

**Proposed development of Sandown Park Racecourse**  
**Opening Submissions**  
**on Behalf of the Appellant, Jockey Club Racecourses**  
**by**  
**John Steel QC**

1. Sandown Park Racecourse is a nationally important sporting venue. This planning application has been made to bring about major upgrading of its facilities, to transform Sandown into a high-quality racecourse able to compete with the best and to halt its decline. The current facilities are deteriorating and in urgent need of major restoration. Sandown's main purpose and use is as a racecourse, but it is also an important local leisure, recreation and events venue, supporting the local economy.
2. British horseracing is a major industry in the UK. It employs over 17,000 full time equivalent employees, 85,000 direct, indirect and associated employees and contributes 1.1 billion pa to the UK economy. Attendance in 2019 was over 3.5 million people at British racecourses making racing the second most popular spectator sport after football.
3. Sandown plays a key part in British horseracing, staging world-famous Group 1 races such as the Eclipse. It has been a dual code racecourse staging both flat and jump racing for many decades and racing has been held there since 1875. For a number of years stop-gap and patch-and-mend measures have been undertaken at Sandown to seek to slow the deterioration of its facilities but it is now in need of extensive refurbishment and restoration including to the grandstands, stables and other ancillary buildings as well improvement works to the racecourse itself.
4. In order to increase spend per head as a result of additional expenditure by racegoers, the facilities must match the experience obtained at other high-quality racecourses and discretionary spend sports and entertainment venues. At the same time as carrying out the extensive upgrading works, which require stripping out, vacating and closure of the buildings and external areas during the works, the opportunity is able to be taken to upgrade many of the facilities. To generate additional revenue, the offer must be significantly improved. To compete effectively, high quality is a necessity, not merely a preference, and does not require a material difference in time or cost to carry this out compared to a lesser standard of refurbishment, which would not meet customer expectations in any event. For example, not only must the grandstand be of high quality, but the general environment of the racecourse must be too. Currently, the facilities for racing staff and equine welfare are well below the standards expected and found at leading racecourses in the UK as well as in Europe and elsewhere. Racing is now ever increasingly more an international sport requiring high quality facilities at all its best establishments.
5. A new high-quality hotel on the racecourse is required to increase the attraction of Sandown and match that offered at many other racing and sporting locations. It is important that it is located adjacent to the grandstand for operational reasons as well

as having a view over the racecourse for bedrooms, suites and common areas. It is clear that an on-site hotel is required if the racecourse is to be of high quality and a new hotel in Esher, to support Sandown Racecourse, is supported by local policy where there is a dearth currently. An off-site hotel as an option was never raised by officers in discussions, would not produce income for the racecourse and would not meet customer or racecourse operational requirements. The 2008 planning permission is for an on-site hotel located at the back of the car parks, would only be suitable for a budget hotel and would not cater for the higher spend more profitable luxury market which Sandown is aiming to attract as a result of the transformational proposals.

