

24 July 2025

REF: SHA/ 26507

**APPEAL AGAINST MID AND SOUTH ESSEX ICB
DECISION TO REFUSE AN APPLICATION BY ALTICARE
LTD FOR INCLUSION IN THE PHARMACEUTICAL LIST
OFFERING UNFORESEEN BENEFITS UNDER
REGULATION 18 AT TORQUAY ROAD PARADE OF
SHOPS, SPRINGFIELD, CHELMSFORD, CM1 6NF**

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10 South Colonnade
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1 Outcome

- 1.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, quashes the decision of the Commissioner and redetermines the application.
- 1.2 The Committee determined that the application should be granted.
- 1.3 The Commissioner should issue a direction in relation to the opening hours above 40.

A copy of this decision is being sent to:
Healthcare Plus Consulting Ltd on behalf of Alticare Ltd
PCSE on behalf of Mid and South Essex ICB

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- 1 A summary of the application, decision, appeal, representations, observations and further observations are attached at Annex A.
- 2 **Site Visit**
 - 2.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution was comprised of Mrs Sheila Hewitt, Mr Michael Smith, and Mrs Catherine Limm. They each declared they had no conflicts of interest.
 - 2.2 The site visit was made independently by each of the three Committee members on 11 June, 30 June and 1 July 2025. Prior to the visit, a route was planned with the help of 'Streetmap' and Google Earth. It was apparent that Springfield is a topographically defined area bounded on the west by the River Chelmer and the A1016, on the south by the railway and on the east and north by the A131 from its junction with the A1016 [N] to its crossing with the railway [SE].
 - 2.3 There is only one road crossing the river, the A1016, but several cross the railway.
 - 2.4 The first two visits started from the application site, Torquay Road, CM1 6NF. The first started at approximately 9am and the second at 12 noon. There were a large number of pedestrians in the surrounding streets on the first visit with lots of children on their way to school. The area was much quieter at mid-day. The third visit was at 11.30am and similar observations were noted.
 - 2.5 The application site is situated on a row of shops including a Co-op convenience store, barbers, estate agent, off-licence, Chinese take-away and beauty parlour. Two empty units [formerly Boots Pharmacy] have two notices displayed, one by Boots announcing closure and directing customers to their High Chelmer branch or Boots in Chelmer Retail Park. The other notice invites support to re-open the pharmacy and had an email address to do so. The shops are faced with a block of apartments and the parking area was crowded with cars, presumably apartment residents. There were no parking spaces in the immediate area during the times of the first two visits. The third Committee member was able to park on the street opposite the Parade. There were bus stops on either side of Bodmin Road a short distance from the application site.
 - 2.6 The route taken on the visits to walk to the nearest pharmacy (Springfield) was Burnham Road, left on Bodmin Road/Dartmouth Road, left again on Sidmouth Road until the junction with Pump Lane. Turning left up Pump Lane the Springfield Pharmacy is seen on the right. There is a pedestrian crossing over Pump Lane. All roads were quiet except Pump Lane. The roads within Springfield estate are lined with 1970's housing, many bungalows, and all appeared to be very well maintained with neat gardens and off road parking.

- 2.7 The distance was approximately 0.8 miles along level, easy walking terrain. The pavement is reasonably wide and not overgrown. The walk took 17-18 minutes at a gentle pace. As mentioned, Pump Lane is a busy road and passes a primary school which will cause added traffic and congestion at times.
- 2.8 The journey by car between the application site and the Springfield Pharmacy took between 3 and 4 minutes.
- 2.9 Springfield Pharmacy, CM1 6GL is in a small row of shops with Tesco Express [two units] and Ladbroke's. The Gardener's pub is opposite. The pharmacy is deceptively spacious and has a large 'open plan' dispensary. Five people were waiting to enter the pharmacy at 9am. At midday a steady stream of customers was being served by two members of staff. On the third visit, four members of staff were observed at about 12noon. There were no queues at the times of our visits. There are about 12 parking spaces in front of the pharmacy, more spaces in the car park behind the shops and informal on-road parking. There was a quick turnaround of parked cars.
- 2.10 Returning to the application site, the visit continued to Rivermead Pharmacy. The fastest road route indicated was north on Lawn Lane, past Springfield Hospital, then left SW down Chelmer Valley Road to cross the river then left at the lights signposted Anglian Ruskin University ("ARU"). The pharmacy is seen on the left just before a roundabout. There is a barrier controlled entrance to a spacious car park behind the parade of shops. This was free for 1 hour. There are disabled spaces. The distance between the application site and pharmacy is just short of two miles. A shorter but slower route would be to loop south crossing the railway twice and approaching ARU from the south.
- 2.11 Rivermead Pharmacy CM1 1TR is in a parade of shops within the ARU complex. The main university buildings are to the east and there is a lot of student accommodation behind and around the shops – many of which are attuned to student life. The pharmacy was quiet at 10.30am with just two customers. At midday it was busy but there was no queue. Adjacent to the pharmacy are a laundrette, three takeaways and a substantial convenience store.
- 2.12 Locating the pedestrian route towards Springfield was not easy. A small road, Hoffmanns Way, passes between the ARU Chelmer Building and a converted factory, Durrant House. Almost immediately after the ARU building on the left, a paved cycle/footpath leads off left to cross the river. The path then divided – left signposted Springfield North and right Springfield and Town Centre. The right fork led through pleasant woodland and after about 700 yards, turned to the left to exit on Hill View Road. The path appeared to be well used at the times of the visits.
- 2.13 Committee members returned to their respective cars and picked up the cycle/footpath route at Hill View Road. Going up Hill View Road is a substantial uphill gradient before reaching Arbour Lane, turning left, then right onto Church Lane, Lawn Lane, Bodmin Road and hence to Torquay Road. The combined distance is estimated to be around 1.25 miles.
- 2.14 The rest of the site visit was by car to ascertain the position and accessibility of other pharmacies.
- 2.15 Shadforth Pharmacy, CM1 4DP is to the north along Broomfield Road and on the west side of the River Chelmer. The car journey from the application site starts on the same route as to Rivermead but takes the Valley Bridge down Broomfield Road [Just short of 2 miles]. Broomfield is a fairly self-contained conurbation, not unlike, but unlinked to Springfield. The pharmacy is located within a parade of shops which include a Post Office and a Tesco Express which occupies 3 units. There is a slip road for parking

which has a high turnover of cars with two hours free parking. The surrounding area is high density housing, much 1930's but some more recent.

- 2.16 The following are two pharmacies in retail parks south of the city centre-
- 2.17 Boots Chelmer Village, CM2 6XE. Chelmer Village is a large retail park with a very wide range of shops both every day and destination including Next, Hobbycraft, Currys and Argos as well as a large Boots. Parking is easy and free and Boots remain open until 8pm Mon – Sat and 10.30am -4.30pm on Sundays. There is disabled parking and access.
- 2.18 Boots was not busy at 11am and had only one customer at the dispensary counter.
- 2.19 Apple Tree Pharmacy, CM2 6RF is co-located with a very large Asda supermarket in a small 'pastiche' market square to the side of the Asda. It is an attractively presented pharmacy but not easy for anyone unfamiliar with the area to locate. Open to 6pm Mon – Fri only. Plentiful parking with disabled spaces but not immediately close to the pharmacy.
- 2.20 The overall impression of Springfield was of a pleasant, well maintained residential area with limited retail provision. The housing was predominantly mid-market with a larger than usual number of bungalows.
- 2.21 Committee members also saw the locations of the new housing developments to the north, Beaulieu and Channels Estate. Medical provision close to the application site is at the Humber Road Surgery which is 0.2 miles, a 5-8 minute walk along Paignton Avenue and across Lawn Lane.

3 A summary of the above observations was provided to those in attendance. They were invited to comment upon them.

- 3.1 Witnesses commented that Rivermead has parking issues, especially when the barrier control is broken and commuters take up spaces including disabled slots. Rivermead parking is open to students leaving only few spaces for other users. The flats opposite Torquay Road Parade have their own car park, and therefore street parking is for use of shoppers at the Parade. There is a footpath from the proposed site to Humber Road Surgery making the walk only 3-4 minutes.

4 Oral Hearing Submissions

- 4.1 Preliminary issue: The Hertfordshire and West Essex ICB in an email dated 4 June 2025 objected to the submission of patient feedback obtained by the Applicant over eight days, 2-10 April 2025. The Committee noted that NHS Resolution had extended the deadline for submissions to all parties to 28 April 2025 and that the patient feedback was submitted within this time frame. The Committee therefore have taken this material into account.
- 4.2 Mr [K's] oral submissions on behalf of Alticare Ltd.
- 4.3 *"The application centres around reasonable choice and access for those groups who share protected characteristics who live in the Springfield area. The application also centres around the inherent capacity issues faced by pharmacies in Chelmsford as a whole following the closure of a number of well utilised pharmacies, and the construction of the 3500 home Beaulieu Development just to the North of the proposed site which has exacerbated pressures.*

- 4.4 *Local residents have traditionally been served by a pharmacy located on the proposed site. There has been one sited here for at least 40 years. The Boots Pharmacy that closed was well utilised dispensing c.6,500 items per month. The pharmacy did not just serve the function of collecting medicine but was also a place where the community could seek help and advice with medicines. We will hear about the vital role pharmacies play within communities from residents later. The local population is much more elderly than national averages. The Lawns Ward, where the proposed site is situated, is composed of 31.3% of residents over the age of 60 compared to the 23% average for the UK. The elderly have higher health needs and the PNA is clear in the importance of [quoting from page 28] “supporting older people through more personalised care and stronger community and primary care services.” The PNA also notes on page 59 “Community pharmacy is well placed to provide accessible screening services, support patients at earlier stages and provide interventions that will reduce the burden of these conditions on the person and health and social care services”. Finally the PNA notes on page 74 how “Community pharmacies provide services which are easy to get to and are accessible in terms of location, opening hours and waiting times, this mean that people will be more likely to attend”. It is clear that the PNA recognises the need to support elderly populations within communities to produce better health outcomes and reduce the burden on alternative healthcare services. It also notes the importance of accessible pharmacies in terms of location; directly attributing geography with whether someone is likely to attend a pharmacy or not. Following the closure of Boots, the elderly local population have lost their pharmacy and now no longer have adequate access to alternatives, given the nearest pharmacy is 0.8 miles away.*
- 4.5 *At a time where pharmacy is experiencing a fundamental shift toward a community-centric services model, the closure of the Boots was particularly disadvantageous to local residents. The Committee will be aware that pharmacies are no longer just dispensers but are being tasked with providing a number of minor ailments services through the Pharmacy First scheme. However, some residents find difficulty in accessing alternative provision which could lead to worsening health outcomes. This could ultimately then lead to further GP or hospital appointments, which is clearly a waste of primary care resources when any issue could have been dealt with earlier by a pharmacist. We submit that in order to reap the full benefits of Pharmacy First, pharmacies must be accessible within communities.*
- 4.6 *The parade itself contains a number of local amenities that residents access: - Co-Op Food Store - Off-License Store - Hair and Beauty Studio - Barber Shop - Chinese Takeaway - Dental Studio - The Two Saxons Pub - ATM - Amazon Delivery Pick Up. There are also a number of schools and care homes nearby highlighting a number of vulnerable residents in the area: - Small Wonders Day Nursery - Tyrells Primary School (419 pupils) - Lyons Court Residential Care Home - Holders Farm Kindergarten - Lawn Lane Nursery - Springfield Bees Pre-School - Perryfields Infant School (181 pupils) - Perryfields Junior School (301 pupils) - The Boswells School (1440 pupils) - The Lawns Care Home - Springfield Primary School (430 pupils) - The Bishops’ C of E & R C Primary School (442 pupils). Notably the closed Boots was only 0.2 miles away from Humber Road surgery, so urgent prescriptions were able to be obtained in a timely manner. The closest pharmacy now to the surgery is Springfield Pharmacy to the North which is 0.8 miles away. For those without a car, this is a difficult journey on foot and buses are irregular at every 30 minutes. This is an unreasonable journey to make for a patient who is in urgent need of medication.*
- 4.7 *The closure of the Boots at the proposed site was not the only closure of a pharmacy within Chelmsford in recent times. There have been six closures of pharmacies, causing pressures on the pharmaceutical network and resulting in long queues for patients at existing pharmacies. Listing these closures in order of date: - Lloyds in Sainsburys (CM2 5PA), July 2023 - Boots Great Baddow (CM2 7QS), October 2023 - Boots Moulsham Street (CM2 0HY), November 2023 - Boots Sunrise Avenue (CM1*

