond the owner of the land described in paragraph 4 of Part A of this form and shown coloured red on the map accompanying this statement.

I Joseph David Vipond wish to bring to an end any period during which persons may have indulged as of right in lawful sports and pastimes on the whole or any part of the land shown coloured red on the accompanying map.

PART E: Additional information relevant to the application

1. On 30th April 2019 I made a declaration that I had dedicated no rights of way over my land which some people appear to be deliberately trespassing on in part as a campaign against a housing proposal.
2. I gave some practical evidence why trespass had come about and how no one had been using the path openly and as of right.
3. I re – attach that statement which was correct when given.
4. I update it. I acknowledge that some people living in the houses to the north genuinely wish to recreate on land near their homes although they must know they have no right to do so and – in particular- reach the County Walkway /Cycle path alongside my land. The number of people I observed and challenged moving in that broad direction increased noticeably when the campaign against housing took off. The trespassers also began to focus on a single or principal route rather than walking at will.
5. I had never heard the term *jus spatiandi* until my friend and planning adviser Dr Bell mentioned it after hearing me describe the history of my land since the housing estates were built and up to the change with the recent organised campaign against Persimmon largely and because my field should sensibly be allocated too by implication, me.
6. Dr Bell used to be the expert on rights of way and access to land nationally for the NFU before coming to be head of the NFU for North Yorkshire and County Durham. I described to him in words and on site some years ago how people, mainly dog walkers, were using what used to be the land of a rural estate run from afar and was then sold to Persimmon. When he and I first went out to see the trespass it was still the land of the Tipton Estate, with an agent based in the Sheffield area. It was then farmed by Shaws from Hownsgill.
7. Quite some time after the houses to the north were occupied then I heard from neighbours that there was trespass. It seemed encouraged by the way the edge of housing planting had been carried out which created a kind of no man's land with it unclear who, if anyone, managed it. The tree planting and rank growth made it easy to hide and go back if challenged. There was much talk of drug taking in there plus youth drinking. I emphasise that when this trespass spread across the Estate /Persimmon land and eventually to mine it was not like recent times. In a phrase the first people to trespass down to me were the worst. There was no defined route. They clambered over my walls and broke them down. They ran badly controlled dogs and in some of the worst examples for me they failed to stop dogs attacking my stock and burned haybales I had made in the field.
8. I gave up trying to run animals on the land. Again, I emphasise that these were not what I call walkers or decent people wanting to get to the rail line. These were vandals or at least out of control youngsters. It can be seen from the way my walls were pushed down almost all along their length that it was not a single line walked. They just wanted to be on all the land to go where they pleased. It was in describing this that Dr Bell asked if I had heard of the term in Latin

or English for a type of wandering at will which was done in a way as to effectively deprive me of the rights of ownership if I could not stop it. I think that captures it well.

9. They were cheeky but never claimed any rights. It is evident to people when my farm vehicle enters the field and they hop back over walls or fences. You can envisage how when I had stock out, I had to check daily or twice daily and by definition stop and open / re close a stockproof gate, so I saw them look at me and judge how long they had to scarper.
10. I eventually had to give up keeping stock. So, I went less and could see the dog faeces increase and the wall look as if it were falling into ruins. I met the first people who I would call decent and they said they were from the houses and wanted to either exercise generally, walk dogs under control or especially get to the line. I am also making a declaration about village green claims so let me be clear there was no recreating of that kind; ball games, kites, picnics etc exercise meant walking or running. Vandalism meant what it says. Up until these first decent folk anyone I challenged ran or cheeked me and ran. These different people said things like they had seen other people in the fields and wanted more space than there was on the estate. They all accepted the land was mine and I could ask them to leave. Everyone I asked did or would ask if they could have my consent to go straight home if walking north or get to the line and make a round walk if going south. Not once, and I cannot emphasise this too strongly given what my son tells people seem to be asking folk to swear to online, did anyone say in any form of words that they felt they were on a public footpath or had rights.
11. I also emphasise that the scale of use was quite different. In response to this new level of use under the campaign my son and I decided we could not stop it whilst this campaign was on. We noted for example that even someone who had said to my face that he would respect my rights as owner and farmer and not come back went onto the group website later that day and encouraged people to keep trespassing because it was important as a tactic to stop the housing. So, since my first declaration we marked out a line of desire by walkers which we could try to make also a line of least damage on our land. We asked people to walk in that. I attach a photograph DV1 showing the line. We also erected nice decent signs saying we understood some people genuinely wanted to have a recreational route where they had no right. The signs were costly, and I attach a photograph of such a sign as DV2. The signs were torn down after a while but everyone I saw on visiting the field was respecting the line offered. One or two even thanked me when I said who I was and asked how they were reacting to it. Photo DV3 shows the walked line in October 2019 and the distinct line of walking is clear.
12. Since Persimmon put in their declaration and erected signs, alongside my day of formally going to the field with Dr Bell, Mr Buckley and my son to seek to engage trespassers in conversation, then use has declined. I acknowledge and thank those my son pointed out from the campaign website after that day who said they really could not go along with a campaign of deliberate trespass. Those people's decency has encouraged me in turn to make the offer of a permissive route. I can perfectly well see that people in the existing housing, let alone any more to be built, want to get to a major defined recreational walkway via a rational route and want space. I am not hypocritical. I believe my land is finished already for what I would call proper farming. I keep it in good condition, but it broadly costs as much to maintain as the value of such rushed grass and faeces as I can get off it. I believe the allocation of land should once again include mine as it did in the previous plan version to provide well laid out housing with space for decent planting

