

By email

Mr Stuart Timmiss
Executive Director of Place, Economy and the Environment
West Northamptonshire Council

Copied by email to: WNC Cabinet members, Cllr Emma Roberts, Cllr Sally Beardsworth, Cllr Jonathan Harris

7 April 2022

Dear Mr Timmiss

Re: Sixfields

The board of directors of the Supporters Trust has considered carefully your letter to me dated 29 March 2022 but which was not sent and received until 4 April 2022. I am asked to respond to your comments as a matter of public record.

In referring to the Heads of Terms whilst you state that the full detail will be contained in the final contract between the parties you fail to provide any evidence or to provide any assurance that the “no stand, no land” or “stand first” policy of the former council remains. It is apparent from your comments that the previous policy has been dropped without explanation. The woolly wording you employ, that the full detail will be contained in the final contract, is wholly unconvincing. I ask you to evidence what you claim.

The Trust board is deeply concerned that this situation should have been allowed to arise. The Trust board is certain that its members and the wider supporter base of NTFC will be justifiably angry and disturbed that the Council should be putting the club at unnecessary risk by not making it mandatory that the stand be completed under the present ownership. As mentioned in my letter of 28 March 2022 there is nothing to prevent the owners selling the 17 acres comprising the Main Site Lease land without starting or finishing the East Stand. Indeed, the Cabinet Papers for 8 March 2002 state in paragraph 6.15 in the “Cons” listed for awarding the contract to CDNL that there is “no guarantee that the East Stand would be completed”. Against that, in the “Pros” column it is stated that in favour of CDNL that it “Should make it relatively likely that the East Stand would be completed”. The pros and cons are set out under the introductory sentence that “The non-financial benefits and disbenefits can be summarised as follows”.

You state that with its clear obligations under section 123 of the Local Government Act 1972 the Council could not take the stand into account in making its decision, yet it appears to have done exactly that. The acceptance of an offer of £98,086 per acre for 20.90 acres as compared to an offer of £173,510 per acre for 17.29 acres is not a matter for the Trust but it may take some explaining to others. I submit that your assertions are a mass of contradictions.

Regarding the Running Track Lease land, you comment that any option to re-acquire this land will be “fully protected” but you fail to explain how. Given the Council’s dismal failure to ensure “no stand, no land” the Trust finds itself unable to place any confidence in your assurance. You say that the scenario I set out in my previous letter is unlikely. However, it is not impossible. By way of an analogy, a person takes out insurance cover for his house in the hope and expectation that it will not be destroyed or damaged in a fire but the financial protection is there if such an unfortunate event should occur. The basic and obvious protections the Trust has highlighted need to be provided for but are not. This is unacceptable.

It could be that the football club will have new owners within the 5 years period so it is questionable what leverage the option, which the Council seems to consider to be of some worth, will have over the current owners.

Also, and to repeat, the option will be only over the Running Track Lease land. The present owners who control and manage CDNL will have an entirely free hand to do what they wish with the Main Site Lease land, including an immediate resale on purchase or a sale of CDNL with the Council having no recourse whatsoever. Yet on behalf of the Council you consider that it is protecting the club and its supporters.

Contrary to what you allege about the Trust making uninformed conclusions, I can assure you that it is well informed and with its board and advisers it has the advice and expertise of a number of professionally qualified persons and experienced businessmen.

On the topic of misinformation, it is to be noted with some concern that your claim that Cillarda had commissioned a second expert view on the land value and remediation costs and shared it with the Council was very quickly rebutted by that company after the publication by the Council of your letter on the Chronicle and Echo's website. This did not reflect well on the Council as being on top of the subject matter.

The land value numbers quoted in my letter of 28 March are considered to be realistic. You misquoted what I wrote which was for a per acre value of £1 million which x17 acres = £17 million, less remediation costs of, say, circa £7 million, would mean a profit of £10 million, not £7 million as you state. Since you raise it, I need to comment further. In December 2021 the Trust commissioned a ground condition report by Delta-Simons Environmental Consultants from which I will quote the following advice:

- “The contamination on Site warrants only limited remedial action for the assumed commercial/industrial redevelopment of the Site.”
- “There is insufficient data/evidence to comment on the reasonableness of the scope of works which drives the £10 million cost placed by LSH on ground ‘enabling works’”.

The assumed commercial industrial redevelopment of the site is logistics sheds/warehouses and the like. The Delta-Simons report was in fact shared with the Council by the Trust and gave rise to a comment by the Conservative Deputy Leader that it didn't contain anything that the Council did not already know.

The Trust has access to developers with local knowledge and also to construction industry experts. One construction expert who has a university degree in construction management and is a member of the Chartered Institute of Building (MCIQB) has spent the last 10 years doing little other than acting on the construction of logistics sheds and warehouses, often on brownfield sites. He is familiar with the Sixfields site and its issues. Therefore, the remediation figures employed are not uninformed. It may be that the Council is the uninformed party.

The Trust has raised with Jonathan Nunn and the Opposition leaders concerns over the lack of protection being afforded by the Council over the future development of the Running Track Lease land. Across the political divide no consideration has been given to this issue and no protection has been set out in what is known of the agreement with CDNL.

It is more than 6 years since the present owners acquired NTFC on the unfulfilled, legally non-binding commitment to complete the East Stand from their own proven funds but without that commitment being conditional on any prior ownership of the surrounding land and its sale to meet that obligation. Down all these years the owners have had more than sufficient time to plan and decide in detail what they have in mind for this land but nothing is known beyond creating a car park area immediately behind the stand.

The Running Track Lease land has been remediated and is ready to be developed. Due to these 3.61 acres of land being remediated it carries, presumably, a high value if and when the freehold title is acquired and underlying leases to NTFC and CDNL are surrendered.

Other than the land needed for car parking there will be nothing to prevent the remaining land being sold to developers “in the best interests” of the football club with the possible destination of the sale proceeds going to the club’s owners to pay down their outstanding loan accounts.

The strong view of the Trust board is that the Running Track Lease land must be protected and that any development of this land should be for the direct and on-going benefit of the football club, its supporters and the residents of Northampton. It appears to have been lost sight of by the Conservative Administration that this land is community land and should be utilised as such. How the opposition can stand by and say or do nothing is for them to explain.

Therefore, in conclusion I repeat the assertion that the Council is failing the club and supporters and the reasons are very clearly set out in the Trust’s letter of 28 March and now in this letter.

Regards

John Morgan
Acting Secretary and Legal Adviser
on behalf of the Board of NTFC Supporters Ltd