4JW), March 2024 - Boots Torquay Road – the proposed site, March 2024. Most recently Tesco Pharmacy (CM2 6QT) in May 2025. When we discount pharmacies located in rural areas of the Chelmsford locality, we can see that Chelmsford City has lost approximately 25% of its pharmacies in just two years. This has caused long queues with the remaining pharmacies simply unable to cope with the capacity demands placed upon them. Notably, these closures disproportionately affected the North East Chelmsford area. Residents here have lost the Boots at the proposed site, the Lloyds in Sainsburys, and the Tesco pharmacy only a couple of months ago. We highlight that the Lloyds in Sainsburys was entitled to PhAS payments, which are given to pharmacies where there is less provision and higher health needs. This is all against the background of the massive new Beaulieu Development of 3500 homes being constructed in North East Chelmsford. This development is nearly complete and occupied. The new train station [Beaulieu Park Station] is also almost complete, will comprise a service direct to London and will shift capacity away from the town centre. Thus, there will also soon be a transient population flooding into the area and requiring use of local amenities.

- 4.8 Looking at population figures for the wards in North East Chelmsford and assuming an occupancy rate of 2.5 persons per household for the Beaulieu development, there are almost 28,000 residents in this part of Chelmsford. Following the above closures the only pharmacy in this region is Springfield Pharmacy. Extrapolating this figure, we can see that Northeast Chelmsford has only 3.5 pharmacies per 100,000 people – 4.5 times less than the 16.2/ 100,000 average for Chelmsford and 6 times less than the 20.6/100,000 average for England. It is clear that following closures and significant housing construction, pharmaceutical provision is beyond dire in this part of Chelmsford.
- 4.9 This application proposes to open on Saturday afternoons for core hours. The only pharmacies open during this time is the Boots in Chelmer Village and the Boots in the town centre. No GP surgery is open during this time in Springfield. Thus, there is currently no pharmacy/ healthcare provision within Springfield on a Saturday afternoon to serve 28,000 residents. Following the closure of the Boots, email evidence suggests that the majority of patients migrated to either Springfield Pharmacy, Boots Chelmer Village, or Tesco Pharmacy. More concrete data is unavailable as Humber Road Surgery is a branch surgery. On the face of it, those who had access to a car utilised Springfield Pharmacy as it was the closest or Boots Pharmacy due to signposting/ loyalty to the Boots brand. Those reliant on bus were unable to access these sites, so they accessed the Tesco Pharmacy which was sited on the C8 bus route 12-minutes away. However, the Tesco Pharmacy also closed at the end of May 2025 forcing these patients to the Boots in the town centre, a 30-minute one way journey by bus (a 2-hour round journey when accounting for bus waiting times and queuing). The Boots in Chelmer Village, Springfield Pharmacy, and the Boots in the town centre are all high-volume dispensing pharmacies and suffer from extensive queues. Springfield Pharmacy dispenses c. 13,000 items per month, Boots Chelmer Village dispenses c. 12,500 items per month, Boots in the town-centre dispenses c. 14,000 items per month. The Boots in the town centre would have picked up extra burden following the closures of all 6 pharmacies within Chelmsford.
- 4.10 Whilst the issues faced locally were apparent to us as well as residents, the ICB raised the issue of a lack of evidence in their decision to refuse. In order to evidence the issues faced by local residents we sought to obtain letters of lived experiences to highlight the issues at ground level. The ICB have taken issue with the timing of the emails, which were ultimately in response to a call for evidence from them. The ICB have also written in claiming that the extension we were granted by NHS Resolution was a tactic to obtain the letters. The Committee will note that all letters were obtained between the 2nd and 10th April 2025 well within the original observation's deadline. For clarity, the extension granted was due [redacted by NHSR]. It is abhorrent and completely inappropriate that

the ICB has attacked this, rather than acknowledging the struggles faced by patients. After presenting opposition to this application far beyond that of any local contractor, the ICB has not turned up to listen to local residents about the struggles they have faced for a year and a half.

- 4.11 *Regardless, NHS Resolution accepted this email evidence and allowed interested parties additional time to respond, under their powers under Schedule 3, part 3, paragraph 7 of the Regulations. Given NHS Resolution have accepted this evidence we are unsure why the ICB have simply ignored it. In the space of just over a week from the 2nd April to the 10th April 2025, 209 emails were received highlighting the issues local residents face in accessing pharmaceutical services following local closures. The volume of emails received in a mere 8 days demonstrates the dire need for a replacement pharmacy in Springfield. Crucially, these emails were received over a year after the Boots closure at Torquay Road on 9th March 2024, and almost two years since the Lloyds in Sainsburys closed in July 2023. These emails were also received prior to the closure of the Tesco Pharmacy, so the situation has since worsened. Given the time that has lapsed following the closures, to the receipt of these emails, it is clear that there are inherent capacity issues for pharmacies in the area as local pharmacies clearly have been unable to acclimatise to the closures.*
- 4.12 *Summarising these letters [page 506-714] and the experiences of residents we can see the issues raised with current pharmaceutical provision: hour long queues being a common occurrence, queuing outside the door in relation to Springfield Pharmacy, having to leave vulnerable residents alone at home for excessive periods due to the long queues. Struggles accessing medication following a visit to Humber Road Surgery (0.2 miles away from proposed site), access to a local Pharmacist face to face, issues with delivery services being signed for or not fitting in the post. Difficulty accessing alternative pharmacies by bus, difficulty with parking at alternative pharmacies, especially Springfield Pharmacy and the City Centre. Patients now having to be driven by a family member to access provision, and growth of the area through the Beaulieu Park Development.*
- 4.13 *Those groups with protected characteristics, particularly the elderly, are struggling to access current pharmacies, and are having to stand due to excessive queues at current pharmacies. Those who are carers face the impossible conundrum between obtaining medication and leaving loved ones alone for long periods, putting them at risk of falls and life threatening injury. This is even more pertinent in Springfield given the elderly population. Margaret Watchorn, as a carer for her husband, will give you her perspective in due course.*
- 4.14 *Due to the sheer number of complaints, we categorised complaints from various emails into sections, which can be found on pages 486 – 503 of the hearing pack. A few select quotes from this section:*
- 4.15 *'The queues at Boots in Chelmer Village are an absolute joke - my experience there was an hour and half wait to speak the pharmacist with my 2 year granddaughter. Crocus Way is also so busy with very little parking and they cannot cope with everyone in Springfield and probably Beaulieu.'*
- 4.16 *'I had to stand in a queue for over half an hour which I found very difficult as I am very unsteady on my feet, at the Clematis Tye pharmacy, as this is the only one I can get too as I am unable to drive at the moment.'*
- 4.17 *'A pharmacy is much needed in this part of Springfield, my wife does not drive and is of limited mobility. We are both on a number of prescription medications and find it hard to go to other pharmacies which often have large queues.'*

- 4.18 *'I have lived in Springfield all my life and had been a customer of the former chemist in Torquay Rd . Now it's no longer there you have to go to the large boots in Chelmer Village. I have to drive there and often queue for 45/60 minutes to be told to come back tomorrow as items are not in'*
- 4.19 *'My other nearest pharmacy is Boots at Chelmer Village retail park and due to lack of other pharmacies their queues have become outrageously long! I frequently have to queue for a minimum of 20 min and often almost an hour. They also don't answer their phone so I have to drive over from Springfield to check they have my son's prescription and then have to come back again when they've done it only to queue again. Just to get one prescription often involves 2 trips to Boots and approximately 1.5 hours waiting.'*
- 4.20 *'My wife transferred to the main Boots in High Chelmer but there is always a long queue at the prescription counter.'*
- 4.21 *'Since the closure of Torquay Road and the closure of the pharmacy at Sainsbury's, the only other pharmacy in Springfield has been rushed off its feet, resulting in drugs not being available and at times, over an hour wait. It is also not on a bus route and not easily accessible for those who are disabled and/or who cannot drive.'*
- 4.22 *'Please rethink and reopen a pharmacy at the above location. For many older local patients attending Humber Road Doctor's Surgery, getting a prescription filled can be difficult with the distances involved getting to Clematis Tye or Chelmer Village pharmacies etc.'*
- 4.23 *'As we are almost 90 years of age it has been very difficult since the old one closed. We do not have transport nor can we walk far and it has been difficult to pick up prescriptions prescribed by the doctor recently or other items needed from a pharmacy.'*
- 4.24 *'With a doctor's surgery around the corner from this potential new one is exactly what is needed and wanted by all ages. It would also be very accessible for lots of people. We are told by the NHS to speak to the chemist first about certain ailments. But how can we when we do not have a local one and the one we do have at Chelmer Village is too busy and don't seem to care. Having a local one again could also take pressure off our GPs for advice. It is very much needed in our community and was always busy but very efficient before they were shut down.'*
- 4.25 *"In my opinion Springfield is in great need of another pharmacy! We use the one on Clematis Tye. Bad parking."*
- 4.26 *"Car parking is at a premium in the city centre and is not always a realistic travel option."*
- 4.27 *"I have to wait in a long slow queue which takes time and I am the main carer (aged 74) for my husband with Parkinson's (aged 79) and should not be leaving him on his own for long."*
- 4.28 *"Sadly I am not very mobile these days, with severe osteoarthritis in both knees, both feet and my left hand. I have just had my first total knee replacement and hope to have the other knee replaced in the autumn, with my feet and hands being looked at next year. I walk slowly with a stick and it takes me a while to walk to Torquay Road shops, but I can still do this and this is my independence"*
- 4.29 *"I am 85 years old and I can walk to Torquay road in around 10 minutes, but I cannot get to Chelmer Village, so I have to get the bus to the Tesco Pharmacy and now that one is closing too."*

