

# NHS Ayrshire & Arran



<b>Meeting:</b>	<b>Ayrshire and Arran NHS Board</b>
<b>Meeting date:</b>	<b>Monday 28 November 2022</b>
<b>Title:</b>	<b>To declare Arran War Memorial Hospital Land surplus to NHS Ayrshire &amp; Arran use</b>
<b>Responsible Director:</b>	<b>Nicola Graham, Director of Infrastructure &amp; Support Services</b>
<b>Report Author:</b>	<b>Jac Maconochie, Assistant Property Services Manager and Greg MacKenzie, Property Transaction Manager, Property Services, Strategy and Partnerships</b>

## 1. Purpose

This is presented to the Board for:

- Decision

This paper relates to:

- NHS Board/Integration Joint Board Strategy or Direction

This aligns to the following NHSScotland quality ambition(s):

- Safe
- Effective

## 2. Report summary

### 2.1 Situation

The owner of a neighbouring residential property approached Ayrshire and Arran Health Board (the Board), seeking to purchase part of the hospital site, which adjoins their land. This paper seeks approval to declare the land surplus.

### 2.2 Background

Arran War Memorial Hospital (AWMH) is located in an elevated position, overlooking the bay in the town of Lamlash. There are two private residential houses to the front, which formerly belonged to the Board, as staff houses, which sit at sea level. The land between is shown on Appendix 1 – Arran War Memorial – Proposed Sale Boundary and is hatched in blue. It is formed of a steep slope, with heavy tree cover and the Board owns this entirely down to the point where the land becomes flat, effectively to the back gardens of the houses. There is also land to the side which slopes steeply to a burn, shown on the plan, to the eastern edge of the area hatched in blue.

The land is not used actively by the Board and as much as it is owned by the Scottish Ministers per Ayrshire and Arran Health Board, it is not part of the operational footprint of AWMH.

The Estates, Environment and Sustainability Group recommended the land be declared surplus and sold, at the meeting on the 27 January 2020 and the Capital Programme Management Group on 27 February 2020. At this stage further measurement inspections were required and revised valuation to reflect the newly agreed areas. This became stalled during the Covid-19 pandemic and response, as non-core to the Board's priorities. The decision was made to resurrect this disposal and the Infrastructure Programme Board Advisory Group Wednesday 1 June 2022 and the Infrastructure Programme Board 13 June 2022 have recommended the property be declared surplus.

The Corporate Management Team (CMT) recommended Arran War Memorial Hospital Land be declared surplus at the meeting on 9 August 2022.

### 2.3 Assessment

The change to the initial disposal area was initiated by the proposed purchaser. The initial measured area included areas of flat land, which should stay with the Board and excluded areas of sloping land. Both parties agreed a measurement survey on site 21 April 2022, following the removal of restrictions on travel due to Covid-19.

As the area of the land was updated, a further valuation was needed to adjust for the change in area and to reflect any market changes.

Having re-appointed Graham & Sibbald as the Property Adviser they provided an updated valuation report as follows.

<b>Valuation</b>	<b>Area</b>	<b>Valuation</b>
13/11/2019	1,531 sq m	£15,400
15/02/2022	1,802 sq m	£18,000
<b>Difference</b>		<b>+ £2,600</b>

The Property Adviser did not propose any increase in the £10 per sq. foot for this type of land.

While the land is not actively used it does incur both a risk and cost to the Board. With a high number of trees on the proposed land, Clinical Support Services instructed a tree surgeon in 2019 to assess and carry out work on the land. The steep slope and the mature trees means this is a recurring piece of work, with the Board bearing the risk if this causes damage to neighbouring properties, patients or staff. Disposal will mitigate these risks and costs.

The Property Adviser also advised there would be no cost implication on the future sale of AWMH, as the land sold could not be developed to provide any financial return, given the steepness of the slope. Any valuation of the whole site would not include this in the developable area, so there is no effect on the price the Board could receive for selling the whole hospital site.

