

# COMMITTEE REPORT

<b>Subject:</b>	<i>Hilltop Way Open Space</i>
<b>Committee:</b>	<i>Extraordinary Full Council</i>
<b>Item Number:</b>	<i>17</i>
<b>Date:</b>	<i>29 June 2026</i>
<b>Author:</b>	<i>Janine Whitty, Head of Corporate &amp; Interim Deputy Chief Executive Officer Steve Bishop, Responsible Finance Officer Andrew Hunt, Corporate Manager</i>
<b>Report status:</b>	<i>Noting</i>
<b>Confidential / Exempt:</b>	<i>No</i>

## 1. Report Summary

- 1.1 The purpose of this report is to provide Full Council with an update regarding the ownership of land adjacent to Hilltop Way and the actions undertaken by officers following investigations into the site's ownership status.
- 1.2 The matter has generated local interest following the sale of the land and its subsequent nomination and listing as an Asset of Community Value.
- 1.3 The report outlines the findings of ownership investigations, legal and insurance advice received, historic maintenance undertaken by the Council, and the governance actions now being undertaken to review Council land records.

## 2. Recommendations

It is recommended that Full Council:

- 2.1 Notes the findings regarding ownership of the Hilltop Way land.
- 2.2 Notes the legal and insurance advice received by the Council.
- 2.3 Notes the actions taken by officers following receipt of that advice.
- 2.4 Notes the ongoing review of Council land ownership records and maintenance schedules

## 3. Background

- 3.1 Land adjacent to Hilltop Way has historically been maintained by Salisbury City Council and has been used by local residents as an informal area of open space.

- 3.2 In early 2026, the land became the subject of public interest following its sale and the subsequent nomination of the site as an Asset of Community Value.
- 3.3 Wiltshire Council's Asset of Community Value register records the site as Land adjacent to Hilltop Way, Salisbury, Wiltshire SP1 3QY under reference ACV/2026/00002.
- 3.4 Following public enquiries regarding the site, officers undertook investigations into the ownership and maintenance history of the land.
- 3.5 During those investigations, officers identified mapping records associated with the 2009 Wiltshire Council asset transfer which appeared to indicate that the land formed part of the assets transferred to Salisbury City Council following local government reorganisation.
- 3.6 Based on records currently available to officers, no evidence has been identified that due diligence checks were undertaken as part of the 2009 asset transfer process or subsequently by Salisbury City Council.
- 3.7 Further investigations were subsequently undertaken to locate the supporting legal documentation relating to the transfer.
- 3.8 Despite enquiries, officers were unable to identify any title deed, transfer document, conveyance, Land Registry title or other legal documentation evidencing ownership of the land by Salisbury City Council.
- 3.9 Subsequent Land Registry investigations identified that the land is privately owned.
- 3.10 Wiltshire Council records indicate that previous attempts had been made to contact the landowner, however no response had been received.
- 3.11 Officers have recently written to the landowner requesting communication with the Council regarding the land and are awaiting a response.

#### **4. Remedial action**

- 4.1 Following confirmation that the land is privately owned, officers sought advice through the Council's insurers and legal service regarding the implications of continuing maintenance activities.
- 4.2 The advice received identified potential legal risks associated with the Council continuing to undertake maintenance activities on privately owned land where no formal agreement or documented authority from the landowner had been identified, including trespass and employee safety considerations.
- 4.3 The advice also noted that the Council's historic maintenance of the site could potentially lead to arguments that the Council owed a duty of care to users of the land.
- 4.4 Having considered the competing risks, the advice received was that continuing to maintain privately owned land would expose the Council to greater legal and health and safety risks than ceasing maintenance activities. In particular, the lawyers reminded the Council that it should never instruct its officers or contractors to wilfully trespass or act unlawfully.
- 4.5 Officers have acted in accordance with the advice received.
- 4.6 The advice further recommended that the Council:

- Continue efforts to contact the landowner;
  - Maintain records of ownership investigations undertaken;
  - Consider appropriate communications with the public and interested parties regarding private ownership of this land, that the Council will no longer maintain this open space, and that anyone venturing onto the land does so at their own risk; and
  - Review any wider implications for Council land management arrangements.
- 4.7 In response to the issues identified, Corporate Manager, Andrew Hunt, is conducting a due diligence review of Council property records, mapping records and maintenance schedules to verify ownership and management responsibilities across the Council's estate. It is possible that this review may identify further anomalies relating to land ownership records or maintenance responsibilities.