- 4.30 *Patients highlight extensive queueing only to be informed that their prescription isn't ready and they must return and queue later. Patients also speak of pain when queueing due to excessive periods of standing. Parking is also difficult, with the small car park at Springfield Pharmacy unable to cope, and parking not easy in the town. Carers are worried about leaving the person they look after alone. Pharmacies are too busy to pick up the phone so patients must attend and queue in person only to find that their medication is not available. Those reliant on the bus must endure the hour journey to the Boots in the town centre only to then have to queue for excessive periods – they also have the long journey back. We submit that it is clear that residents currently do not have reasonable choice to a pharmacy both in terms of physical access and from an inherent choice perspective, given local pharmacies have suffered from extensive queues for one and a half years now. It is also clear that those groups that share protected characteristics, such as the elderly, would greatly benefit from a pharmacy local to their GP surgery and local to them that they can access in person rather than be reliant on a family member to collect medication.*
- 4.31 *The journeys to local pharmacies by foot and bus are as follows:*
- 4.32 *The nearest pharmacy by foot is Springfield Pharmacy but this is still 0.8 miles away. This is a difficult walk by foot due to sheer distance. I'd classify myself as a relatively healthy young man, but on my site visit last week I had to abandon the return journey due to heat. This is not a journey elderly residents/ likely users of a pharmacy would be able to undertake by foot. By bus it is a 13-minute journey via the C11 bus but still requires a 0.2-mile walk either side of the bus stops. This bus is also infrequent only arriving every 30 minutes. We do not consider this journey to provide reasonable access and choice to provision. Patients have also explicitly complained about the queues at this pharmacy sometimes going out the door.*
- 4.33 *The Boots in Chelmer Village is a 1.3-mile walk that involves a difficult bridge crossing.*
- 4.34 *[Page 106 of the pack]. The narrow pavement certainly could not fit a mobility aid and can be seen as dangerous even for normal pedestrians. Alternative crossings have similarly narrow paths. This route also requires the crossing of the busy A138. In spite of all these barriers this is still a 1.3-mile one-way journey, such a distance in itself is inaccessible by foot. We note that there is no direct bus route to the Boots in Chelmer Village. This clearly does not provide reasonable access and choice of provision. Patients have complained about the excessive queues here and having to return to pick up unavailable medication.*
- 4.35 *The Boots in the town-centre is a 1.5-mile walk that involves the same bridge crossing. Again, this is clearly not an accessible journey for a likely user of a pharmacy. The Boots can be accessed by the C8 bus which is a half an hour journey and runs half hourly. With waiting times, time spent on the bus, and queueing this journey could be two hours long. This is clearly not representative of reasonable choice or access. Patients have complained about queues here and having to return to pick up unavailable medication.*
- 4.36 *Rivermead Pharmacy is a 1.1-mile walk but this journey is inaccessible as this involves a poorly lit bridge crossing [page 101]. Again, likely users of the pharmacy may not feel comfortable utilising this route during the darker winter months. By practicable routes Rivermead is a 2-mile one-way journey. Bus users would need to catch two buses to reach this pharmacy. However, these buses only align hourly, and journeys take half an hour. This could potentially involve a round-journey up to 3-hours just to access provision and is particularly precarious when considering two buses need to be relied upon together. This is clearly not representative of reasonable choice or access to provision.*

- 4.37 *Shadforth Pharmacy is a 1.2-mile one-way journey by foot. This again involves the river crossing and is just an inherently long journey and there is no bus to Shadforth Pharmacy.*
- 4.38 *Alternative pharmaceutical provision is inaccessible by foot due to the distances involved. For all of these journeys, barring the route to Springfield Pharmacy, there are also barriers along the way. Pharmacies either have no access by bus or minimum 30-minute waits for buses. Those reliant on the C8 bus have to utilise the Boots in the town centre which is a half an hour one way journey. When you account for waiting times, bus travel times, and queuing this journey could be in excess of two hours just to find out that your medication is not available and you have to return at a later date. Residents have also highlighted parking difficulties at Springfield Pharmacy and town centre pharmacies.*
- 4.39 *Closing statement*
- 4.40 *From the substantial evidence presented it is hard to ignore the lived experiences of a number of residents who have gone into the details into the struggles they now face. Alternative pharmacies are not only difficult to access, but also experiencing excessive queues and they do not pick up the phone so patients make lengthy and time-consuming journeys to collect medication only to be told that they must return another day. Bus services are infrequent and onerous, especially when you may be in need of urgent medication from Humber Road Surgery. Those groups with protected characteristics, especially the elderly, do not have adequate physical access to alternative pharmacies and bus journeys are poor. We submit that there is no longer reasonable choice to pharmaceutical provision and there is a need for a pharmacy at Torquay Road shops that residents can access. This will alleviate the capacity pressures felt by the current pharmaceutical network; it will stop the requirement for onerous bus journeys to the town centre; and it will allow much better collaboration with Humber Road surgery, especially when it comes to emergency prescriptions. These issues have been ongoing now for a year and a half and the current pharmaceutical network clearly does not have the capacity to resolve these issues otherwise they would still not be ongoing. We submit that the only way to solve this problem is to approve this application to increase pharmaceutical capacity. We submit that there is also a need for pharmacies within communities to relieve pressure on GPs and secondary care providers. If we are serious about Pharmacy First and moving clinical services into pharmacies then Pharmacies need to be physically accessible and not overwhelmed. We also note that delivery by other bricks-and-mortar pharmacies are not NHS commissioned and can be withdrawn at any time. Thus, these cannot be relied upon when determining reasonable choice and access to provision."*
- 4.41 Six witnesses were called.
- 4.42 Cllr Richard Lee, Councillor for Lawns Ward [one of two], and Chairman of the Planning Committee, Chelmsford Council.
- 4.43 He expressed his personal views as a local resident of Springfield as well as those of his constituents. Apart from correspondence of the state of the local roads, the next big issue in his mailbox is about the closure of the pharmacy on Torquay Road, expressing a genuine need and desire [for a replacement.] The Neighbourhood Watch Group had started the campaign to gather local views which included that of an 86 year old resident, who is able to walk, has no computer and said it would be "joy" to have a pharmacy back at the Parade. Closure had caused hardship and pain. With 6 recent closures, access to pharmacy provision was "not great", making the Boots, Chelmer a considerable 1.5 mile round trip. Chelmsford is growing, with the metropolitan green belt forcing growth mainly to the North where Torquay Road is located. There is a massive increase in demand from new housing in Beaulieu and Chelmer, and a further

10,000 new homes planned by the Chelmsford Garden Community. The health centre at Beaulieu still has no GP tenants. A community pharmacy will ease increasing pressures on GPs. Access to nearest pharmacies e.g. Appletree, involve two bus journeys for Springfield residents. A new railway station, Beaulieu Park Station, is due to open in December 2025 which will add to increased demand for pharmacy services. He pointed out the limited parking at Springfield Pharmacy.

- 4.44 In answer to Committee questions, Cllr Lee said that the new residents in Beaulieu at the southern end of Springfield will mostly use Clematis Tye [Springfield] rather than the proposed site, creating increased pressures. There had been a pharmacy located on Torquay Road for the past 40 years. When asked if the concerns in the residents' survey were raised with the Commissioner or HWB, Cllr Lee said his colleague Cllr Davison had been charged with this task and he understood that this had been done. However it appears that they had not been addressed or resolved by the Commissioner.
- 4.45 Mr [K] confirmed that his company had made a pharmacy application for the Beaulieu site; it is on hold pending a "rurality review". He stated that it is notable that the Commissioner has objected to this application but chose to absent themselves from the hearing and therefore avoided being questioned by the local residents who are witnesses today.
- 4.46 [DD]:
- 4.47 Resident of Springfield for 40 years, now retired. She described the thriving local community and vibrant shops, with businesses opening up after each closure in the Parade. It is well used by children and the elderly, there is ample street parking outside and in parallel streets. It is easy for her to get there from the Humber Road Surgery, being a 2 minute walk. There had been a pharmacy on the Parade for the past 40 years; the previous owners had upgraded the premises and installed self opening/closing doors, an accessible entrance and a private consultation room. And had received her flu and covid vaccinations there. In contrast the Humber Road Surgery has no private room, and she had to discuss personal health matters there which could be overheard by others. She said that her health has started to decline, and a recent hip replacement made access challenging. She needs asthma inhalers, which previously were obtained as an emergency prescription sent to Boots [in Torquay Road]. Her needs are not being met by Springfield Pharmacy; without a car, her husband would go to Crocus Way, and have to queue up at the town centre Boots. At the Boots in Chelmer Village, she had wanted to ask the pharmacist a simple question but had to wait 30-40 minutes. She had found Tesco pharmacy easier to access but this too has now closed. Rivermead is not accessible as it has only 6 parking spaces for public use, the rest are for students. In any event, it is not walkable in winter or at night due to instances of crime, two reported recently.
- 4.48 Apple Tree Pharmacy is a 40 minute walk with no direct buses. With regard to online access, Mrs [M] stated that in a certain [age] demographic, some cannot or will not use the internet and rely on their children. In answer to a question from the Committee, she confirmed that the Parade pharmacy had been transferred to Boots about 5 years ago, and previously it was independent. Both the north and south of Springfield need a pharmacy.
- 4.49 [MH]:
- 4.50 A local Springfield resident since 1978, [47 years], and needs medication for rheumatoid arthritis and Parkinson's, which include hazardous drugs which had to be personally collected from Torquay Road before it closed in March 2024. Alternatives for him were Lloyds in Sainsbury's before it closed in July 2023, followed by Tesco

Pharmacy which has closed in May 2025. Current providers have long queues, after a drive or taking the bus. Rivermead has no direct bus and Springfield is very busy. He makes 2 trips per month for his medication and this takes between 1.5 and 2 hours trip for himself and his wife. He is worried about when he will no longer be allowed to drive, and currently cannot stand for long, and suffers pain in his right leg and back ache if he does. The loss of the pharmacies moves demand to the GP surgery and then on to A&E [as conditions worsen]. Boots closed because of economic reasons. If another company is applying, and as there is a clear demand, they should be allowed to open. Even younger people have severe problems with Boots, High Chelmer; on a previous trip he had spoken to a mother with an unwell baby unable to walk, who had taken a bus with the sick child from Springfield.

4.51 [MW]:

4.52 A local resident for 50 years she has used the Parade pharmacy during this time. It has been in place for 40 years and then sold to Boots with an offer "he could not refuse". The closure has mostly impacted the elderly but also mothers with sick children. She is a carer for her disabled husband who needs 21 separate medicines. She suffers from long covid which compromises her energy levels during her walk to and from the local bus stop. Alternative is to drive but she is reluctant to leave her husband unattended for longer periods of time. Most of the time, the car park barrier at Rivermead is broken. She managed to get her husband there for a covid injection but the pharmacy has no wheelchair access and the consulting room is too narrow for a wheelchair, so the vaccination had to be administered in the public area. As Rivermead is closed on Saturday, for emergency antibiotics, she has to join a long queue at Chelmer Village. She cannot stand for long. On getting to the front of the queue, she is often told that some items are not available and she has to come back for the rest. Text messaging is offered for medicines ready for collection but it is "hit and miss". On one instance Boots Chelmer Village sent her a text about someone else's medicines. They are often too busy to pick up phone calls, compared to the Parade pharmacist who did answer the phone. Her daughter who is a teacher at the local secondary school, would often pick up medication for her after school, or Mrs [W] would ask a neighbour to pick up from Torquay Road if they were going to the shops there. Now she would be reluctant to ask this favour for a much further pharmacy.

4.53 Mrs [W] mentioned that the new NHS strategy placed emphasis on GPs and less on hospital consultants because of a preference on community based treatment. If there is no access to a community pharmacy, patients will end up going to their GP and if this is not possible, to the hospital A&E. This centralisation makes healthcare expensive.

4.54 In answer to Committee questions, she said Rivermead charge for delivery and you have to be at home to receive the medication which is "not ideal". Mr [K] said delivery services are chargeable and should be disregarded in our assessment.

