The Highland Council

Agenda Item	4
Report No	DSA/20/26

Committee: **Dingwall and Seaforth**

Date: **23 November 2026**

Report Title: **Dingwall Common Good Fund – Reclassification of Sir Hector MacDonald Memorial Tower and parts of Mitchell Hill**

Report By: **Assistant Chief Executive – Place**
Assistant Chief Executive – Corporate

1 Purpose/Executive Summary

1.1 This report updates Members on the outcome of a title investigation undertaken in relation to Sir Hector MacDonald Memorial Tower ("Sir Hector's Tower") and associated areas at Mitchell Hill, Dingwall. The investigation has concluded that Sir Hector's Tower, the surrounding woodland and associated historic features form part of the Dingwall Common Good Fund.

1.2 The report outlines the next steps in the reclassification process, including amendment of the Dingwall Common Good Asset Register and the implications for the future management of these assets.

2 Recommendations

2.1 Members are asked to note:-

i. the findings of the title investigation undertaken in connection with Sir Hector MacDonald Memorial Tower and associated areas at Mitchell Hill;

ii. the reclassification of Sir Hector MacDonald Memorial Tower, the surrounding woodland and associated historical features at Mitchell Hill as assets of the Dingwall Common Good Fund and the inclusion in the Dingwall Common Good Asset Register; and

iii. that the operational cemetery areas are not considered Common Good property, having been appropriated for burial ground purposes.

3 Implications

3.1 **Resource** – There are no immediate financial implications arising from this report. Future maintenance and management costs associated with the assets will be expected to be met from the Dingwall Common Good Fund or other approved funding sources.

3.2 **Legal** – Section 102 of the Community Empowerment (Scotland) Act 2015 places a duty on local authorities to establish and maintain Common Good Asset Registers. Asset Registers are living documents and should be updated where additional information establishes that assets form part of the Common Good.

3.3 **Risk** - Updating the Asset Register will provide clarity regarding ownership and management responsibilities and reduce the risk of uncertainty regarding the Common Good status of these assets.

3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** – There are no direct Health and Safety implications arising from this report.

3.5 **Gaelic** - There are no direct Gaelic implications arising from this report.

4 Impacts

4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.

4.3 This is an update report for noting and therefore an impact assessment is not required.

5 Background

5.1 Enquiries were received regarding the ownership and status of Sir Hector's Tower, the surrounding woodland and associated heritage features located on Mitchell Hill in Dingwall. As these assets were not included within the current Dingwall Common Good Asset Register, further investigation was undertaken to determine the extent of Council ownership and whether the assets formed part of the Dingwall Common Good Fund.

5.2 The review formed part of the Council's ongoing statutory duty to maintain accurate Common Good Asset Registers and ensure assets held for the benefit of the inhabitants of the former Burgh are appropriately identified and managed.

5.3 Detailed investigations were undertaken, including a review of title information, historical records, Burgh minutes and archive documentation relating to Mitchell Hill.

6 Title Investigation Findings

6.1 The investigations established that Mitchell Hill formed part of the property held by the former Royal Burgh of Dingwall under the Royal Charter of James VI and therefore formed part of the Burgh's Common Good. Historical records confirm that the area was used as a public park, pleasure ground and bowling green before part of the site was subsequently appropriated for burial ground purposes and developed as a cemetery.

6.2 **Appendix 1** provides a summary of the detailed investigation and illustrates the extent of the area known as Mitchell Hill that was subject to review. The plan, for illustration purposes, identifies the land currently in Council ownership for which title and historical records were examined. Members should note that additional land was acquired in 2011 to facilitate the extension of the cemetery. However, this land did not form part of the original Mitchell Hill property and has therefore not been considered as part of the Common Good assessment.

6.3 The review identified that land forming the cemetery (delineated in blue) was appropriated for burial ground purposes. As land appropriated for statutory functions ceases to form part of the Common Good, the operational cemetery areas are not considered Common Good assets.

6.4 No evidence was identified to suggest that the land in which Sir Hector's Tower was constructed on and the surrounding woodland (delineated orange) were appropriated for any statutory purpose or otherwise removed from the Common Good estate.

6.5 Having considered the historical records and available evidence, officers are satisfied that Sir Hector's Tower, the surrounding woodland and associated heritage features (the cannons), remain part of the Dingwall Common Good Assets.

7 Common Good Asset Register

7.1 The Council has a statutory duty to maintain Common Good Asset Registers. In light of the findings of the investigation, there is a requirement to amend the Dingwall Common Good Asset Register to include:-

- Sir Hector MacDonald Memorial Tower;
- The surrounding woodland at Mitchell Hill; and
- Associated heritage features, including the historic cannons

7.2 The inclusion of these assets within the Asset Register will ensure it accurately reflects the extent of the Dingwall Common Good property and provides clarity for future management, maintenance and decision-making.