The approach from the neighbour should be considered unusual, but the advice from the Property Adviser suggests the individual will pay a price for the land, which otherwise has no value to the wider market, as the site cannot be accessed externally there is no benefit in marketing the site for sale. It is compliant with the NHS Scotland Property Transactions Handbook;

*B Mandatory Requirements - 1.15 Off market sales (which should occur only in exceptional cases) should take place only if there is explicit agreement from the Property Adviser/Marketing Agency and Independent Valuer that an off market sale will deliver a clear advantage to the tax payer over an open market sale.*

Where there is an effect on a potential future sale of the remaining AWMH site, (and the Property Adviser has made the assumption this is for residential use) is the requirement for Sustainable Drainage Systems (SUDS) in any development. It is likely that any form of SUDS would require drainage towards the burn at the eastern edge of the blue hatched area, shown in Appendix A. The Legal Adviser has advised this would not prevent any sale in principle, provided the purchaser granted a servitude right of access and a wayleave for services within in any disposition for the land to be sold.

Based on advice from the Property and Legal Advisers, to sell the subject land would allow the Board to realise income from an asset that would otherwise yield no value and any sale of the remainder of the land would not be affected by this.

### **2.3.1 Quality/patient care**

There is no effect on patient care as access to and from the Hospital comes from the opposite end of the site and the land itself is not used.

### **2.3.2 Workforce**

There are no staffing or workforce issues as it is vacant land.

### **2.3.3 Financial**

The objective is to sell the land to remove ongoing costs for maintenance of trees and remove liability to the Board for land which has no value to the wider market. This will not impact any future sale price for AWMH site.

### **2.3.4 Risk assessment/management**

There is no risk to the Board in terms of Health and Safety in selling the land as it would mitigate any risks relating to the management of the trees. In relation to financial risk, the sale of the land will have no impact on the sale of the wider AWMH site, as set out above. The key step to managing this risk is to ensure that the disposition allows the Board to retain a right of access and/or wayleaves in order to develop infrastructure to support an alternative future use of the site.

### **2.3.5 Equality and diversity, including health inequalities**

An impact assessment has been completed and [published](#) and is also attached.

### **2.3.6 Other impacts**

- The objective is to obtain best value in selling the surplus land.
  - Property Services, Strategy & Partnership will manage the process and coordinate between the parties.

- The Post Transaction monitoring will be carried out in compliance with the NHS Scotland Property Transactions Handbook and any financial or corporate audits that will take place.

### **2.3.7 Communication, involvement, engagement and consultation**

There is no duty on the Board involve and engage external stakeholders for this proposal.

### **2.3.8 Route to the meeting**

This has been previously considered by the following groups as part of its development. The groups have either supported the content, or their feedback has informed the development of the content presented in this report.

- Estates, Environment and Sustainability Group – 27 January 2020
- Capital Programme Management Group – 27 February 2020
- Infrastructure Programme Board Advisory Group - 1 June 2022
- Infrastructure Programme Board – 13 June 2022
- Corporate Management Team – 9 August 2022