4.55 [AF]:

4.56 Resident of Springfield for 12 years, and Treasurer of the Springfield District Neighbourhood Watch Scheme. It has 900 members, including Chelmer Village and Beulieu, with 500 members in Springfield. He had been approached to ask residents if they had been impacted by the Boots closure and this had produced the emails included in the papers. He uses the town centre Boots for monthly prescriptions. He noticed that the clock above the pharmacy there which showed waiting time, has been taken away. If the Torquay Road application is successful, there would be less queuing, and patients would be known by the pharmacist. He expressed his dislike for companies like Boots which "centralise" to save money. If a pharmacy was to open at Torquay Road, patients would not need to use cars and buses, and it would pull in

other businesses to the area. The bus and drive to Chelmsford City Centre is very busy particularly during school pickup and drop off times.

- 4.57 Mr [K] informed the Committee that the NHS fixed funding model meant that a new pharmacy would open at “no extra cost”, and it should be assessed on the basis of need.
- 4.58 [AG]:
- 4.59 Over 70s year of age, has been a Springfield Resident since 1978, and in Lawn Lane for 20 years. As an amputee after his left leg was removed, he described the Torquay Road pharmacy [before it closed] as a “life saver”. His heart condition required 25 medicines to be collected each month, with occasional antibiotics. He depends on his wife for everything but can manage to get to Torquay Road in his own in the wheelchair. He still has a license to drive but cannot use a phone or computer. When he was able to get to the Parade, the pharmacist would provide advice, and a private room for vaccinations. Many pavements in the surrounding areas are not narrow and not suitable for wheelchair use. A pharmacy on the Parade is a “need” not a “want”. Mr [K] remarked that the now closed Boots in the Parade was a 6,500 item pharmacy and “totally viable” so opening one there would be a win/win.
- 4.60 Mr [K] was asked by the Committee if he could give an assurance that he is not raising unreasonable hopes of a pharmacy opening at Torquay Road. Could he give a firm commitment to do so, if successful. In answer he stated that he has been in contact with the owner of the proposed location who is an ex-pharmacist. This, combined with a second empty unit available in the Parade, means that it is “extremely likely” that a pharmacy will open on the Parade, and that he is 98% sure it will. Lease negotiations take time, but he will be allowed 6 months after the grant of the application to complete these. Following the “pathway” he has in place, a pharmacy will “definitely open”. Refusing the application on grounds of property would set a precedent and discourage future applications as happened in Beaulieu in 2017.
- 4.61 Mr [K] concluded that our decision should be on access and choice, and based on the “hard to ignore”, lived experience of local residents. Access is difficult, and after onerous bus journeys by those with protected characteristics like the elderly, they have no alternative but to face lengthy queues. A new pharmacy will alleviate pressures on the current network, and allow better collaboration with the Humber Road Surgery. The ongoing issues are now 1.5 years old. The Pharmacy First programme needs accessible pharmacies to be delivered effectively.

5 Consideration

- 5.1 The Committee had before it the papers considered by the Commissioner, together with a plan of the area showing existing pharmacies and doctors’ surgeries and the location of the proposed pharmacy.
- 5.2 It also had before it the responses to NHS Resolution’s own statutory consultations.
- 5.3 The Committee had regard to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”).

Regulation 31

- 5.4 The Committee first considered Regulation 31 of the Regulations which states:
- (1) A routine or excepted application, other than a consolidation application, must be refused where paragraph (2) applies.*

(2) *This paragraph applies where -*

(a) a person on the pharmaceutical list (which may or may not be the applicant) is providing or has undertaken to provide pharmaceutical services ("the existing services") from -

(i) the premises to which the application relates, or

(ii) adjacent premises; and

(b) NHS England is satisfied that it is reasonable to treat the services that the applicant proposes to provide as part of the same service as the existing services (and so the premises to which the application relates and the existing listed chemist premises should be treated as the same site).

5.5 In response to the question in the application form, the Committee noted that the Applicant stated "N/A. *There is no pharmacy currently trading from/ adjacent to the proposed site.*" The Committee noted the conclusions of the Commissioner in this respect and further that this had not been disputed either on appeal, in subsequent representations or at the oral hearing. On the basis of the information before it, the Committee was not required to refuse the application under the provisions of Regulation 31.

5.6 The Committee noted that, if the application were granted, the successful applicant would - in due course - have to notify the Commissioner of the precise location of its premises (in accordance with paragraph 31 of Schedule 2). Such a notification would be invalid (and the applicant would not be able to commence provision of services) if the location then provided would (had it been known now) have led to the application being refused under Regulation 31.

Regulation 18

5.7 The Committee noted that this was an application for "unforeseen benefits" and fell to be considered under the provisions of Regulation 18 which states:

"(1) If—

(a) NHS England receives a routine application and is required to determine whether it is satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB; and

(b) the improvements or better access that would be secured were or was not included in the relevant pharmaceutical needs assessment in accordance with paragraph 4 of Schedule 1,

in determining whether it is satisfied as mentioned in section 129(2A) of the 2006 Act (regulations as to pharmaceutical services), NHS England must have regard to the matters set out in paragraph (2).

(2) Those matters are—

(a) whether it is satisfied that granting the application would cause significant detriment to—

- (i) *proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB, or*
 - (ii) *the arrangements NHS England has in place for the provision of pharmaceutical services in that area;*
- (b) *whether, notwithstanding that the improvements or better access were not included in the relevant pharmaceutical needs assessment, it is satisfied that, having regard in particular to the desirability of—*
 - (i) *there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also NHS England's duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),*
 - (ii) *people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access (taking into account also NHS England's duties under section 13G of the 2006 Act (duty as to reducing inequalities)), or*
 - (iii) *there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also NHS England's duties under section 13K of the 2006 Act (duty to promote innovation)),*

granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant pharmaceutical needs assessment was published;
- (c) *whether it is satisfied that it would be desirable to consider, at the same time as the applicant's application, applications from other persons offering to secure the improvements or better access that the applicant is offering to secure;*
- (d) *whether it is satisfied that another application offering to secure the improvements or better access has been submitted to it, and it would be desirable to consider, at the same time as the applicant's application, that other application;*
- (e) *whether it is satisfied that an appeal relating to another application offering to secure the improvements or better access is pending, and it would be desirable to await the outcome of that appeal before considering the applicant's application;*
- (f) *whether the application needs to be deferred or refused by virtue of any provision of Part 5 to 7.*
- (g) *whether it is satisfied that the application presupposes that a gap in pharmaceutical services provision has been or is to be created—*
 - (i) *by the removal of chemist premises from a pharmaceutical list as a consequence of the grant of a consolidation application, and*

- (ii) *since the last revision of the relevant HWB's pharmaceutical needs assessment other than by way of a supplementary statement.*
- (3) *NHS England need only consider whether it is satisfied in accordance with paragraphs (2)(c) to (e) if it has reached at least a preliminary view (although this may change) that it is satisfied in accordance with paragraph (2)(b)."*
- 5.8 The Committee considered that Regulation 18(1)(a) was satisfied in that it was required to determine whether it was satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB.
- 5.9 The Committee went on to consider whether Regulation 18(1)(b) was satisfied, i.e. whether the improvements or better access that would be secured if the application was granted were or was included in the Pharmaceutical Needs Assessment ("the PNA") in accordance with paragraph 4 of Schedule 1 of the Regulations.
- 5.10 Paragraph 4 of Schedule 1 requires the PNA to include: *"a statement of the pharmaceutical services that the HWB had identified (if it has) as services that are not provided in the area of the HWB but which the HWB is satisfied (a) **would** if they were provided....secure improvements or better access, to pharmaceutical services... (b) **would** if in specified future circumstances they were provided...secure future improvements or better access to pharmaceutical services..."* (emphasis added).
- 5.11 The Committee considered the PNA prepared by Essex HWB conscious that the document provides an analysis of the situation as it was assessed at the date of publication. The Committee bears in mind that, under Regulation 6(2), the body responsible for the PNA must make a revised assessment as soon as reasonably practicable (after identifying changes that have occurred that are relevant to the granting of applications) unless to do so appears to be a disproportionate response to those changes. Where it appears disproportionate, the responsible body may, but is not obliged to, issue a supplementary statement under Regulation 6(3). Such a statement then forms part of the PNA. The Committee noted that the PNA was dated 28 September 2022 and that 38 supplementary statements had been issued.
- 5.12 The Committee had regard to the PNA and noted the following from the conclusion section:
 - 5.12.1 *"Access to pharmaceutical services for the residents of Essex is good and the main conclusion of this PNA is that there are currently no gaps in the provision of necessary or relevant pharmaceutical services..."*
 - 5.12.2 *...The HWB has not identified any services that would secure improvements, or better access, to the provision of pharmaceutical services either now or within the 3-year lifetime of this pharmaceutical needs assessment.*
 - 5.12.3 *Based on the information available at the time of developing this PNA no current gaps in the provision of **essential services during normal working hours** have been identified in any of the localities.*
 - 5.12.4 *Based on the information available at the time of developing this PNA no current gaps in the provision of **essential services outside normal working hours** have been identified in any of the localities.*

- 5.12.5 *Based on the information available at the time of developing this PNA no current gaps in the provision of the **New Medicine Service and Community Pharmacist Consultation Service** advanced services have been identified in any of the localities.*
- 5.12.6 *Based on the information available at the time of developing this PNA no gaps in the need for the **necessary services** in specified future circumstances have been identified in any of the localities.*
- 5.12.7 *Based on the information available at the time of developing this PNA no gaps in the current provision of other **relevant services** or in specified future circumstances have been identified in any of the localities.*
- 5.12.8 *Based on the information available at the time of developing this PNA no gaps have been identified in **essential services** that if provided either now or in the future would secure improvements or better access to essential services in any of the localities.*
- 5.12.9 *Based on the information available at the time of developing this PNA no gaps have been identified in the provision of **advanced services** that if provided either now or in the future would secure improvements or better access to advanced services in any of the localities.*
- 5.12.10 *Based on the information available at the time of developing this PNA no gaps in respect of securing improvements or better access to the **enhanced services** in specified future circumstances have been identified in any of the localities.”*
- 5.13 The Committee noted that the supplementary statements dated April 2023 for the Chelmsford and Maldon localities reference the closure of the Boots pharmacy, formerly located at CM1 6NF, and both conclude that *“No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to necessary pharmaceutical services across the locality”*. Further, the Committee noted that the supplementary statements dated April 2023 and June 2024 for the Chelmsford locality reference the closure of the Lloyds pharmacy, formerly located at CM2 5PA, and all three conclude that *“No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to necessary pharmaceutical services across the locality.”*
- 5.14 The Committee noted that the Applicant seeks to provide unforeseen benefits to the patients of North-east Chelmsford, particularly Lawns Ward, Trinity Ward and surrounding areas.
- 5.15 The Committee noted that the improvements or better access that the Applicant was claiming would be secured by its application were not included in the relevant PNA, in accordance with paragraph 4 of Schedule 1.
- 5.16 In order to be satisfied in accordance with Regulation 18(1), regard is to be had to those matters set out at 18(2). The Committee's consideration of the issues is set out below.

Regulation 18(2)(a)(i)

- 5.17 The Committee had regard to
- “(a) *whether it is satisfied that granting the application would cause significant detriment to—*

- (i) *proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB*

- 5.18 The Committee noted the Commissioner's finding on this point that *there was no evidence to suggest granting the application would cause significant detriment to proper planning in the area* and that no party had sought to dispute this.
- 5.19 On the basis of the information available, the Committee was not satisfied that, if the application were to be granted and the pharmacy to open, the ability of the Commissioner thereafter to plan for the provision of services would be affected in a significant way.
- 5.20 The Committee was therefore not satisfied that significant detriment to the proper planning of pharmaceutical services would result from a grant of the application.