6. In addition to racing, Sandown, like most other racecourses in the UK, operates throughout the year as an events venue, utilising buildings which are otherwise underused or empty when not used for racing. Some 20% of its income is derived from this and other non-racing activities. Dual use of development is encouraged by government policy to make uses more sustainable; it also provides much needed income to offset the high running costs of the racecourse. However, the suites, halls and exhibition areas, despite continual painting and patching, are looking tired and water leaks penetrate the building. The interiors, plumbing as well as lifts, toilets and M & E all require significant upgrading for the location to be attractive for events including trade fairs, product launches and weddings.
7. It is important to attract and cater for all parts of society and for racing to be fully inclusive. That is a specific objective of the Jockey Club. This includes families with young children and teenagers, men and women of all age groups including the elderly as well as those with impaired mobilities. The proposals will significantly improve the facilities available for all racegoers including for these important groups. Unlike in many sports including football, racegoers spend the whole or much of the day racing, moving around the venue. The family/community zone is necessary to make Sandown significantly more attractive to families with young children and, unlike the soft play area at the golf club, for children of all ages including teenagers. Soft play areas have been found to be highly popular elsewhere, including at other racecourses. On racedays it will allow young children to be in a supervised safe environment away from adult activities including bars selling alcohol and betting areas, to be located in the centre of the course where parents can watch the racing from a great location on a newly constructed mound adjacent to the track or watch the racing from inside the new high-quality café. At the same time, children can use the indoor and outdoor play areas or the cycle track. As a result, Sandown will lead the way at racecourses in terms of the choice of family activities available for children of all age groups. On non-racedays, it will be of great benefit to local residents of Elmbridge, including those who live in the relatively high-density development in Esher to the north-west of the racecourse, with year-round free access to all the outside activity areas and discounted access to the indoor play areas, secured by a CUA under the legal obligation.
8. However, all this costs significant amounts of money. Some £36 million in total is required to be spent on the upgrading works, all of which are necessary for Sandown to halt the deterioration of its buildings and facilities and produce a step change in its quality, as was agreed with the officers of the Council having taken external consultant advice. There is no evidence put forward to the contrary.
9. The local Elmbridge economy benefits significantly from Sandown racecourse located as it is on the immediate edge of Esher Centre and in the centre of Elmbridge. Some 157,000 spectator attendees are attracted to race meetings, with a direct economic

impact of over £6.4 million per year and a GVA impact of some £3 million. It employs 110 FTE positions and supports 480 suppliers, 277 which are in Elmbridge Borough and neighbouring postcodes, this being equivalent to over £4 million Elmbridge spend. Between 100 and 150 additional employees will be employed at the new hotel. None of this seems to have been taken into account in the evidence of the Council – they only refer to the spend from new residents of the proposed new housing. If the attractiveness of Sandown as a sporting or events venue decreases, the economic benefit to the local economy will in turn decrease.

10. The Council alleges in evidence that harm will be caused to the character of the area and openness of the Green Belt. This is not what the reason for refusal states, but putting that on one side, these allegations are disputed, and evidence will be called by the appellant to demonstrate this is not the case. It is relevant that the development sites all lie within the settlement of Esher, either within or adjoining the urban area, and that the racecourse is private land with no public access nor any landscape designation of any form. The Rule 6 Party Action Group's evidence is not accepted and will also be rebutted in evidence.
11. The impact on air quality as well as on highways, traffic and transportation were 'concerns' raised in reason for refusal 1. Neither are reasons for refusal in themselves. The consultants' evidence on air quality has been accepted by officers previously and there is no evidence that any air quality problems will occur as a result of the proposals
12. Access, which is not a reserved matter, is sought to be determined at this stage. All the highway access designs proposed have been agreed as being acceptable by the Local Highways Authority, and the Local Planning Authority.
13. As stated above, highways, traffic and transportation are not reasons for refusal and Surrey County Council accepts the development sites to be sustainable. This was agreed by EBC in the Planning SoCG too (para 3.7), but EBC now seeks to renege on this agreement, it seems. The area adjacent to the north-west corner of the racecourse where housing is proposed on Site 3 has been found to be sustainable by an inspector recently. They are all within walking distance of Esher Railway Station and the town centre. Surrey County Council has no objection to the proposal on traffic or transportation grounds and all the traffic generation and impact figures were agreed. There is no empirical evidence to the contrary before the inquiry. Even taking worst-case assumptions, the impact will be no more than adding one vehicle per minute onto Portsmouth Road in the AM peak, well within the daily variation. This is before making any allowance for residents of the new developments going to work on foot, bus or cycle. It is the appellant's case that the development would not be noticeable and in fact on race days by reason of reorganisation of the car parks and access arrangements for race traffic, there would be a significant improvement over the existing situation, to the benefit of road users and residents of the area.
14. 318 residential units in the locations proposed is the minimum development necessary to achieve the objective. It maximises the use of the land proposed to be developed and thereby minimises the amount of green belt land that is required to be developed. The scheme is a well thought out, carefully integrated package of proposals, delivered and secured by s106 legal agreement, and all the money which will be obtained in land sales by the appellant is required to be channelled back into Sandown, and as a result into the local economy.