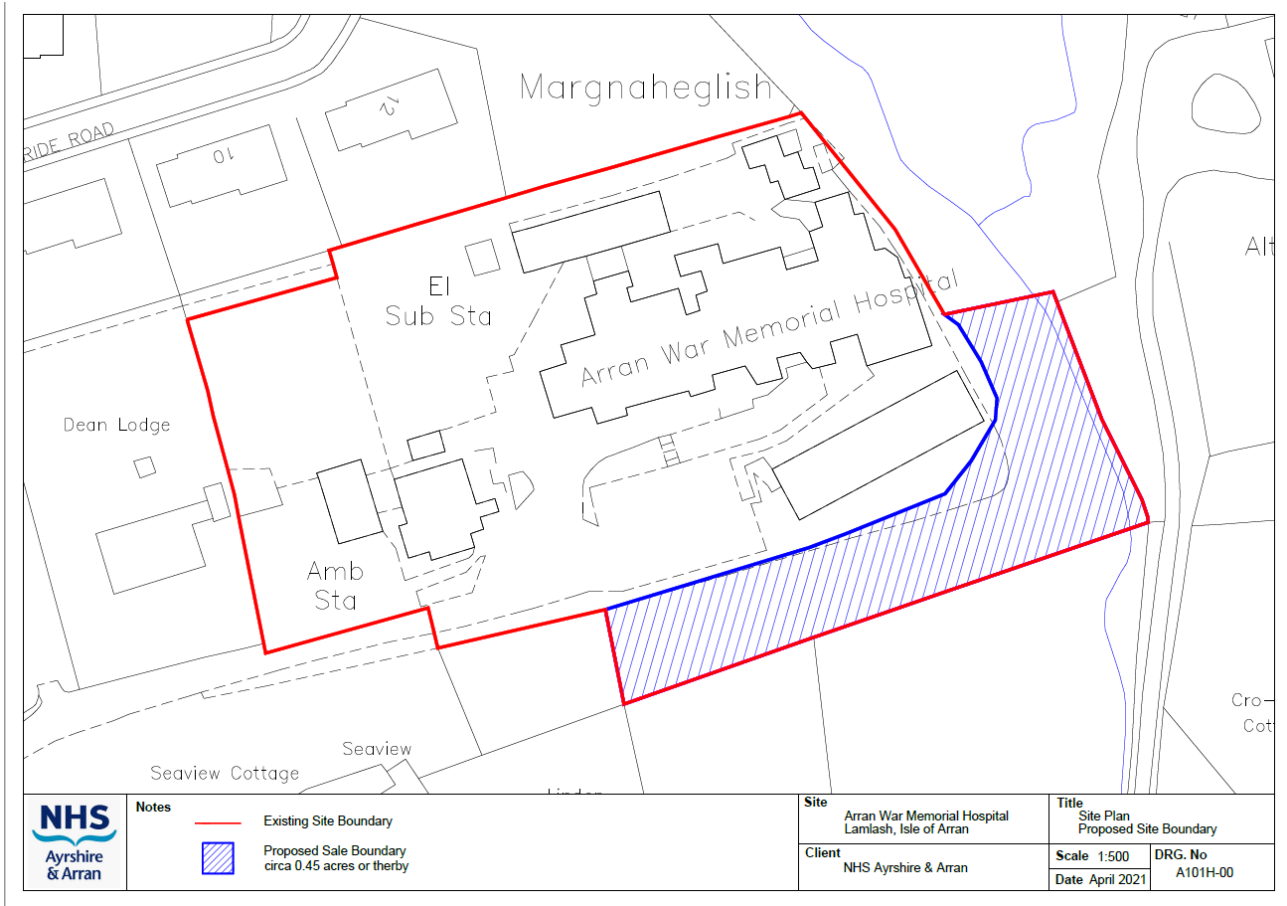
## **2.4 Recommendation**

For decision. Members are asked to approve Arran War Memorial Hospital land as surplus to the Board's use and to sell at the proposed value of £18,000.

## **3. List of appendices**

- Appendix 1, Arran War Memorial Hospital – Proposed Sale Boundary
- Appendix 2, associated Equality Impact Assessment

# Appendix 1 – Arran War Memorial Hospital – Proposed Sale Boundary



## EQUALITY IMPACT ASSESSMENT

**This is a legal document stating you have fully considered the impact on the protected characteristics and is open to scrutiny by service users/external partners/Equality and Human Rights Commission**

If you require advice on the completion of this EQIA, contact [elaine.savory@aapct.scot.nhs.uk](mailto:elaine.savory@aapct.scot.nhs.uk)

‘Policy’ is used as a generic term covering policies, strategies, functions, service changes, guidance documents, other