Regulation 18(2)(a)(ii)

- 5.21 The Committee had regard to

"(a) *whether it is satisfied that granting the application would cause significant detriment to— ...*

- (ii) *the arrangements NHS England has in place for the provision of pharmaceutical services in that area*

- 5.22 The Committee noted the Commissioner's finding on this point that "there was no evidence to suggest granting the application would cause significant detriment...for any arrangements the ICB has in place for the provision of pharmaceutical services in the area" and that no party had sought to dispute this.
- 5.23 The Committee was therefore not satisfied that significant detriment to the arrangements currently in place for the provision of pharmaceutical services would result from a grant of the application.

In the absence of any significant detriment as described in Regulation 18(2)(a), the Committee was not obliged to refuse the application and went on to consider Regulation 18(2)(b).

Regulation 18(2)(b)

- 5.24 The Committee had regard to

"(b) *whether, notwithstanding that the improvements or better access were not included in the relevant pharmaceutical needs assessment, it is satisfied that, having regard in particular to the desirability of—*

- (i) *there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also NHS England's duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),*
- (ii) *people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access (taking into account also NHS England's duties under section 13G of the 2006 Act (duty as to reducing inequalities)), or*

(iii) *there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also NHS England's duties under section 13K of the 2006 Act (duty to promote innovation)),*

granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant pharmaceutical needs assessment was published"

Regulation 18(2)(b)(i) to (iii)

- 5.25 The Committee took into consideration the evidence put forward at the hearing relating to the survey conducted over eight days in April 2025 which had generated over 200 responses. The responses highlight poor access to the existing community pharmacies following the recent closures primarily due to waiting times for accessing services. The emails were corroborated by the oral evidence of the six witnesses called, all of whom were longstanding residents of Springfield and who gave detailed accounts of their own experiences. Although a large proportion of the responses had simply voiced general support for the benefits of a community pharmacy and lamented the loss of Boots, there were also numerous complaints specifically about capacity at Springfield Pharmacy and Boots at Chelmer village. Queues resulting in 20-30 minute delays were mentioned frequently. There were also some comments about the difficulty of parking at Springfield Pharmacy.
- 5.26 The Committee was mindful that performance issues are not in themselves a reason to grant a pharmacy application where problems reflect a period of adjustment in services or are being actively managed. However it was clear that during the 1.5 years since the closure of the Boots in Torquay Road, the workload pressures on the alternative providers have worsened, further exacerbated by the closure of Tesco Pharmacy in May 2025. Much of the evidence provided to the Committee is recent and there was no evidence presented to the Committee either by the Commissioner or the pharmacies concerned that the problems had been recognised and measures put in hand to address them. The Committee noted the comment in the papers that Rivermead pharmacy had spare capacity. However, the Committee considered that, while this pharmacy would be an option for some, access from the Springfield area was not straightforward. The walking route was possible for those willing and able to walk but would be impossible for many people. There was no direct bus route from Springfield and although parking was available for those with their own transport the Committee heard evidence that this was not always available.
- 5.27 The Committee's site visits had confirmed that travel to pharmacies from Springfield was more difficult for some residents, particularly those without their own transport who could previously walk to Boots at Torquay Road but could not manage the journey on foot to Springfield pharmacy. However, the major issue identified by the submissions and witness evidence at the hearing, was the additional workload of the local pharmacies which had led to long waiting times and unacceptable delays for patients in obtaining medication or other services. The Committee concluded that the recent pharmacy closures have left Springfield with much diminished access and choice in terms of physical access to services. A community pharmacy in the suggested location will provide significant benefit for a significant number of people in the area.
- 5.28 Therefore the Committee was satisfied that, having regard to there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits by way of physical access on persons.

- 5.29 In considering Regulation 18(2)(b)(ii) the Committee reminded itself that it was required to address itself to people who share a protected characteristic under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) having access to services that meet specific needs for pharmaceutical services that, in the relevant area, are difficult for them to access. In considering 18(2)(b)(ii), the Committee identified that pharmaceutical services at the nearest locations identified in the application are difficult for elderly people and those with mobility issues, to access in the relevant area because of poor wheelchair access and lengthy journeys on foot and by bus.
- 5.30 The Committee considered that individual comments had been received either from persons with certain protected characteristics or that referenced persons with protected characteristics and which made comments about issues with access to the existing pharmaceutical services. The Committee had regard to these comments but noted that there was little reference to services that meet specific needs that patients were unable to access. The comments on access were general in nature and might apply to any persons as explained by the assessment as to the lack of reasonable access above. The Committee considered that there was not a robust body of evidence that enabled it to be satisfied that a pharmacy at the proposed site would convey significant benefits pursuant to Regulation 18(2)(b)(ii).
- 5.31 The Committee was therefore not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons.
- 5.32 In considering Regulation 18(2)(b)(iii) the Committee had regard to the desirability of innovative approaches to the delivery of pharmaceutical services. In doing so, the Committee would consider whether there was something more over and above the usual delivery of pharmaceutical services that might be expected from all pharmacies, some 'added value' on offer at the location.
- 5.32.1 No evidence has been submitted in relation to innovative approaches.
- 5.33 The Committee was therefore not satisfied that, having regard to the desirability of there being innovative approaches taken with regard to the deliverability of pharmaceutical services, granting the application would confer significant benefits on persons

Regulation 18(2)(b) generally

- 5.34 The Committee noted the Applicant's proposed core hours which are, 9am to 1pm and 2pm to 6.30pm Monday to Friday and 10am to 4pm on Saturday. The Applicant's proposed supplementary hours are 1pm to 2pm Monday to Friday.
- 5.35 The Committee had regard to the "Nearest Pharmacies to CM1 6NF" document that was relied on by the Commissioner to make its determination and subsequently circulated by NHS Resolution to all parties. The Committee was mindful of the oral submissions in relation to the closure of Tesco Pharmacy CM2 6QT in May 2025 however it noted no supplementary statement had been issued to reflect this. The Committee also noted the comment from the Applicant in relation to a lack of Saturday opening in Springfield and the oral submission from Margaret Watchorn in relation to the lack of Saturday opening at Rivermead Pharmacy CM1 1TR as well as the comments from the members of the public in relation to visits to a pharmacy on a Saturday submitted by the Applicant with its observations.

5.36 The Committee therefore determined that pharmaceutical services are not currently provided at such times as needed and therefore it was not satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits (in relation to opening hours) on persons.

5.37 The Committee had regard to Schedule 4, Part 3 of the Regulations which states:

Pharmacy opening hours: general

23.— *(1) Subject to paragraph 23A, an NHS pharmacist (P) must ensure that pharmaceutical services are provided at P's pharmacy premises—*

(a) for 40 hours each week; ...

(d) if a Primary Care Trust, or on appeal the Secretary of State, has (under previous Regulations) directed that pharmaceutical services are to be provided at the premises for more than 40 hours per week, and at set times and on set days, at the times and on the days so set, subject to any variation in respect of a rest break in accordance with sub-paragraph (7)(bd); ...

5.38 The Committee noted the Commissioner's comment in the decision letter on this point *"The directed hours would therefore be:*

Monday to Friday 18:00 – 18:30

Saturday 10:00 - 16:00".

5.39 The Committee noted that the Commissioner had also reaffirmed this point in its representations on the appeal by stating that *"If this application is granted on appeal the ICB will issue a direction as the total number of hours will be 48.5. Those directed hours will be Monday to Friday 18:00 – 18:30 and Saturday 10:00 – 16:00"*, which the Committee noted had also not been disputed.

5.40 The Committee therefore concluded that the directed hours as outlined by the Commissioner should stand and the Commissioner should issue a direction for the additional hours accordingly.

5.41 The Committee has considered whether there are any other factors that would confer significant benefits on including patients who share protected characteristics. The Committee had regard to the need to eliminate discrimination and advance equality of opportunity and foster good relations between these patients and those who do not share their protected characteristics.

5.42 The Committee was of the view that in accordance with Regulation 18(2)(b) the granting of this application would confer significant benefits on persons in the area of the HWB which were not foreseen when the PNA was published.

Other considerations

5.43 Having determined that Regulation 18(2)(b) had been satisfied, the Committee needed to have regard to Regulation 18(2)(c) to (e). The Committee noted that there was another application in the same area from Folbery Ltd which the Commissioner confirmed was currently *"on hold pending a controlled locality determination"*. The Committee was not aware of any other appeals relating to applications offering to secure the improvements or better access that the Applicant was offering to secure.

- 5.44 No deferral or refusal under Regulation 18(2)(f) was required in this case.
- 5.45 The Committee had regard to Regulation 18(2)(g) and found that it is not applicable.
- 5.46 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.
- 5.47 The Committee was satisfied that the information provided demonstrates that there is difficulty in accessing current pharmaceutical services such that a pharmacy at the proposed site would provide better access to pharmaceutical services.
- 5.48 The Committee had regard to Regulation 19(5) which states:
- If 18(2)(b) applies (granting would confer significant benefits) then 19(6) applies & you may grant the application.*
- 5.49 The Committee had regard to Regulation 19(6) which states:
- (6) If NHS England is satisfied as mentioned in regulation 18(2)(b), it may grant the application notwithstanding that the improvements or better access were or was not included in the relevant pharmaceutical needs assessment.*
- 5.50 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
- 5.50.1 confirm the Commissioner's decision;
- 5.50.2 quash the Commissioner's decision and redetermine the application;
- 5.50.3 quash the Commissioner's decision and, if it considers that there should be a further notification to the parties to make representations, remit the matter to the Commissioner
- 5.51 Given the Committee had reached a different decision to that of the Commissioner, the Committee determined that the decision of the Commissioner must be quashed.
- 5.52 The Committee went on to consider whether there should be a further notification to the parties detailed at paragraph 19 of Schedule 2 of the Regulations to allow them to make representations if they so wished (in which case it would be appropriate to remit the matter to the Commissioner) or whether it was preferable for the Committee to redetermine the application.
- 5.53 The Committee noted that representations on Regulation 18 had been sought from parties by the Commissioner and representations had already been made by parties to the Commissioner in response. These had been circulated and seen by all parties as part of the processing of the application by the Commissioner. The Committee further noted that when the appeal was circulated representations had been sought from parties on Regulation 18.
- 5.54 The Committee concluded that further notification under paragraph 19 of Schedule 2 would not be helpful in this case.

6 **DECISION**

- 6.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, quashes the decision of the Commissioner, for the reasons given above, and redetermines the application.

- 6.2 The Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.
- 6.3 The Committee has considered whether the granting of the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area covered by the HWB, or the arrangements in place for the provision of pharmaceutical services in that area and is not satisfied that it would.
- 6.4 The Committee determined that the application should be granted on the following basis:
 - 6.4.1 In considering whether the granting of the application would confer significant benefits, the Committee determined that –
 - 6.4.1.1 there is not already a reasonable choice with regard to obtaining pharmaceutical services;
 - 6.4.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and
 - 6.4.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services;
 - 6.4.2 Having taken these matters into account, the Committee is satisfied that granting the application would confer significant benefits as outlined above that would secure improvements or better access to pharmaceutical services.
- 6.5 The Commissioner should issue a direction in relation to the opening hours above 40.