## 5. Financial Position

- 5.1 The current annual grass cutting cost associated with Hilltop Way is approximately £746.82 per annum.
- 5.2 Historic expenditure on grass cutting over the previous ten years is estimated at approximately £6,355.20.
- 5.3 The figures above relate solely to grass cutting activities and do not include tree maintenance, inspections or other associated works.

## 6. Legal and Governance Considerations

- 6.1 Officers have reviewed Wiltshire Council records relating to the Asset of Community Value nomination.
- 6.2 Officers have sought advice through the Council's insurers and legal helpline.
- 6.3 Officers have written to the landowner requesting communication with the Council regarding the land and are awaiting a response.
- 6.4 Further engagement will take place should contact be established.

## 7. Strategic and Policy Alignment

- 7.1 Officers will continue to seek engagement with the landowner should no response be received to the Council's correspondence.
- 7.2 The review of Council landownership records, mapping records and maintenance schedules will continue.
- 7.3 In future, due diligence checks will be completed to verify ownership prior to any asset transfer or potential changes in land involving the Council.
- 7.4 Any further material developments will be reported to members as appropriate.

## 8. Implications

Implication Area	Impact	Comments / Mitigation
Financial	Medium	Historic grass cutting expenditure has been identified. There may be further financial implications if the wider review identifies other areas where the Council has maintained land without clear ownership or formal maintenance responsibility. Any further material financial implications will

		be reported to members.
<b>Legal</b>	High	Legal advice has identified risks associated with continuing to maintain privately owned land without documented authority, including trespass, liability and employee safety considerations. Officers have acted in accordance with the advice received and have ceased maintenance activity pending any further agreement with the landowner.
<b>Risk</b>	High	The matter presents governance, legal, operational and reputational risks. These include public concern about the cessation of maintenance, uncertainty arising from historic records, and the possibility that further anomalies may be identified through the wider review. Risks are being mitigated through legal advice, written records, landowner contact and a review of Council records.
<b>Personnel</b>	Medium	Employee health and safety considerations have been identified in relation to staff or contractors undertaking work on land where the Council has no confirmed legal authority to operate. Maintenance activity has therefore ceased in accordance with advice.
<b>Environmental Impact</b>	Low	The cessation of grass cutting may affect the appearance and management of the site. There may also be biodiversity implications if the land becomes less intensively managed. Officers will consider any environmental issues if further engagement with the landowner takes place.
<b>Equalities Impact Statement</b>	Low	No specific equalities impacts have been identified at this stage. However, any future changes affecting public access or the condition of the land should consider accessibility, safety and potential impacts on residents who may have used the land informally.
<b>Community / Public Impact</b>	Medium	The land has generated local interest following its sale and listing as an Asset of Community Value. The cessation of Council maintenance may lead to public concern or further enquiries. Clear communication will be important to explain that the land is privately owned and that the Council cannot lawfully continue maintenance without authority.
<b>Procurement / Contractual</b>	None	No direct procurement implications have been identified. However, any contracted maintenance arrangements should be checked to ensure that the site is removed from relevant schedules unless a formal agreement is reached.
<b>Property / Asset</b>	High	The issue has highlighted a discrepancy between historic mapping/maintenance records and legal ownership records. A wider review of Council property records, mapping records and maintenance schedules is underway to verify ownership and management responsibilities across the Council estate.
<b>Data Protection</b>	None	No personal data implications have been identified in relation to the report. Any correspondence with the landowner or members of the public will be handled in accordance with the Council's data protection obligations.