15. The scheme represents sustainable development in economic, social and also environmental terms and provides significant benefits within all three categories. In addition to the significant local sustainability benefits obtained from the provision of housing and affordable housing within Elmbridge, it reuses previously developed land (PDL) for development; it sustains an existing major local employer, business and use of land of importance both locally and nationally; it both directly and indirectly assists the long term preservation of the Green Belt for outdoor sport and outdoor recreation; it meets Green Belt purposes; it enhances the townscape and landscape of the area; it provides ecological support and benefit to Littleworth Common, an SNCI; it retains and enhances a children's nursery use of importance locally; it provides substantial benefits to transportation sustainability of Esher Rail Station and pedestrian linkage across the area especially for mobility impaired people; it provides substantial funds to local CIL projects; it does all of this without any call on public funds.
16. The package of proposals to transform and sustain the racecourse was discussed in detail with Council officers of both Elmbridge Council as well as Surrey County Council highways who obtained, where necessary, external consultant advice concerning the costs and extent of upgrading works proposed. This resulted in a recommendation for approval of planning permission of the scheme which is before the inspector today. Significant weight should be given to that independent recommendation.
17. The appeal scheme is a step change bringing about substantial upgrading but, as stated above, there is more required to reach the transformation of Sandown which is sought. In addition to the appeal proposal works, the increased revenue that will be obtained subsequent to development taking place will pay for additional much needed upgrading of other facilities, requirements and parts of the racecourse, as well as ongoing maintenance and repairs. None of these is included in the £36 million cost of appeal scheme works. Additional necessary restoration includes the upgrading of the Eclipse building, estimated at £3.99m. It is located to the immediate north-west of and connected to the grandstand, with viewing areas, corporate and private boxes and rooms overlooking the racecourse at its raised elevation. There are other improvements required to enhance the racecourse to the high standard sought which will be carried out over time.
18. However, all this comes at a cost which is not able to be funded by the Jockey Club or other means. It does not have the funds available and has a substantial debt of some £110 million as a result of raising debt to fund essential works and funding its core business. It is necessary that it reduces this debt, as required by its banks. It cannot raise more debt whether by bonds or otherwise. It runs 15 racecourses in Britain under a Royal Charter and is equivalent to a not-for-profit organisation or charity. Its sole objective is to support British horse racing and it puts all its profits back into horseracing. Many of its racecourses are required to be supported by revenue generated by others. They are located in diverse areas of the Britain, important to their local economies, in rural areas often well away from centres of population. The British horseracing industry relies upon them providing racing experience for horses, jockeys and others in the industry and their contribution to the horseracing calendar is essential. It is not just a question of moving money from them or elsewhere in the accounts to pay for capital projects such as at Sandown. The same is true of the cost to owners of keeping racehorses in training in Britain. There is a clear requirement for prize money to be sufficient to entice new owners into the sport, to retain existing owners, to increase trainers and horses in training as well as the quality of races, as competition from abroad, where prize-money can be significantly greater, is intense.