Committee Chair

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REF: SHA/ 26507

**APPEAL AGAINST NHS MID AND SOUTH ESSEX ICB
DECISION TO REFUSE AN APPLICATION BY ALTICARE
LTD FOR INCLUSION IN THE PHARMACEUTICAL LIST
OFFERING UNFORESEEN BENEFITS UNDER
REGULATION 18 AT TORQUAY ROAD PARADE OF
SHOPS, SPRINGFIELD, CHELMSFORD, CM1 6NF**

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1 The Application

By application dated 19 February 2024, Healthcare Plus Consulting Ltd on behalf of Alticare Ltd ("the Applicant") applied to Mid and South Essex ICB ("the Commissioner") for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 at Torquay Road Parade Of Shops, Springfield, Chelmsford, CM1 6NF. In support of the application it was stated:

In response to "in my/our view this application should not be refused pursuant to Regulation 31 for the following reasons" the Applicant stated:

1.1 "N/A. There is no pharmacy currently trading from/ adjacent to the proposed site."

In response to "please describe the unforeseen benefit(s) that you are offering to secure and how it will secure improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB's area" the Applicant stated:

1.2 "Please see enclosed supporting Information"

1.3 "Background"

1.4 This application is in respect of opening up a new pharmacy in order to provide better access for patients requiring access to pharmaceutical services in Northeast Chelmsford, specifically the Lawns Ward; Trinity Ward; and the surrounding areas.

1.5 We understand that once the Boots on Torquay Road closes, no pharmacy will be situated in either ward. We believe that the closure of the Boots located at: 10-12 Torquay Rd, Springfield, Chelmsford CM1 6NF on 8th March 2024 will leave a significant gap in pharmaceutical services for Chelmsford.

1.6 Hence this application is offering unforeseen benefits not captured within the PNA.

1.7 The best estimate of the proposed site we wish to open up a new pharmacy is located on Torquay Rd, Springfield, Chelmsford CM1 6NF. This is a same location to the recently closed Boots; we believe that a pharmacy located here will continue to provide better access to the resident population, especially patients residing within both the Lawns and Trinty wards.

1.8 Proposed Location

- 1.9 The proposed location is situated amongst a busy parade of shops, within the Lawns wards.
- 1.10 The thriving parade is home to a Co-Op; Estate agent; an off license; dry cleaners; and a hair Salon. These are typical shops that would be found within the local community; all with ample free parking and wide walkways to access local services. There is good access by foot, car, and public transport.
- 1.11 As of the 2011 Census, the Lawns Ward housed 5,402 residents, and the neighbouring Trinity Ward housed 6,295 residents. Thus, it can be supposed that the proposed site will be utilised by at least 11,000+ local residents.
- 1.12 Image depicting the parade, with ample parking available outside the proposed premises [appendix A]. Bus-stop is around the corner to the right of image on the right.
- 1.13 Image depicting side angle of parade with sheltered Bus Stop [appendix A].
- 1.14 Map of Lawns Ward [appendix A]
- 1.15 Blue triangle - shows the estimated location of closing Boots and the proposed site, CM1 6NF.
- 1.16 Yellow triangle - depicts the site of Springfield Pharmacy on Clematis Tye, CM1 6GL.
- 1.17 Map of Springfield North Ward [appendix A]
- 1.18 Map of Trinity Ward [appendix A]
- 1.19 Blue triangle - shows the estimated location of closing Boots and the proposed site, CM1 6NF Yellow triangle - depicts the site of Springfield Pharmacy on Clematis Tye, CM1 6GL.
- 1.20 Green triangle - depicts the site of Rivermead Pharmacy on Rivermead Gate, CM1 1TR
Red triangle - depicts the old site of Sainsbury, Lloydspharmacy closed Jun 23, CM2 5PA.
- 1.21 Regulations
- 1.22 We are required by NHS England to address the overarching question in an Unforeseen Benefits application:
- 1.23 "Please describe the unforeseen benefit(s) that you are offering to secure and how it will secure improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB area".
- 1.24 When considering the above question, the provisions of Regulation 18(2)(b) should be noted: [quoted in full].
- 1.25 We note that points on reasonable choice; protected characteristics; and innovation are desirable, however, they are merely supporting considerations when determining whether in fact the overarching test in regulation 18(2)(b) has been met: an application should be granted should it provide improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB's area.
- 1.26 We have addressed these regulations overleaf.
- 1.27 Population Growth & Service Provision

- 1.28 In recent years, Northeast Chelmsford has seen rapid population growth due to the large Beaulieu development within Belstead Hall. The development consists of 3,600 dwellings; a school; a community centre; a large parade of shops; and a health centre that is currently under construction.
- 1.29 The vast majority of housing is now complete, with the shops and school already erected and fully functional. Assuming an occupancy rate of 2.5 and 3000 houses constructed, we can see that there is now an additional population of approximately 7500 residents.
- 1.30 When we break down the population of Northeast Chelmsford we can see the following:
- 1.30.1 Lawns Ward – population: 5,402 (2011)
 - 1.30.2 Trinity Ward – population: 6,295 (2011)
 - 1.30.3 Springfield North Ward – population: 8,807 (2011)
 - 1.30.4 Beaulieu Development – population: 7,500 (approx.)
- 1.31 The total population of Northeast Chelmsford now sits at approximately 28,000 residents. When we consider the pharmaceutical provision to serve these residents:
- 1.31.1 Lloyds in Sainsbury's, CM2 5PA – closed Summer 2023
 - 1.31.2 Boots, Torquay Road, CM1 6NF – closing 8th March 2024
 - 1.31.3 Springfield Pharmacy, Clematis Tye, CM1 6GL
- 1.32 We can see that once the Boots closes, pharmaceutical provision will have effectively vanished with Springfield Pharmacy being the only pharmacy to serve this massive population of 28,000.
- 1.33 Extrapolating this figure allows to conclude that Northeast Chelmsford will soon have 3.5 pharmacies per 100,000 people – drastically below the average for Chelmsford (16.2/100,000) and England (20.6/100,000). Thus, it is apparent that pharmaceutical provision is dire in Northeast Chelmsford and represents no choice to pharmaceutical provision, much less than the threshold of 'reasonable choice'.
- 1.34 Such is the obvious need to serve this large population, my client has also submitted an additional application to open up a pharmacy on Centenary Way Shops, CM1 6AU, within the new Beaulieu development. We believe that it is imperative both applications are granted, such is the urgent need for pharmaceutical provision in Northeast Chelmsford.
- 1.35 Please find development map overleaf [appendix A].
- 1.36 Patient Journeys
- 1.37 When considering securing better access, we must consider what a typical patient journey would currently look like. We also consider the reasonable choice within these journeys, alongside how those with protected characteristics find those journeys.
- 1.38 It must be noted that distance in itself is a barrier to access. Above we identified approximately 11,000 residents of the Lawns and Trinity wards who would likely access pharmaceutical services at the proposed site.

- 1.39 Using the proposed site, CM1 6NF, as an arbitrary marker to represent these residents; we can see that the next nearest pharmacy (Springfield Pharmacy, CM1 6GL) is 0.8 miles away. For residents currently residing near the proposed site, current pharmaceutical services are difficult to access by foot and public transport.
- 1.40 By Foot from Proposed site to current nearest pharmacy (Springfield Pharmacy, CM1 6GL)
- 1.41 As can be seen from the map below [appendix A], this journey is 0.8 miles or 18 minutes, equating to a 36-minute round-journey. It is worth reiterating that distance in itself is a barrier to access, and this journey length is clearly excessive, especially considering that Chelmsford is a city and not “rural”.
- 1.42 We cannot consider a 1.6-mile round walk to access pharmaceutical services as sufficient access, nor can we consider this as having a reasonable choice to pharmaceutical services.
- 1.43 Additionally, such an extended journey may prove difficult for the elderly, disabled, or parents with young children. Groups with protected characteristics do not have sufficient access by foot.
- 1.44 Granting this application would restore access and reasonable choice to pharmaceutical provision by foot.
- 1.45 By Public Transport from Proposed site to current nearest pharmacy (Springfield Pharmacy, CM1 6GL)
- 1.46 The journey by bus to Springfield Pharmacy is not the best served by public transport. Patients would obtain the C11 bus from Lawn Lane. The journey is 12-minutes; however, this includes a 7 min walk at either end of the journey; something that patients with impaired mobility may struggle with.
- 1.47 We also note that this bus service is infrequent, with buses only arriving every half an hour. Once a patient has arrived at a pharmacy, they could be waiting up to half an hour for the return journey. Clearly this does not provide adequate access to pharmaceutical services, especially when we consider that the return journey by foot is also inaccessible.
- 1.48 [route map provided – see appendix A].
- 1.49 Such poor choice of pharmaceutical access is felt especially by the elderly and disabled. These patient groups could face having to wait half an hour for a return bus in the shivering cold on a winter’s day. When we consider that these patients may not be able to drive, or even may not feel comfortable driving in winter conditions; alongside their inability to walk the long 0.8-mile distance back home, it is obvious that current pharmaceutical provision is inadequate and such scenarios stem from a lack of reasonable choice.
- 1.50 Granting this application would restore access and reasonable choice to pharmaceutical provision by bus.
- 1.51 Conclusion
- 1.52 In our view, the closure of the Boots Pharmacy has left a significant gap in pharmaceutical services for the Lawns ward; Trinity Ward; and Northeast Chelmsford in general.

- 1.53 Local residents and those who are using the local amenities would benefit significantly from continuing to have access to a pharmacy located on Torquay Road parade of shops.
- 1.54 Granting this application would secure better access to pharmaceutical services. The elderly, disabled, and the wider population are likely to find the proposed pharmacy significantly more accessible than their current choices. It would also introduce reasonable choice of a different pharmaceutical provider for those in the local area.
- 1.55 We would like to note that granting this application would not cause significant detriment to access of pharmaceutical services, as this application is seeking to fill a gap vacated by the Boots, CM1 6NF closure; and notwithstanding the fact that the nearest pharmacy to the proposed site is located 0.8 miles away.
- 1.56 On the evidence outlined above, we believe that a new pharmacy contract should be granted.”

2 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 8 January 2025 states:

- 2.1 “Mid and South Essex ICB has considered the above application and I am writing to confirm that it has been refused. Please see the enclosed report for the full reasoning.
- 2.2 You have a right of appeal to the Secretary of State against Mid and South Essex ICB’s decision. Should you choose to appeal then you should either complete the online form available on the NHS Resolution website or send a concise and reasoned statement of the grounds for your appeal within 30 days of the date of this letter to nhsr.appeals@nhs.net or:
- 2.3 Primary Care Appeals
NHS Resolution
8th Floor
10 South Colonnade
Canary Wharf
London
E14 4PU.”

[Any reference to ‘Committee’ in this section is not to be confused with the Pharmacy Appeals Committee of NHS Resolution]

Decision report

- 2.4 **“Alticare Ltd - UB - Best Est CM1 6NF - CAS-275110-B0K4T6**
- 2.5 The Pharmaceutical Services Regulations Committee (hereafter referred to as “the Committee”) considers all pharmaceutical services applications for the 6 Integrated Care Boards (ICB) within the East of England footprint. NHS Hertfordshire and West Essex ICB (HWE ICB) hosts the meeting on behalf of the 6 ICBs, in accordance with the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 as amended (hereafter referred to as “the Regulations”).