8 Conclusion

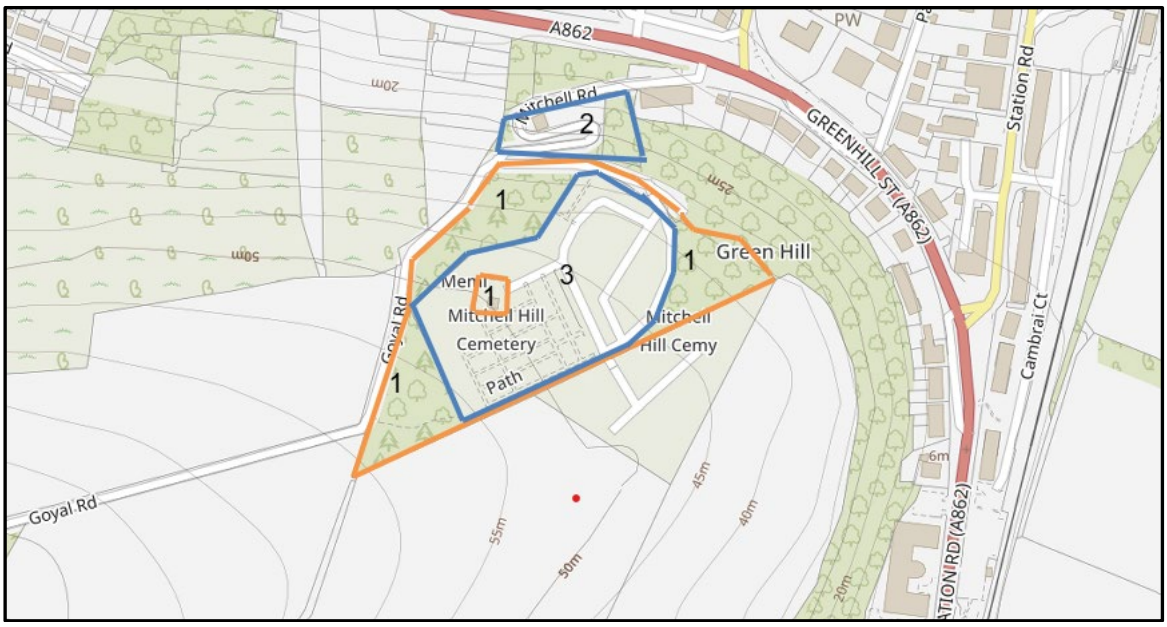
8.1 The historical evidence supports the conclusion that Sir Hector MacDonald Memorial Tower, the surrounding woodland and associated heritage features remain part of the Dingwall Common Good.

8.2 Updating the Dingwall Common Good Asset Register and transferring the assets from the General Fund to the Dingwall Common Good Fund will ensure that the Council's asset records accurately reflect the outcome of the investigation and provide clarity for the future governance and management of these assets.

8.3 It should also be noted that a licence to occupy has recently been granted to Dingwall Community Development Company for the management of Sir Hector's Tower as a community asset. The reclassification of the Tower as a Common Good asset has no immediate implications for this arrangement. However, any future proposals relating to the lease, disposal or change of use may require consideration under the Community Empowerment (Scotland) Act 2015 and the Council's Common Good governance arrangements.

Designation:	Assistant Chief Executive – Place Assistant Chief Executive – Corporate
Date:	30 October 2026
Author:	Paula Betts, Common Good Fund Officer Emma Linn, Acting Legal Manager - Conveyancing & Commercial
Background Papers:	None
Appendices:	Appendix 1 – Summary of the title investigation and plan of area known as Mitchell Hill

Summary of the title investigation and plan of area known as Mitchell Hill (for illustration purposes only)



Investigation summary:

Historical records indicate that Mitchell Hill originally formed part of Dingwall Burgh's Common Good, having been held under the Royal Charter of James VI. Before becoming a cemetery, the area was used as a public park, pleasure ground and bowling green. There is no evidence that Provost John Mitchell gifted the land to the Burgh; Council records suggest it was already in Burgh ownership when he funded improvements to the site.

A Burgh Council minute dated 26 April 1890 refers to the sale of part of "Mitchell Hill, being part of the Common Good of the Burgh" for the establishment of a cemetery. The first burial took place in April 1891.

The original burial ground and later cemetery extensions (c.1934 and c.1965) are considered to have been appropriated for burial ground purposes and are therefore not treated as Common Good land. It is reasonable to assume that the burial areas were transferred into the Council's General Fund rather than remaining Common Good property. A further cemetery extension acquired in 2011 is also not Common Good.

The remaining parts of Mitchell Hill, including Sir Hector's Tower, the surrounding woodland and the six historic cannons at the tower, appears to have remained within the Common Good. No evidence has been found that these areas were ever removed from Common Good status.

Sir Hector's Tower is a memorial rather than a burial site, with Sir Hector Munro buried in Edinburgh.