and quality access to the walkway.

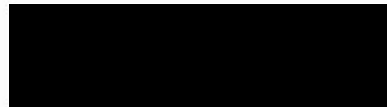
13. Again, as we are including the village green aspect in this declaration albeit I know of no such use – but it could be claimed as a spoiling tactic against housing - I mention the two incidents I have seen which could on an extreme interpretation be claimed by some as showing a village green type use. I do not think that they do. One was a father with a boy on a mini motorcycle using my field as a training track. They left reluctantly when challenged but were certainly not what I call decent people. The other was finding a tent in a corner of the field by the walkway. This was a decent person who simply had bedded down for the night for the experience of it. Dr Bell has told me how his experience over years shows that claims for village green quite often involve certain words and uses recited from existing case law. So, I say well in advance of any such false claim that I have never witnessed a single example of kite flying, bonfires, maypole dancing, informal or formal sports, anyone with a ball of any kind, any community gatherings, frisbee throwing, running races, picnicking nor any such village green type of use traditional nor modern. I have seen runners in recent times, yes, but again, going to the line not recreating on the field. So, when I use the words on the form about bringing to an end such uses, I want there to be no doubt such uses are not in fact happening.

PART F: Statement of Truth

WARNING: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE

Signature (of the person making the statement of truth):



Print full name: JOSEPH DAVID VIPOND

Date: 25/2/2020

You should keep a copy of the completed form

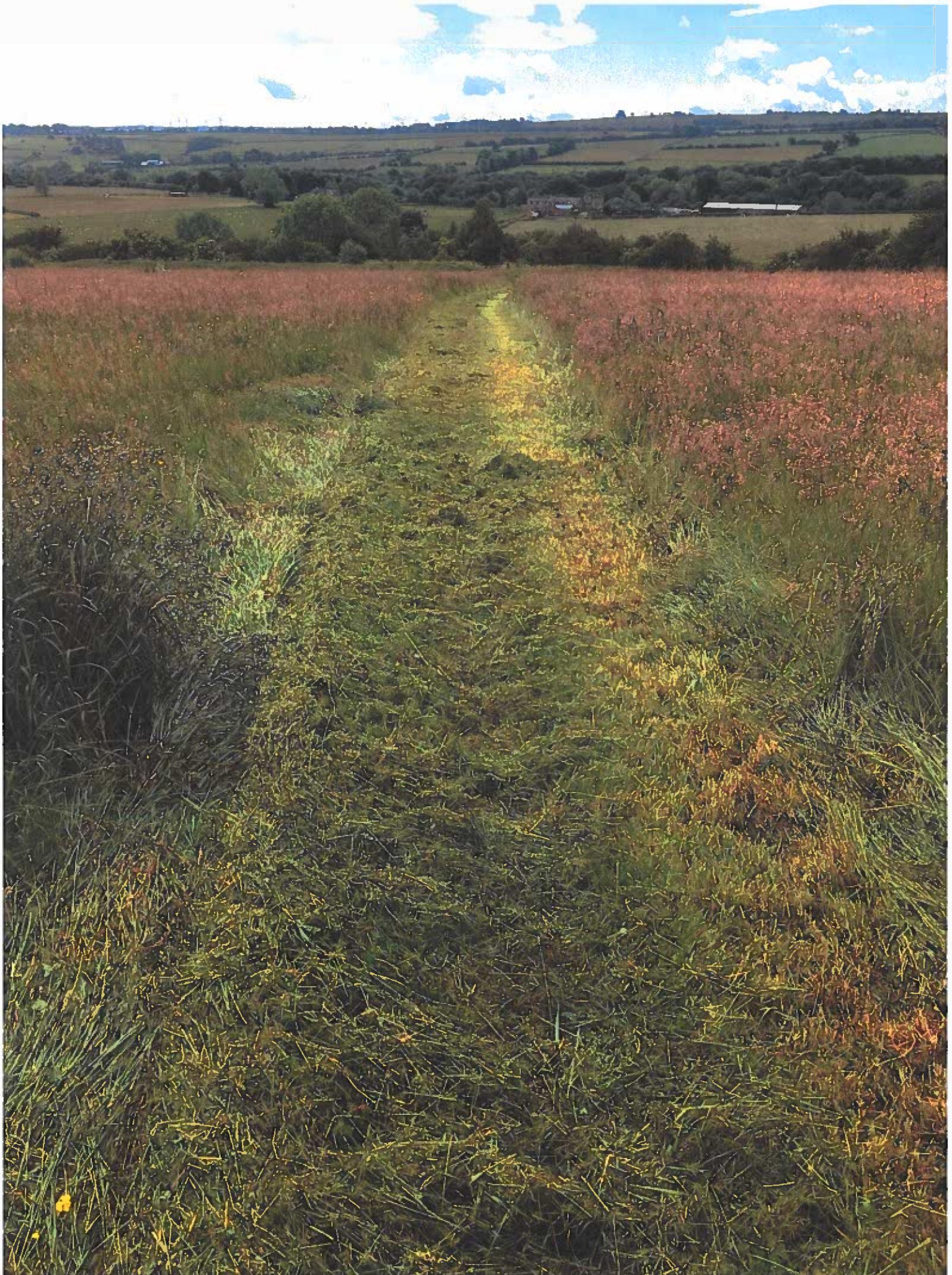