- 2.6 **UB Application for inclusion in a pharmaceutical list: routine application offering to secure unforeseen benefits:** Alticare Ltd, Torquay Road Parade of Shops, Springfield, Chelmsford, CM1 6NF.
- 2.7 **Regulation 31 – Must the application be refused?**
- 2.8 The Committee considered this routine application offering unforeseen benefits in the area of the Essex Health and Wellbeing Board (HWB) under Regulation 18 of the Regulations.
- 2.9 The Committee first considered Regulation 31.
- 2.10 The Committee noted that as the applicant has chosen to give a best estimate for the location of the proposed pharmacy premises it is not possible to determine whether or not the application should be refused by virtue of Regulation 31. The Committee noted that there are no pharmacies located within the best estimate provided by the applicant.
- 2.11 The Committee noted that the applicant provided the following statement within the application form in relation to Regulation 31:
- 2.12 “There is no pharmacy currently trading from/ adjacent to the proposed site.”
- 2.13 The Committee noted that if the application were granted, the successful applicant must - in due course - notify the ICB of the precise location of its premises (in accordance with paragraph 31 of Schedule 2). Such a notification would be invalid (and the applicant would not be able to commence provision of services) if the location then provided would (had it been known now) have led to the application being refused under Regulation 31.
- 2.14 The Committee agreed that as it is not yet known where the premises would be located there are no grounds for the Committee to refuse the application on the basis of Regulation 31.
- 2.15 **Regulation 32 – Is the application to be deferred?**
- 2.16 The Committee noted that this Regulation does not apply as there are no LPS designations in the area covered by the best estimate.
- 2.17 **Regulation 41 – 44 Is the relevant location in a reserved location?**
- 2.18 The Committee noted that these Regulations do not apply as the best estimate location is not within a controlled locality.
- 2.19 **Regulation 18(1) – does the need on which the applicant based its application satisfy the elements of Regulation 18(1)?**
- 2.20 The Committee considered that Regulation 18(1)(a) is satisfied in that it is required to determine whether it is satisfied that granting the application or granting it in respect of some of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB.
- 2.21 The Committee also considered whether Regulation 18(1)(b) is satisfied i.e. whether the improvements or better access that would be secured if the application was granted were or was not included in the relevant pharmaceutical needs assessment (PNA) in accordance with paragraph 4 of Schedule 1.

- 2.22 Paragraph 4 of Schedule 1 requires the PNA to include: “a statement of the pharmaceutical services that the HWB had identified (if it has) as services that are not provided in the area of the HWB but which the HWB is satisfied (a) would if they were provided....secure improvements or better access, to pharmaceutical services... (b) would if in specified future circumstances they were provided...secure future improvements or better access to pharmaceutical services...” (emphasis added).
- 2.23 The Committee considered the applicant’s full supporting evidence and the applicant’s conclusion that the closure of the Boots pharmacy had created a significant gap in services.
- 2.24 The Committee noted in section 6 of the application form, where asked, “Please explain how you intend to secure the unforeseen benefit(s).”, the applicant has stated:
- 2.24.1 *“The Boots Pharmacy, 10-12 Torquay Road, Springfield, Chelmsford, CM1 6NF, was open with no plans for closure at the time of the PNA being written. This application is therefore submitted under Regulation 18 as an unforeseen benefits application.*
- 2.24.2 *An increase in local pharmacy capacity and improved choice to meet the needs of the local population.*
- 2.24.3 *Better access and choice to pharmaceutical services given the closure of the above pharmacies.”*
- 2.25 The Committee noted the following findings from the latest Essex PNA, 2022-2025:
- 2.26 The PNA asserts,
- 2.26.1 *“No gaps in the provision of necessary pharmaceutical services have been identified in the Chelmsford locality. No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to relevant services across the Chelmsford locality.*
- 2.27 It also states under ‘Housing’,
- 2.27.1 *“The impact of local housing development plans on provision of pharmaceutical services has been considered but has not identified any gaps in pharmaceutical services provision in the area during the lifetime of this PNA.”*
- 2.28 The Committee noted that within Appendix G, section 1.5 of the PNA, it mentions the “Strategic Growth Site– North East Chelmsford” (which includes the Beaulieu development) and states,
- 2.28.1 *“All significant developments have access to existing pharmaceutical services either in the locality or in the neighbouring localities and no gaps in the provision of pharmaceutical services are identified.”*
- 2.29 The PNA within Appendix G concludes with,
- 2.29.1 *“All significant developments that are expected to be realised during the lifetime of this PNA have access to existing pharmaceutical services either in the locality or in the neighbouring localities and no gaps are identified.”*
- 2.30 The Committee noted that the PNA within Appendix F, provides detailed ‘Health service mapping and Pharmacy Travel Time Analysis Report’.

- 2.31 The Committee agreed it was of the view that the improvements or better access that the applicant is claiming would be secured by its application, were not included in the relevant PNA in accordance with paragraph 4 of schedule 1.
- 2.32 The Committee noted that in order to be satisfied in accordance with Regulation 18(1), regard is to be had to those matters set out at Regulation 18(2).
- 2.33 **Regulation 18(2)(a)(i) & (ii)** [quoted in full].
- 2.34 The Committee noted that there was no evidence to suggest granting the application would cause significant detriment to proper planning in the area and for any arrangements the ICB has in place for the provision of pharmaceutical services in the area.
- 2.35 In the absence of any significant detriment as described in Regulation 18(2)(a), the Committee agreed that it was not obliged to refuse the application and should go on to consider Regulation 18(2)(b).
- 2.36 **Regulation 18(2)(b)(i)** [quoted in full].
- 2.37 The Committee noted that the application states in support of this regulation, the following points (edited):
- 2.37.1 *“Northeast Chelmsford has seen rapid population growth due to the large Beaulieu development within Belstead Hall. The development consists of 3,600 dwellings.*
- 2.37.2 *The total population of Northeast Chelmsford now sits at approximately 28,000 residents.*
- 2.37.3 *Boots closed; pharmaceutical provision will have effectively vanished with Springfield Pharmacy being the only pharmacy to serve this massive population of 28,000.*
- 2.37.4 *Extrapolating this figure allows to conclude that Northeast Chelmsford will soon have 3.5 pharmacies per 100,000 people – drastically below the average for Chelmsford (16.2/100,000) and England (20.6/100,000).”*
- 2.38 The Committee noted that the Boots Pharmacy closed on 9th March 2024, and this is mentioned in the June 2024 Supplementary Statement, and concludes stating,
- 2.39 2.39.1 *“No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to necessary pharmaceutical services across the locality.”*
- 2.40 The Committee noted the residents of Springfield currently receive medical services from various local GP practices in the surrounding area. Dispensing activity (July 2024) from the nearest pharmacy (Springfield Pharmacy) suggests patients are being prescribed medicines from Beacon Health Group, North Chelmsford NHS Healthcare, Chelmer Medical Partnership and Beauchamp House Surgery to name just the top 4. As people are travelling to these GP practices for medical services, they are likely to be able to access pharmaceutical services on route to or from their medical practice or anywhere else they may be travelling to/from.
- 2.41 The dispensing data, shared with the Committee prior to the meeting, shows that the majority of patients who are dispensed medicines from the nearest pharmacy

(Springfield Pharmacy) attended the Beacon Health Group (Mountbatten House Surgery) also in Springfield. July 2024 data suggests, Springfield Pharmacy dispensed 12,877 prescriptions for 66 GP practices, where 5,383 prescriptions were prescribed from Mountbatten House Surgery.

- 2.42 The data also shows that the Beacon Health Group prescribed 44,366 prescriptions which were dispensed by 136 pharmacies. Within the top 5 of those dispensing pharmacies, there is 1 distance selling pharmacy, Pharmacy2U based in Leeds who dispensed 1,774 prescriptions.
- 2.43 The Committee agreed that patients are using a wide range of pharmacies for their pharmaceutical needs, and therefore it can be said patients are exercising their choice.
- 2.44 The Committee noted that there are pharmacies available to patients residing in Springfield and the surrounding area. Springfield Pharmacy being the nearest and is 0.8 miles on foot from the proposed site. Patient choice is facilitated by six other pharmacies that are located within a 2km radius (1.3 miles) actual route measurement.
- 2.45 The Committee noted that the overall provision of pharmaceutical services is through using those established pharmacies. All those pharmacies are providing similar opening hours to those proposed by the applicant, with five open on Saturdays and three open on Sundays. All are 40 core hour pharmacies. The level of choice available to patients can be considered as reasonable.
- 2.46 The Committee noted that as part of the application, the applicant is proposing more than 40 core hours of opening and has agreed to 8.5 directed hours being 18:00-18:30 (Monday to Friday) and 10:00-16:00 (Saturday).
- 2.47 The Committee noted that no current or future gaps in the provision of pharmaceutical services have been identified in the current PNA.
- 2.48 The Committee noted that the test is whether or not those living in Springfield have reasonable choice with regard to obtaining pharmaceutical services in the area of Essex HWB, not just in the area of Springfield.
- 2.49 The Committee noted that there is no evidence to suggest that residents of Springfield are unable to access pharmaceutical services. On the contrary, the data indicates that many are opting for distance selling pharmacies for medication delivery, while those who prefer to collect their prescriptions from a physical pharmacy are doing so without any issues.
- 2.50 Based on the information presented, the Committee agreed it was of the view that there is already reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB, such that it cannot be satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the Essex PNA, 2022-2025 was published.
- 2.51 **Regulation 18(2)(b)(ii)** [quoted in full].
- 2.52 The Committee noted the following points made by the applicant (edited)
- 2.52.1 *“For residents currently residing near the proposed site, current pharmaceutical services are difficult to access by foot and public transport.*

- 2.52.2 *The journey from proposed site to nearest pharmacy is 0.8 miles or 18 minutes, equating to a 36-minute round-journey.*
- 2.52.3 *Such an extended journey may prove difficult for the elderly, disabled, or parents with young children. Groups with protected characteristics do not have sufficient access by foot.*
- 2.52.4 *By bus to Springfield Pharmacy is not the best served by public transport.*
- 2.52.5 *C11 bus from Lawn Lane. The journey is 12-minutes; however, this includes a 7 min walk at either end of the journey; something that patients with impaired mobility may struggle with.*
- 2.52.6 *Such poor choice of pharmaceutical access is felt especially by the elderly and disabled. These patient groups could face having to wait half an hour for a return bus in the shivering cold on a winter's day."*
- 2.53 The Committee noted the applicant provided no evidence to meet the criteria of Regulation 18(2)(b)(ii). Whilst it is accepted that there would be people with protected characteristics living in Springfield and that some may need pharmaceutical services as a result, there was no evidence that any specific groups had any difficulty accessing such services.
- 2.54 The Committee agreed that it was not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant pharmaceutical needs assessment was published.
- 2.55 **Regulation 18(2)(b)(iii)** [quoted in full].
- 2.56 The Committee noted the applicant provided no evidence or comments regarding innovative approaches in the delivery of pharmaceutical services, therefore was not satisfied that Regulation 18(2)(b)(iii) was met.
- 2.57 **Representations**
- 2.58 The Committee noted that representations were received from:
- 2.59 Rushport Advisory on behalf of Paydens Limited, T/A Rivermead Pharmacy
- 2.60 Thank you for your letter of 27 March 2024 addressed to my client. I act for Paydens Limited t/a Rivermead Pharmacy in the above application and have been instructed by my client to submit the following objections to the above applications.
- 2.61 I have previously sent you a letter dated 15 April in respect of both of the above listed applications and that letter highlighted that my client had not received full details of the applications. The full details have now been received and this letter should be considered as my client's representations.
- 2.62 **Preliminary Point**
- 2.63 We note that both Folberry Limited and Alticare Limited are connected companies and share the same director, namely [NK], and also the same registered office. Both companies were incorporated on 30 January 2024.