<b>Name of Policy</b>	To declare Arran War Memorial Land surplus to NHS Ayrshire & Arran		
<b>Names and role of Review Team:</b>	Greg MacKenzie – Property Transaction Manager Jac Maconochie – Assistant Property Services Manager	<b>Date(s) of assessment:</b>	11 <sup>th</sup> October 2022
<b>SECTION ONE AIMS OF THE POLICY</b>			
1.1. Is this a new or existing Policy : New _____			
Please state which:    Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input type="checkbox"/> Service Change <input type="checkbox"/> Guidance <input type="checkbox"/> Other <input checked="" type="checkbox"/>			
1.2 What is the scope of this EQIA?			
NHS A&A wide <input type="checkbox"/> Service specific <input type="checkbox"/> Discipline specific <input type="checkbox"/> Other (please detail) Disposal of Land _____			
1.3a. What is the aim? To declare Arran War Memorial Hospital Land surplus and dispose via off market sale.			
1.3b. What is the objectives? To obtain the best financial return for the sale and removing the liability of owning and maintaining the Land.			
1.3c. What is the intended outcomes? To reduce the size of the NHS Ayrshire & Arran Estate and to remove the ownership cost of the surplus property.			

**1.4. Who is this policy intended to benefit or affect? In what way? Who are the stakeholders?** There is a financial benefit in obtaining receipts from any sale and removing ongoing maintenance costs. The stakeholders are the adjoining landowners and they have approached the Board to purchase the land.

**1.5. How have the stakeholders been involved in the development of this policy?** The stakeholders are keen to ensure that the land is not developed in a way that is detrimental to their property. As far as the Board is aware, both neighbours are acting in concert through the one individual who has made the offer.

**1.6 Examination of Available Data and Consultation** - Data includes: consultation with NA HSCP, surveys, databases, legal advice, etc.)  
In accordance with the NHS Scotland Property Transactions Handbook, Property and Legal Advisers were appointed. An updated valuation was carried out and it was stated the surplus land being sold will have no cost implications on the future sale of the Arran War Memorial Hospital site.

**Name any experts or relevant groups / bodies you should approach (or have approached) to explore their views on the issues.**  
The proposed disposal of the land by off market sale would be subject to the guidance set out in the NHS Scotland Property Transactions Handbook and once it is declared surplus by NHS Board a property and legal adviser would be appointed.

**What do we know from existing in-house quantitative and qualitative data, research, consultations, focus groups and analysis?**  
Although the land isn't in use, it carries an ongoing risk due to the amount of trees on the steep sloped land and, by disposing of this it will remove any further costs for maintenance.

**What do we know from existing external quantitative and qualitative data, research, consultations, focus groups and analysis?**  
The surplus land has no market value at present, so by selling this separate to the future plans of the site, it will create a financial benefit to the Board.

**1.7. What resource implications are linked to this policy?**  
There will be cost for a Property Adviser and Legal fees.

<b>SECTION TWO</b>	<b>IMPACT ASSESSMENT</b>
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Complete the following table, giving reasons or comments where:

The Programme could have a positive impact by contributing to the general duty by –

- Eliminating unlawful discrimination
- Promoting equal opportunities
- Promoting relations within the equality group

The Programme could have an adverse impact by disadvantaging any of the equality groups. Particular attention should be given to unlawful direct and indirect discrimination.

If any potential impact on any of these groups has been identified, please give details - including if impact is anticipated to be positive or negative.

**If negative impacts are identified, the action plan template in Appendix C must be completed.**

<b>Equality Target Groups – please note, this could also refer to staff</b>
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	Positive impact	Adverse impact	Neutral impact	Reason or comment for impact rating
<b>2.1. Age</b> <ul style="list-style-type: none"> <li>• Children and young people</li> <li>• Adults</li> <li>• Older People</li> </ul>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.2. Disability</b> (incl. physical/ sensory problems, learning difficulties, communication needs; cognitive impairment, mental health)			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.