Data Protection Act 1998 - Fair Processing Notice

The purpose of this Fair Processing Notice is to inform you of the use that will be made of your personal data, as required by the Data Protection Act 1998.

Durham County Council is the data controller in respect of any personal data that you provide when you complete this form.

The information that you provide will be used by Durham County Council in its duties to process applications to deposit statements, maps and declarations under section 31(6) the Highways Act 1980 and statements under section 15A(1) of the Commons Act 2006. The information you provide will also be used by Durham County Council in its duty to update the registers in which details of such deposits are recorded under the Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007 and the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013.

Durham County Council is required by the legislation above to maintain a register which holds information provided in this form, which can be inspected online or in person by members of the public on request. It may also be required to release information, including personal data and commercial information, on request under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000. However, Durham County Council will not permit any unwarranted breach of confidentiality nor will they act in contravention of their obligations under the Data Protection Act 1998.



DV1

I KNOW YOU TRESPASS ON MY LAND
TO GET TO THE RAILWAY LINE.
THERE IS NO RIGHT OR WAY BUT I
CANNOT BE HERE ALL THE TIME. SO,
I GIVE PERMISSION FOR PEOPLE
AND DOGS ON LEADS TO PASS BE-
TWEEN THE DEMARKED AREAS
ONLY. PLEASE RESPECT IT.

BUT NOTE, I DO NOT IN ANYWAY
SPEAK FOR NEIGHBOURING
LANDOWNERS AND CERTAINLY
DO NOT ENCOURAGE YOU TO GO
THERE.

