

**REBUTTAL PROOF OF EVIDENCE
OF
WILLIAM GITTUS**

1. This evidence is in rebuttal of the proof of evidence of Aline Hyde on matters within my knowledge and expertise on behalf of the appellant.

Extent of enhancement works

2. Ms Hyde states in paragraphs 14, 16 and 19 of her Proof of Evidence that she considers some of the works to be non-essential and that the extent of the enhancement works proposed is at issue. This and the need for the development have never been in issue previously, whether in discussions with officers, in correspondence, in the reasons for refusal, in the Statement of Case of the Council or anywhere else.
3. In fact, the opposite is true. All the works which are included in the costings for refurbishment were discussed in detail with officers, the extent of the enhancement works required to effect a transformation of Sandown Park Racecourse were accepted after meetings with officers including questions asked and explanations given, the details of the required works as submitted were found to be sufficient and all the costs of the required works were agreed. The Council employed a consultant, MWA, to advise them on cost matters and agreement was reached in a 20 page schedule [see CD 6.63 – agreed position on build costs].
4. The information submitted with the planning application made it clear from the outset that improvements to the existing racecourse were vital and necessary and these were the subject of discussions with officers (see, for example, section 5 of the EIA).
5. In any event, Ms Hyde does not elaborate upon what elements of the proposals are now considered by the Council to be desirable rather than being essential . I am therefore not in a position to reply to such allegations. A number of people

have been involved in formulating the required enhancement works and I am not able on the evidence of Ms Hyde to deal with the allegations she makes.

Horseracing only occurs site on 24 days per year

6. Ms Hyde in paragraph 17 suggests that “Of course, horse-racing only occurs at the site on 24 days per year and so it is assumed that the upgrades would be enjoyed mostly by visitors to conferences and other events which occur on 300 days annually”. This is the first time that this point has been raised.
7. As is the case with nearly every natural or grassed sports ground, football stadium or cricket ground, horse racing cannot take place on a racecourse on every day of the year as this would damage the turf. Racecourses necessarily can only be used for horse racing with a period of time between race meetings which allows for the turf to recover and maintenance to be carried out. In fact, Sandown, with 24 meetings per year, has more days of racing than many turf racecourses in the UK. This is because it is a dual code racecourse staging both flat and jump racing and therefore stages racing throughout the year, with on average 2 days racing per month. Whilst racing may occur on “only” 24 days, those 24 days account for over 80% of the racecourse’s revenue.
8. Furthermore, whilst racing itself may take place on 24 days each year, it is wrong to conclude that the racecourse is only used in connection with horse racing on 24 days per year as the turf must be prepared and maintained on a daily basis, the jumps, machinery, stalls and 8 kms of rails must be inspected, repaired, maintained and renewed, the grandstand and other buildings used for horseracing are under continuous maintenance (in particular because of their high maintenance due to continued deterioration), and the staff must be employed throughout the year to maintain the racecourse as a racecourse as well as employed in the offices and elsewhere on the racecourse.
9. Even though the principal use of the racecourse is as a racecourse for horseracing, the use of the racecourse buildings and outside car park areas for events (including trade exhibitions, conferences and weddings) assists in causing the racecourse to be more economically sustainable than it would otherwise be. These are secondary uses but important uses of the racecourse buildings nevertheless and are welcomed in the area as an important local asset including by the Council, both socially as well as economically important, in order to obtain income to offset in part the considerable expenditure required for the upkeep of the racecourse and its buildings. It would be hard to find a racecourse or other major sports stadium which does not seek to utilise its buildings in a similar way on days when they are not being used for their primary purpose.

