



Helping the NHS achieve a fast result...

During the current pandemic we all like to think we have done our bit to help, particularly if it involves something to do with the fabulous people and services provided by the NHS. Towards the end of last year, we were involved with helping expedite construction of a new NHS facility in the North East. Northumbria Healthcare NHS Foundation Trust hospital were looking to purchase a small section of an adjoining parcel of land to their existing facility from a developer. The purpose was so the NHS Trust could extend their existing Emergency Care Hospital to create a state of the art equipment sterilization unit.

Rights of access

This hi-tech unit will be carbon neutral and provide a critical support service for the trust and other healthcare organisations. When fully operational it will have the ability to disinfect and sterilise more than half a million pieces of

medical equipment a year, used in a wide range of hospital departments and GP practices.

In return for purchasing the land, the NHS agreed to grant the developer rights over their wider hospital site. This would mean the developer's land had a right of way from the highway enabling them to fully develop the remaining area of the site for commercial and residential purposes.

Urgent need to move ahead

The sterilization unit was going to be used to help with the COVID-19 pandemic so there was an urgent need to facilitate the transition as soon as possible.

The trust's construction and engineering partner, Merit was chosen as they are one of the UK's leading specialists in zero carbon design.





The new NHS facility under construction. Creator: Will Walker / North News Picture courtesy of North News & Pictures northnews.co.uk

As speed was of the essence they were to manufacture pre-assembled sections of buildings which are then transported to site for rapid assembly. 90% of this project was completed off site, reducing construction time and cost to the NHS.

Restrictive Covenants

Some preparatory works had already started on site as all parties did not want to hold things up and needed construction to begin as soon as possible. During the sale of the land, it became clear that some restrictive covenants were in place on the wider NHS site, limiting its use for purely medical purposes only. This could potentially cause an issue in regards to the fact that the land was going to be used as an access to a development site. Clearly it was in everyone's interest to resolve this as quickly as possible and our underwriters created a suitable policy to address the specific issues involved. With some gentle persuasion and pragmatic compromise, solicitors on both sides agreed the final wording of an indemnity policy in sort order. Work was able to continue unabated and

the two-storey bespoke facility is due to be completed early 2021.

Interestingly, the NHS now want to sell part of their un-built on land to a developer who plan to build a health hub, drive through coffee shop and other commercial use units. This will obviously be subject to the same restrictive covenants as the previous application. We were also able to deal with this quickly because of our experience of the previous situation and all the facts to hand. As the majority of the development was still going to be for medical use (the health hub) we were able to quote on a suitable policy solution again. Although also required and turned around urgently, it hasn't actually moved forward yet. Probably because the NHS' priorities are elsewhere at the moment!

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For more information about Restrictive Covenants and other covers, please contact our team on +44 (0)20 7397 4343 or email: enquiries@legal-contingency.co.uk