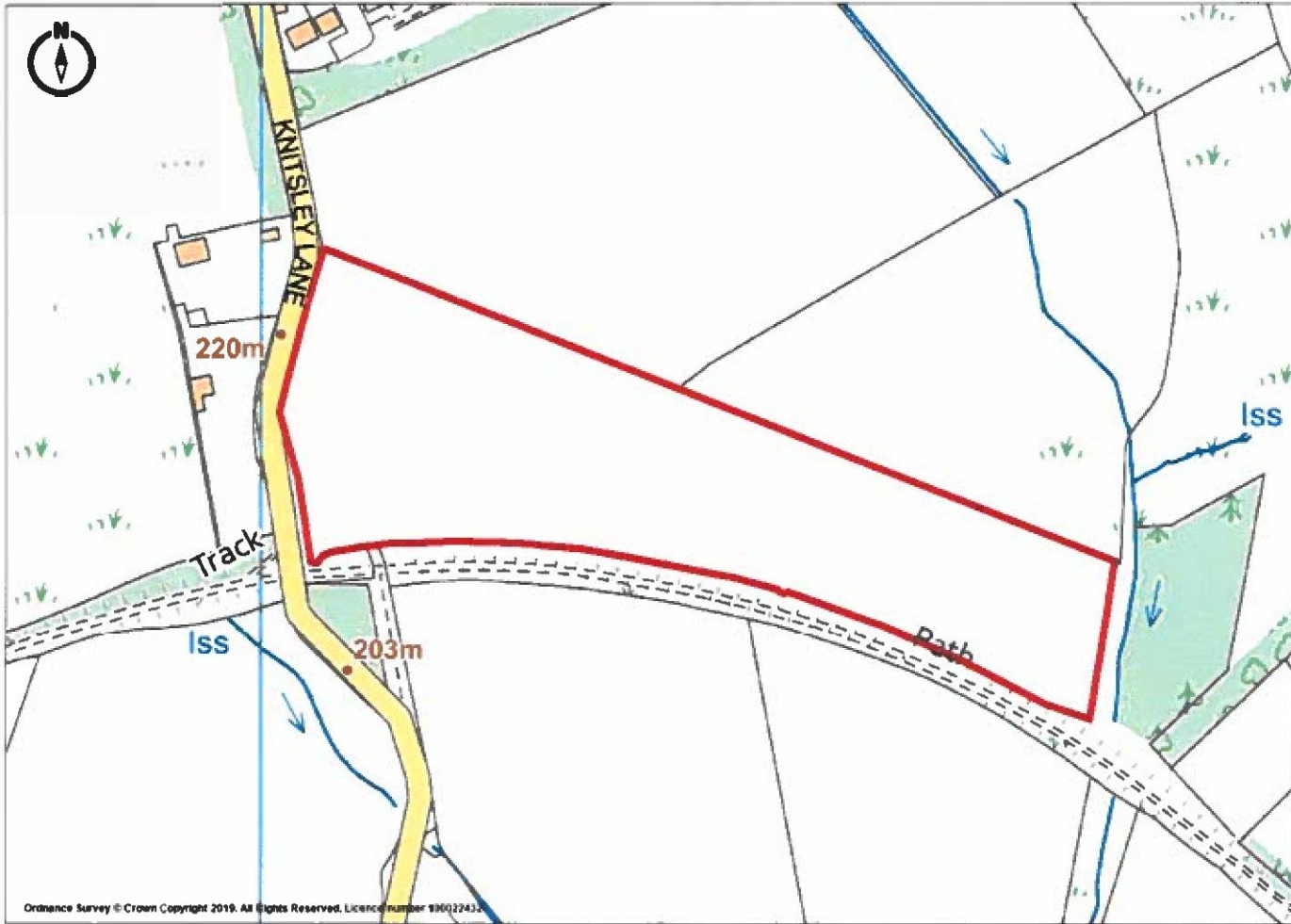
D. YIPOND, OWNER / F. 5001



**I KNOW YOU TRESPASS ON MY LAND
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ONLY. PLEASE RESPECT IT.**

**BUT NOTE, I DO NOT IN ANYWAY
SPEAK FOR NEIGHBOURING
LANDOWNERS AND CERTAINLY AM
NOT ENCOURAGING YOU TO COME
FROM THERE. I JUST HAVE TO DEAL
WITH THE FACT THAT YOU MIGHT
HAVE.**

D. VIPOND, OWNER / FARMER



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Promapv2
● LANDMARK INFORMATION

Ordnance Survey © Crown Copyright 2019. All Rights Reserved
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Plotted Scale - 1:3500 Paper Size - A4