Upgrade for next 20 years

10. Ms Hyde in paragraph 18 of her proof of evidence comments that the development proposed is “only” for the next 20 years. This is in fact is a misquote of the JCR Vision Statement (at CD 6.47, appendix 5, page 1, para 2) which states that “it is envisaged that the economic returns facilitated by the housing development will be used to restore the grandstand and other essential development on the site to secure the racecourse’s future for at least the next 20 years” (my emphasis). Ms Hyde seems to misunderstand the appellant’s position.
11. I refer to **Appendix R1**, the email received by me from Gordon Balharrie BSc MRICS, a partner of Leslie Clark, an accomplished chartered quantity surveyor and cost consultant with extensive experience including many racecourse refurbishment projects. In his email he makes it clear that a time horizon of 20 years is the industry standard. He also comments upon the refurbishment works proposed to the buildings and proposed development elsewhere on the racecourse, and the method used by him to draw up his schedule of costs.
12. Ms Hyde states that it is unclear what is expected beyond this 20 year time horizon and whether it is likely that the public interest in horse racing will increase or whether it is planned to stage an increased number of other events of the site. She considers that “this failure to set out a coherent strategy for the future of the site is concerning”.
13. There is no question of any failure to set out any coherent strategy for the future of the site. Had the appellant been asked about such matter it could have made it clear that The Jockey Club has been in existence since 1750 and has every intention of continuing to be a principal racecourse owner and operator in the UK, including of Sandown, for many decades to come. The proposals are to sustain the racecourse economically and halt its deterioration. This has never previously been questioned by the Council and the planning application before the Inspector was drawn up as a masterplan, in discussions with and at the request of the Council to avoid multiple applications over future years without a longer term vision in place.
14. If the planning permission applied for is granted permission, the transformational works will be able to be carried out to secure Sandown’s future for at least the next 20 years and, I expect, many years beyond that. That is the standard time horizon for expenditure on any commercial or leisure development in my experience too. The receipts from the development will be able to be applied to ensure the continued upkeep of Sandown to a high standard as well as to carry out a continuation of the improvements required beyond those in the planning

application and detailed in the schedule of costs. These include the enhancement of The Eclipse building costed at at least £3.5 million which contains boxes and a corporate suite and which is on hold until funds are available. Future works not included in the planning application also include renewal of other plant and machinery in the grandstand and elsewhere, as well as external enhancement works on the racecourse including re-routing the horse walk to and from the parade ring to the front of The Eclipse building thereby improving engagement of racegoers with the horses.

15. On the other hand, if planning permission is refused, deterioration of Sandown will continue with a spiral of decline, potentially over a relatively short period of time, to the substantial detriment of not only the appellant, but many thousands of racegoers and those who rely upon the racecourse in the local area of Elmbridge as well as more widely, with negative repercussions for UK horseracing, employment, leisure and recreation. Ultimately, it places Sandown in jeopardy of being unable to continue to be a premier UK racecourse and suffer the fate of Towcester and Folkestone racecourses which have closed recently as being unviable. This is absolutely not a threat which is being made by the appellant; it is the unfortunate reality of economics, exacerbated further by the impact of the current pandemic from which it will take all racecourses years to recover, and which some may not survive.

Alternative ways to meet the need for the hotel

16. Ms Hyde at paragraphs 21 to 43 of her proof of evidence questions the need for the hotel in its currently proposed location. Ms Hyde proposes the potential for an off-site hotel to meet the need. It is noteworthy that no single alternative site has been proposed by her or anyone else at any time, and neither are the appellant or their agents aware of any. However, the appellant has always made it clear that if a hotel is to support the racecourse and accommodate racegoers, it would need to be located on the racecourse itself. It is now clear that in order to meet that need and compete effectively with other racecourses and other high quality leisure, recreation and sporting facilities, a number of which have high quality hotels on site, it is required to be a high quality hotel located immediately adjacent to the grandstand so that it and the grandstand would function together, with a clear view over the racecourse, and to be a 150 bed high quality hotel with a high quality offer.
17. Ms Hyde considers that the original planning permission could be redesigned or its layout changed and asserts that the appellant did not explore any such changes. This is incorrect; these possibilities have been explored but dismissed as being unfeasible as they would not meet the identified need in any event. The previous 109 bed hotel planning permission is dislocated from the grandstand and would

never meet the now identified need as it could not function as a high-quality hotel in its secondary location, but only as a budget hotel. Its marginally closer location to the town centre is seen by Ms Hyde as being an advantage but this is of no weight to an operator compared to the benefits of a larger 150 bed hotel located overlooking the racecourse adjacent to the grandstand.

18. Sandown Lodge could be described as a budget hotel and that is totally inadequate to meet the identified need. It became clear from marketing the currently consented hotel over an extensive period of time since 2008 that the site of the existing planning permission may satisfy the demand for a budget hotel for business customers seeking a budget hotel in the Esher area but not the need for a high quality on-racecourse hotel to meet the demands of the more discerning traveller, business user and racegoer, and those who seek high quality accommodation with all that a high quality hotel would provide in the proposed location.
19. It is only a high-quality well-designed hotel of the size proposed in the location overlooking the racecourse adjacent to the grandstand that would significantly enhance the image of Sandown Park Racecourse as a whole, not only in Surrey but nationally and internationally, as well as providing significantly greater income to the racecourse and significantly greater economic benefits to the area, including an increase in the number of staff employed. See **Appendix R2**, an email from another hotel operator supporting the points made above and further demonstrating that the demand for such a hotel continues to exist. There are only a limited number of operators in the high-quality hotel market and the evidence is clear, even in the currently uncertain Covid19 economic climate, that the demand for a high-quality hotel on the proposed site continues to be strong.