<b>2.3. Gender Reassignment</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.4 Marriage and Civil partnership</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.5 Pregnancy and Maternity</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.6 Race/Ethnicity</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.7 Religion/Faith</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.8 Sex (male/female)</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.9 Sexual Orientation</b> <ul style="list-style-type: none"> <li>• Lesbians</li> <li>• Gay men</li> <li>• Bisexuals</li> </ul>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.10 Carers</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.10 Homeless</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.12 Involved in criminal justice system</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.13 Literacy</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.

<b>2.14 Rural Areas</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>2.15 Staff</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<ul style="list-style-type: none"> <li>• Working conditions</li> <li>• Knowledge, skills and learning required</li> <li>• Location</li> <li>• Any other relevant factors</li> </ul>				

<b>2.16. What is the socio-economic impact of this policy / service change? (The <a href="#">Fairer Scotland Duty</a> places responsibility on Health Boards to actively consider how they can reduce inequalities of outcomes caused by socio-economic disadvantage when making strategic decisions)</b>				
	<b>Positive</b>	<b>Adverse</b>	<b>Neutral</b>	<b>Rationale/Evidence</b>
<b>Low income / poverty</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>Living in deprived areas</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>Living in deprived communities of interest</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>Employment (paid or unpaid)</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.

<b>SECTION THREE</b>	<b>CROSSCUTTING ISSUES</b>
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<b>What impact will the proposal have on lifestyles? For example, will the changes affect:</b>				
	<b>Positive impact</b>	<b>Adverse impact</b>	<b>No impact</b>	<b>Reason or comment for impact rating</b>
<b>3.1 Diet and nutrition?</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>3.2 Exercise and physical activity?</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>3.3 Substance use: tobacco, alcohol or drugs?</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>3.4 Risk taking behaviour?</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.

<b>SECTION FOUR CROSSCUTTING ISSUES</b>				
<b>Will the proposal have an impact on the physical environment? For example, will there be impacts on:</b>				
	<b>Positive impact</b>	<b>Adverse impact</b>	<b>No impact</b>	<b>Reason or comment for impact rating</b>
<b>4.1 Living conditions?</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>4.2 Working conditions?</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>4.3 Pollution or climate change?</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>Will the proposal affect access to and experience of services? For example:</b>				

	Positive impact	Adverse impact	No impact	Reason or comment for impact rating
<b>Health care</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>Social Services</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>Education</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>Transport</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.
<b>Housing</b>			✓	Surplus land with no effect on current services on Arran War Memorial Hospital site.

## SECTION FIVE

## MONITORING

**How will the outcomes be monitored?** The NHS Scotland Property Transactions Handbook has Post-Transaction Monitoring process.

**What monitoring arrangements are in place?** The Property Adviser and Legal Adviser sign off on the process during the sale process and after missives.

**Who will monitor?** Head of Property Services, Strategy & Partnership will monitor the process and the Chief Executive will sign off once concluded.

**What criteria will you use to measure progress towards the outcomes?** To complete the Property Transaction Monitoring Certification.

**PUBLICATION**

Public bodies covered by equalities legislation must be able to show that they have paid due regard to meeting the Public Sector Equality Duty (PSED). This should be set out clearly and accessibly, and signed off by an appropriate member of the organisation.

Once completed, send this completed EQIA to the **Equality & Diversity Adviser**

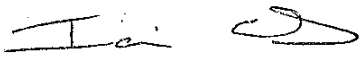
**Authorised by**

Iain Gairns

**Title**

**Head of Property Services, Strategy & Partnerships**

**Signature**



**Date**

07.11.2022

## Identified Negative Impact Assessment Action Plan

Name of EQIA:

N/A

Date	Issue	Action Required	Lead (Name, title, and contact details)	Timescale	Resource Implications	Comments

Further Notes:

Signed:

Date:

