

Freedom of Information request disclosure log sheet

Case No: 24			
Date Received: 03/01/2018			
Topic: Ownership and maintenance responsibilities for lane at St Ninian's Church (Tynet)			
Request			
<p>...in relation to Tynet Chapel, St Ninian's Church which is an historic Roman Catholic clandestine church located at Tynet about four miles to the west of Buckie. The lane from the main road to the Chapel is in a very poor state and unfortunately been told by the local council that this repairs to the lane is not their responsibility. Left without any repair the lane will become inaccessible and as Tynet Chapel is a tourist visiting location before long tourists will no longer be able to visit this unique location.</p> <p>The reason for emailing The Crown Estate today is to ask if you have any knowledge of ownership and maintenance responsibilities?</p>			
Response			
<p>The track is owned by the Crown and managed by Crown Estate Scotland (See plan A). However as you will note from plan B (attached), the track leads to the Chapel and other land belonging to third parties including private residences and we believe Forestry Commission woodland beyond the chapel itself.</p> <p>From what you say it is a question of improvements to the track for domestic vehicles which is of interest. Each of the proprietors will have shared responsibility under their title deeds for maintenance of the track according to user dating back to when they were originally sold by our predecessors The Crown Estate. Crown Estate Scotland leases the fields adjoining the track up to the church to farm tenants but they use only the short section between the public road and the field gates as indicated on plan A to access their land.</p> <p>Crown Estate Scotland is required to maintain or repair the track to a standard that ensures agricultural vehicles can use it.</p> <p>There is a specific burden clause in the disposition transferring land surrounding the chapel to the Diocese of Aberdeen in 2008 which bears out this point and stipulates the maintenance requirements are shared according to user which your constituents may wish to review.</p> <p>Registers of Scotland (https://www.ros.gov.uk/contact-us) will have information on current owners of the residential properties and I would suggest that you or the church may wish to contact and/or approach Forestry Commission Scotland to confirm their use of the track and maintenance responsibilities.</p>			
Document Reference	Document Title	Document Type	Exceptions applied
002103690	Plan A-Newlands of Tynet_Title_FIO 1_18jan2018	.pdf	39(2) – Environmental Info
002103691	Plan B-Newlands of Tynet_Title_FIO 2_18jan2018	.pdf	39(2) – Environmental Info

If you require any of the listed documents enclosed in a request for information, please contact:



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Please quote the Case Number, item number(s) and document name(s).