Affordable housing – staff accommodation

20. Ms Hyde in para 62 of her evidence refers to reservation of 11 of the 64 units for employee accommodation. At one stage it was proposed by the appellant that 11 units should be reserved for nominated employees of the appellant who would meet affordable housing criteria. Some time ago this was discussed with Council Officers and it was agreed by the appellant that the matter would not be pursued. That remains the position.

Family/community zone

21. Ms Hyde makes the point that this is only in use for racegoers on 24 days per year. Area C is in the centre of the racecourse and is proposed to be developed as a family/community zone for the benefit not only of racegoers on racedays but also of the local community. As I explained in my proof of evidence, there are significant benefits for race going families as well as people living in the local area.

22. I do not see the relevance of Ms Hyde's point given that that use for 24 or so days per year could be said for any facility at any racecourse and other recreation, leisure or sports stadia or other venues used on average every two weeks throughout the year.
23. Improvements and enhancements to sporting and recreation facilities have to be made in order to encourage all parts of society and families to participate in the sport and recreation in question. It is an objective of The Jockey Club to be inclusive and accommodate every section of society at all its racecourses. For example, The Jockey Club was the first national sports organization to list details of all of its venues on the AccessAble website (previously DisableGo) which provides Detailed Access Guides to assist people with access challenges. The Jockey Club, and racing more widely wish to increase the sport's attractiveness to all members of the family and, here at Sandown, being able to provide a new facility which has the added advantage of better integrating the racecourse into the local community and useable by the community all the year-round is an added benefit. This is an ambition which The Jockey Club is pursuing where opportunities arise on its racecourses and to which it gives significant importance.
24. At paragraph 70 Ms Hyde expresses regret at the loss of the go-kart track. This is surprising given previous support for its replacement with the proposed cycle track, and given the complaints from local residents about noise from the go-kart track.
25. In the same paragraph Ms Hyde states that the proposed soft play area would compete with a soft play facility at the Golf Club on the racecourse. On racedays this facility is closed. The current facility is popular and well used. The proposed soft play facility would seek to attract both younger and older children, and additional play facilities and competition (if it should compete) should be seen as a benefit to local residents. The Community Use Agreement (CUA) encourages the integration of the racecourse into the local community by offering all its outdoor facilities in area C including the play areas, garden and cycle track to be available at no charge to local Elmbridge residents and with a significant discount of 50% (if a charge is made) for any indoor recreation facilities. This is a significant benefit in particular to those residents who live nearby and who have no similar facility available to them. There is no comparable facility in the local area of which I am aware. From my discussions with officers at the time when the family/community zone facilities on Area C were being considered, they were not merely seen to be acceptable but were encouraged and supported by officers including by officers responsible for the provision and promotion of recreational facilities for children in Esher.

The replacement of the day nursery

26. It was a request by the Council officers, understood to be made on behalf of members, for the nursery to be re-provided on Site 5. That demand has been satisfied in the proposals. All the points made by Ms Hyde at paragraph 72 to 77 were presumably taken into account by officers when they sought on behalf of Council members that the nursery should be re-provided on Site 5.
27. The re-provision of a nursery is to satisfy a demand, otherwise it is to be assumed that it would not have been sought by the Council and its members. It is accepted by the appellant that there is such a demand, that it would be an excellent location on Site 5 to meet the demand, in a better a location and in a in new purpose-built building which is more efficient to operate and better able to meet the required regulatory requirements than the current building. That is why the demand is agreed to be satisfied by the appellant as part of the proposals. It is strongly welcomed by the nursery operators and I am surprised that Ms Hyde does not recognise its benefits.
28. Ms Hyde in paragraphs 103 and 104 of her proof of evidence on behalf of the Council requires that the appellant ensures that the approved day nursery on Site 5 is fully operational prior to demolition of any part of the existing nursery facilities, and that the appellant provides an alternative day nursery for a temporary period between the demolition of the existing facilities and the completion of the new days nursery. This is either totally contradictory of its case put earlier in her proof of evidence or is clear evidence of not merely a demand but need for the nursery. I assume it to be the latter and therefore my surprise that she does not recognise the benefits of provision of a nursery in the proposals is well founded.

Extinguishment of planning permission for the hotel

29. Ms Hyde in paragraph 102 of her proof of evidence on behalf of the Council requires that in the event that planning permission is granted, the developer does not have the option to additionally implement the extant permission for a hotel ref 2011/0811. The appellant has never resisted such an obligation, which was only raised by the Council recently, and is willing for this to be included in the section 106 planning obligation.