19. Patch-and-mend repairs have been carried out for a number of years on the buildings and cannot continue in the long term. It is the clear conclusion of the appellant, its board and senior management that it is inevitable that the position of Sandown racecourse in the British racing calendar will decline if significant capital is not injected into its upgrading and done so urgently. 80% of its income is derived from horseracing. If the current proposals do not go ahead, it is seen by the appellant to be a real prospect that a spiral of decline could then set in and, as has happened in the case of out of date buildings and businesses which have not kept up with the times, Sandown's main buildings could well decline rapidly into poor condition, with inevitable but detrimental economic, social as well as environmental consequences for not just the local area of Esher and Elmbridge but also cause wider harm to the British horseracing industry. If planning permission is granted, however, the decline of Sandown will be halted, and it will rise again to be a high-quality sporting and recreation venue and flag bearer of the British horseracing industry.
20. I have mentioned economic as well as social benefits of Sandown continuing as a racecourse of high quality, but environmental benefits would also flow. The appellant is the owner and guardian of the area of Green Belt comprising the racecourse. Objectives of the Green Belt include its use for sport and recreation, not just as a racecourse but also for its other open air uses – as a popular and well used golf course, a cycle track for youngsters, an open air ski slope and high ropes course, but it is its use as a racecourse that is its main attraction, gives it its current character and which has done so for over 100 years. The securing of the future of Sandown racecourse is also the securing of the future of the Green Belt in this location.
21. The buildings on the racecourse which are termed detractors are not seen as such by those who are the users of this private area of land. Its character is that of a racecourse, with its buildings, structures, recreational and sporting activities, and human non-natural influences throughout its area. It has a semi-urban character, as agreed by Arup, the Council's advisers. The adjacent area of More Lane has undergone significant change in its character over the last 10-15 years and is continuing to do so with planning permission being granted recently on appeal for a 17 flat development next to the railway bridge. The proposed buildings utilise previously developed land wherever possible and do not harm the openness of the Green Belt. They do not produce urban sprawl nor cause any towns to merge together – the Council's case that Lower Green Road lies in reality in Thames Ditton and an extension of Greater London not Esher may be news to its residents. The development sites accord with Development Plan and government policy. Whether the elements of the scheme are considered individually or as a whole, the development proposed is appropriate development in the Green Belt (as accepted by the Council on five of the sites) and in any event even if inappropriate there are very special circumstances of significant weight which apply and which clearly outweigh harm by reason of inappropriateness and any other harm.
22. The development of residential buildings as largely proposed on limited parts of the edge of the racecourse is not opposed by those who use the land for sport and recreation and in fact the upgrading scheme is strongly supported and welcomed by them, including in particular by the by the golf course. The development would be for the clear benefit of the hundreds of thousands of racegoers and other visitors to the racecourse annually and the public interest more generally.

23. Both market and affordable housing is in extremely short supply in this area and the need is exceptionally high for both. It is common ground with the Council that the provision of 254 units of market housing is of itself a significant benefit in favour of the development. For some reason, it is not thought by the Council that the supply of 64 affordable housing units is more than a moderate benefit, even though the need for affordable housing is on their own figures unquestionably great. They are both clear integral benefits of the proposals to which great weight should be given.
24. The refusal of planning permission for the reason that only 20% of the proposed housing being affordable housing is totally to misunderstand the nature of the proposals. This is not a housing development scheme where the housing would come forward in the absence of the racecourse upgrading scheme. Therefore, if the appeal is dismissed, not only (as the appellants have made clear) will the upgrading of the racecourse not take place but, (as the Council have made clear), none of the housing development would come forward. Therefore, the proposal to construct 318 units with a minimum of 20% affordable housing, delivered on site at the earliest practicable time of the development, in accordance with a s106 legal agreement/UU obligation, are all clear substantial benefits of the proposals not otherwise obtainable. Local Plan Policy CS21 (concerning delivery of affordable housing) is met in any event. Further, it is agreed that a reconsideration of viability will be undertaken before development takes place. It therefore leaves it open for additional affordable housing to be delivered if economic factors change.
25. There are many public benefits which will be brought about by this proposed development to be given significant or great weight, as set out in the evidence of the appellant; they include wide ranging, important, economic, social and environmental public benefits.
26. It will be demonstrated by the appellant that the proposed development is fully in accordance with the Development Plan and government policy and is appropriate development in the Green Belt, especially when the development is considered both individually and as a whole.
27. The scheme is to provide appropriate facilities in connection with the existing use of the land as a racecourse, an appropriate use of the Green Belt for outdoor sport and outdoor recreation, used as such for the last 145 years. Even if this is not the case and a contrary view is taken of these matters, there are very special circumstances which exist clearly to outweigh the harm by reason of inappropriateness and any other harm resulting from the proposal.
28. The scheme is a one-off opportunity to produce a major and important step change to sustain a major and important local asset, recognised in Local Plan policy, producing sustainable development and enhancement in a sustainable location, with the added benefit of assisting the preservation of the Green Belt in the longer term.
29. It is therefore the appellant's case that the appeal should be allowed, and conditional planning permission granted.

**John Steel QC**

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