

The ownership and management of land in our National Parks – the Tulchan estate

Description

The sale of the Tulchan Estate, which straddles the northern boundary of the Cairngorms National Park, was announced last week ([see here](#)). The estate, or rather Tulchan Sporting Estates Ltd which Leon Litchfield, the previous owner, set up as the vehicle to own it soon after he purchased the estate in 1993, was bought by the Yuri Schefler, a Russian billionaire. He owns the SPI Group which is registered in Luxemburg (notorious for its loose tax regime). Companies House still records – from a statement made in 2016 – that no single person or legal entity has significant control of the company. It's therefore unclear if Mr Schefler has bought the shares in Tulchan Sporting Estates Ltd personally or through another legal vehicle. It appears though he has appointed a new director, to replace the Directors who resigned in March, one Natalia Sidorenko (a UK citizen).

Ms Sidorenko is also a Director of Tulchan Estate Services Ltd, a new company set up in February 2017, and which appears to have nothing to do with the Litchfield family. It has nominal capital but its owners, **Scottish Properties Ltd**, correspondence address is Lefebvre Court, Lefebvre Street, St Peter Port, Guernsey, GY1 6EJ. Another tax haven. The Herald quoted claims that Yuri Schefler is aiming to invest in the estate, and that might be so, but why set up a service company which is owned by another company which appears based in a tax haven if your long-term intentions are to invest in the area? It looks like any returns on Mr Schefler's investments may go elsewhere rather than benefitting local people. This is yet another sale which raises issues about the need for land reform.

Indeed, the creation of companies and trusts to own estates is now being used to circumvent the right to buy provisions in our Land Reform legislation. This was well put in the Herald article:

But the sale had been hit by a row over the rights of the estate's tenant farmers, which campaigners had asked to be put on hold.

Legislation passed by the Scottish [Parliament](#) in 2003 is meant to ensure tenants are granted the right to buy when farms are put up for sale.

Because the new owners of Tulchan will buy the shares of a company, rather than a property, the farms will not technically have been sold and the tenants will not be able to trigger a right to buy.

But a spokeswoman for Savills said the issue over the tenant farms had been resolved with the sale.

Tulchan Sporting Estates Limited
Abbreviated balance sheet
as at 31 January 2016

	Notes	2016		2015	
		£	£	£	£
Fixed assets					
Intangible assets	2		20,200		25,600
Tangible assets	2		10,213,338		10,428,735
Investments	2		1		1
			<u>10,233,539</u>		<u>10,454,336</u>
Current assets					
Stocks		374,746		379,045	
Debtors					
falling due after more than one year		-		5,170,720	
falling due within one year		5,408,918		293,474	
Cash at bank and in hand		176,958		193,753	
		<u>5,960,622</u>		<u>6,036,992</u>	
Creditors: amounts falling due within one year	3	(5,568,357)		(528,642)	
Net current assets			<u>392,265</u>		<u>5,508,350</u>
Total assets less current liabilities			<u>10,625,804</u>		<u>15,962,686</u>
Creditors: amounts falling due after more than one year	4		-	(4,500,000)	
Net assets			<u>10,625,804</u>		<u>11,462,686</u>
Capital and reserves					
Called up share capital	5	15,653,208		15,653,208	
Profit and loss account		(5,027,404)		(4,190,522)	
Shareholders' funds		<u>10,625,804</u>		<u>11,462,686</u>	

These abbreviated accounts have been prepared in accordance with the special provisions of Part 15 of the Companies Act 2006 and the Financial Reporting Standard for Smaller Entities (effective January 2015) relating to small companies.

These accounts were approved by the directors on 18 October 2016, and are signed on their behalf by:



E. G. Litchfield
Director

ers over Â£25 million the most recent company es Ltd had been valued at nothing like this

Part of the reason for this was that a number of

loans had been secured on property owned by the Company, including as recently as last year, and Companies House records all these were paid off earlier this year. Then on 10th March 2017 the Directors issued a statement reducing share capital in the company to Â£14,355,802 shortly before resigning and being replaced by Ms Siderenco. Now, I am not an accountant but I am not sure why they would do this unless the offer for the estate was less than the previous share capital of Â£15,653,208. Its also possible of course that it was Mr Schefler who paid off the various creditors of the company.

Natalia Siderenco has also become a Director of Tulchan Springwater Ltd but that company is dormant and is worth nothing Her fourth Directorship is I think relevant. She is a Director of SPI Spirits (UK) Ltd which after paying interest lost Â£165k in financial year to December 2015 and whose liabilities exceeded its assets at that time by cÂ£1.85m. Those accounts use Company Act exemptions and don't report on internal transactions with the wider SPI group owned by Mr Schefler but its another company that appears insolvent.

So why is all this relevant to our National Parks?

The predominant model of National Parks across the world is that land is state owned. Indeed in Chile, the state added 11 million acres of land to National Parks in March ([see here](#)), albeit spurred to do so in part by a legacy from the campaigner Doug Tompkins. In Scotland we allow all land to be traded, even that in National Parks, without controls. Tulchan is just the latest example of this.

Proponents of private ownership would argue so what? Well the reason this matters if we have no idea whether Mr Schefler respects the four statutory objectives of the National Park. We allow landowners to buy land in our National Parks without even having to make a declaration about their intentions â?? Mr Schefler says he is going to invest in the estate but, for all the Cairngorms National Park Authority knows, this might bulldozing more tracks onto grouse moors or cutting off access to the river Spey for outdoor recreation apart from fishing which is happening downstream, just outside the National Park.

While the CNPA to their credit have tried to get every estate in the National Park to develop estate plans many did not do so: Tulchan was one of those. So will Mr Schefler, or rather his apparent nominee, Natalia Siderenco, now ensure one is produced and consult with the National Park on this? The problem is its their choice. The CNPA has no powers to force the company to produce a plan yet alone to determine whether they are fit people to own land in a National Park. Owners of Care Homes have to show they are fit to do so, so why not owners of land in our National Parks? Someone who has abused people or allowed people to be abused would not be allowed to own a care home, and we should apply the same principle to land ownership, so people who allow protected species to be killed should not be allowed to own land in our National Parks.

If you want a compelling reason for this, the day after the sale of Tulchan was announced, the RSPB reported the disappearance of yet another golden eagle on the Glenbuchat estate (two estates on from Tulchan going east). Its worth reading the history from Raptor Persecution Scotland:

[Satellite-tagged golden eagle â??disappearsâ?? on North Glenbuchat Estate in Cairngorms National Park](#)

Nothing to do with Mr Schefler of course but the point is we have no idea what he is going to do, whether he might be like the managers of north Glenbuchat or at the other end of the spectrum, like Anders Povslen, the owner of Glen Feshie. We need to create ways to assess suitability of people to own or lease large areas of land in our National Parks and this should include a financial fitness test to ensure companies such as Natural Retreats donâ??t siphon money out of the National Park. Mr Scheflerâ??s companies that relate to Tulcha havenâ??t done anything yet of course but will need

watching.

Category

1. Cairngorms

Tags

1. CNPA
2. land reform
3. landed estates
4. wildlife persecution

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