- 2.64 It is unclear why Mr [K] has submitted applications under different companies but both companies are represented by Healthcare Plus Consulting Limited, which is also Mr [K's] company with many similar applications being submitted across England by Mr [K's] companies or those connected to him.
- 2.65 **Folberry Limited Application**
- 2.66 The application from Folberry Limited is for unidentified premises around the CM1 6AU postcode area. As the ICB will be aware, Rivermead Pharmacy is the closest pharmacy to the Applicant's proposed location and is located 0.8 miles from the site proposed by Folberry Limited.
- 2.67 To walk from the proposed location to Rivermead Pharmacy takes 18 minutes or there is a bus service (C10) that takes 7 minutes including walking time.
- 2.68 The CM1 6AU postcode is located in the Springfield North ward. Residents of this ward are in notably better health than either the Chelmsford or English averages with 88.7% of residents stating that their day to day activities are not limited (compared to 82.4% for the English average) and only 3.2% describing their health as bad or very bad compared to 5.4% as the English average.
- 2.69 80.6% of those between the ages of 16 to 74 are described as economically active, compared to the English average of 69.9%.
- 2.70 88.4% of households have access to 1 or more cars and this compares to the English average of 74.2%.
- 2.71 The Springfield North area, which covers both the application site and Rivermead pharmacy, is therefore made up of a healthy, mobile and relatively affluent population and it is therefore not surprising that the Applicant, whilst quoting population figures, cannot identify any difficulty that patients face in accessing the existing pharmacy network. Whilst there is no reason to walk given that there is high car ownership and a good bus service, it is likely that some patients would choose to walk rather than drive.
- 2.72 The new housing development appears to be good quality housing and there is no evidence to suggest that those who live in the newer houses have any greater health needs than the rest of the area.
- 2.73 Whilst average number of persons per pharmacy may be of interest, it does not and cannot be used as a means of assessing whether an application should be approved or not as such a decision requires evidence that demonstrates why an application meets the legal test. In this case the Applicant has not provided such information.
- 2.74 Further to the above, the Applicant quite wrongly claims that the area they refer to is "Northeast Chelmsford". In fact, all the Applicant has done is simply ignore Chelmsford City Centre when considering provision of pharmacy services even though the majority of the population would access services in the city centre rather than either of the Alticare Ltd or Folberry Limited sites.
- 2.75 As the Committee will note, existing pharmacies are already located closer to the majority of the population than the Applicant's proposed site, yet despite this the Applicant ignores their existence as it does not suit their application to consider those pharmacies.
- 2.76 **Alticare Limited Application**

- 2.77 The Applicant in this case provides very similar information to that provided in the Folberry Limited application and uses the same ratios that Folberry Limited uses. Again, we make the same point that ratios cannot be a basis for approving applications under regulation 18.
- 2.78 In this case Mr [K] provides some information relating to public transport and states that;
- 2.78.1 *The journey by bus to Springfield Pharmacy is not the best served by public transport. Patients would obtain the C11 bus from Lawn Lane. The journey is 12-minutes; however, this includes a 7 min walk at either end of the journey; something that patients with impaired mobility may struggle with.*
- 2.78.2 *We also note that this bus service is infrequent, with buses only arriving every half an hour. Once a patient has arrived at a pharmacy, they could be waiting up to half an hour for the return journey.*
- 2.78.3 *Clearly this does not provide adequate access to pharmaceutical services, especially when we consider that the return journey by foot is also inaccessible.*
- 2.79 The information provided by Mr [K] is incorrect as are the conclusions that are reached.
- 2.80 Whilst the C11 bus does run every 30 minutes, there is not a “7 min walk at either end of the journey”. In fact, the walking time to the bus stop from Springfield Pharmacy is 2 minutes and from the Applicant’s proposed location it is 4 minutes. For those who use a bus service a walk of 2 or 4 minutes would be perfectly normal and many people would walk for longer and combine their trip with shopping or accessing other local services.
- 2.81 [route map provided – see appendix B].
- 2.82 Further, a service that runs every 30 minutes is not infrequent as claimed by the Applicant and we are not aware of any complaints about the bus service.
- 2.83 Further, it is wrong to describe a 17 minute / 0.8 mile walk as “inaccessible”. The route from the application site to Springfield Pharmacy is mostly flat and along well-maintained roads with dropped curbs and street lighting. Whilst there is no reason to walk given that there is high car ownership and a good bus service, it is likely that some patients would choose to walk rather than drive.
- 2.84 Whilst the Applicant would have a stronger case if the population was particularly deprived or had very high levels of health needs, we know from the response above to the Folberry Limited application that this is not the case and that the local population is a healthy, mobile and relatively affluent and it is therefore not surprising that the Applicant, whilst quoting population figures, cannot identify any difficulty that patients face in accessing the existing pharmacy network.
- 2.85 In this case the Application site falls in Lawns Ward, where the percentage of those with bad or very bad health is only 3% compared to 5.4% as the English average. In fact, by every measure of health or ability to access services, the Lawns Ward is significantly better than the English average and Springfield Pharmacy is located just on the edge of the ward to the east.
- 2.86 In this case the Applicant also looks to include Trinity Ward and provides a map of this ward (and Springfield North Ward). As the Committee will note, the vast majority of housing in Trinity Ward is located closer to the pharmacies in Chelmsford City centre. The Applicant wants the Committee to consider the population of various wards to

support their case but does not want the Committee to consider the pharmacies that are located closer to those residents than the Applicant's proposed location. This is not a sensible approach to take and this is obvious when one considers that Tesco Pharmacy is located just outside the Trinity Ward and is open 7 days per week with a large car park and a bus service that goes directly to it from the Applicant's proposed location which takes 12 minutes including walking time. The same service continues in Chelmsford City Centre where additional pharmacies are located.

- 2.87 The Boots pharmacy that the Applicant wishes to replace was dispensing between 5,000 and 6,000 items per month. This was a relatively small pharmacy compared to the English average and was clearly not used by those who live in the vast area that the Applicant refers to as "North East Chelmsford".
- 2.88 My client's pharmacy dispenses between 8,000 and 9,000 items per month which it is well able to cope with and has spare capacity. In addition, my client's pharmacy is located beside a number of shopping and community facilities and is an edge of city centre location.
- 2.89 Tesco Pharmacy dispenses only 4,000 items per month and clearly has spare capacity and Boots at Chelmer Village Retail Park dispensing circa 10,000 items per month. Both Boots and Tesco's item numbers have increased recently as a result of the pharmacy closures mentioned by the Applicant and this demonstrates that patients are exercising their choice of accessing other pharmacies in the area that the Applicant simply ignores in their application.
- 2.90 [route map provided – see appendix B].
- 2.91 For the reasons given above we ask that the Committee refuses both of these applications and we look forward to hearing from you in due course.
- 2.92 Community Pharmacy Essex
- 2.93 Thank you for inviting the committee's comments in respect of the above application. The committee notes that the deadline for submission for comments is 11th May 2024 and trust that you will confirm safe receipt of this submission within the above deadline.
- 2.94 Due to the deadline this application has been considered virtually by the committee, less those who declared an interest in this application, and we would like to submit the following comments:
- 2.95 **Best estimate for location of premises**
- 2.96 It is for Mid and South Essex Integrated Care Board (MSEICB) to consider whether the information provided with regard to the premises is sufficient to be considered a best estimate.
- 2.97 **Proposed core opening hours**
- 2.98 The applicant has proposed 48.5 core opening hours per week: however there is no reference to the additional hours being necessary to secure the unforeseen benefits, and therefore core hours would normally be 40 per week. MSEICB may wish to clarify this with the applicant.
- 2.99 **Proposed services to be provided at the premises**
- 2.100 The applicant has stated that they will provide Supervised Consumption, Needle Exchange, Minor Ailments, Sexual Health, NHS health checks, Palliative Care and

Substance Misuse. None of these services are commissioned as enhanced services by MSEICB, therefore these should be disregarded.

- 2.101 The applicant also states that they will provide Covid-19, MSEICB may wish to clarify exactly what service the applicant intends to provide, ie vaccination services, Lateral Flow device advanced service, anti-viral distribution etc.
- 2.102 The applicant states that they will provide smoking cessation, MSEICB may want to clarify if the intention is to provide the national Advanced Service following hospital discharge, or the local authority-commissioned service.
- 2.103 Close proximity to other listed chemist premises
- 2.104 The best estimate for the application (if accepted) is not at any premises adjacent to, or in close proximity to, premises on the Pharmaceutical List, and therefore the application does not need to be refused according to regulation 31.
- 2.105 **Unforeseen benefits**
- 2.106 The applicant states that the Boots pharmacy at 10-12 Torquay Road, CM1 6NF was not closed at the time the Essex Health and Wellbeing Board Pharmaceutical Needs Assessment (PNA) was written, and therefore the application offers unforeseen benefits.
- 2.107 The Essex Health and Wellbeing board PNA steering group met on 30th April 2024 to review changes since the PNA was published and has issued a supplementary statement with regard to the closure of Boots pharmacy at 10-12 Torquay Road, however the steering group concluded that:
- 2.108 *"No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to necessary pharmaceutical services across the locality".*
- 2.109 **18(2)(a) Detriment to proper planning or arrangements for provision of pharmaceutical services.**
- 2.110 We have no comments with regard to this.
- 2.111 **18 (2)(b)(i) Reasonable Choice**
- 2.112 There are currently five pharmacies within a 1 mile radius of the proposed premises. In addition services are available from distance selling pharmacies to anyone in England who requests them.
- 2.113 **18 (2)(b)(ii) People Sharing a Protected Characteristic**
- 2.114 The applicant has highlighted the distance between the proposed premises and the next nearest pharmacy. The nearest pharmacy is 0.8 miles away, and is in fact served by two bus routes, the C8 and the C11, not one as in the supporting information, some 4 buses per hour on weekdays.
- 2.115 All the other pharmacies within the 1 mile radius of the proposed premises are served by at least two bus routes.

- 2.116 **18(2)(b)(iii) Innovative Approaches with regard to the delivery of pharmaceutical services.**
- 2.117 The applicant has not proposed any innovative approaches in the delivery of pharmaceutical services.
- 2.118 **Conclusion**
- 2.119 There are some factual details in the application relating to opening hours and service provision which require clarification.
- 2.120 This application proposes unforeseen benefits, however these appear to be limited to the closure of the Boots pharmacy at 10-12 Torquay Road. Since that closure the Essex Health and Wellbeing board have issued a supplementary statement to the PNA and not identified any gap in provision in the locality.
- 2.121 There are five pharmacies within a one-mile radius of the proposed premises, well-served by public transport, which offer choice and reasonable access to services.
- 2.122 We therefore feel that the requirements for an unforeseen benefits application have not been met, and this application should be refused.
- 2.123 North & South Essex Local Medical Committees
- 2.124 Made no comment.
- 2.125 Response to Representations
- 2.126 The Committee noted that the applicant responded to comments made:
- 2.127 Thank you for your letter dated 13th May 2024. We welcome comments from all local parties and note the following:
- 2.127.1 Springfield Pharmacy have chosen not to provide representation. We can only assume that this is because they have no objections to the application.
- 2.128 Taking each representation in turn below:
- 2.129 Local Pharmaceutical Committee (LPC)
- 2.130 We would like to provide clarity on a few points made by the LPC.
- 2.131 Firstly, the LPC make mention of there being 5 pharmacies within a mile of the proposed site. As the committee will be aware, this distance is as the crow flies and not in fact the distance in reality. There is in fact only one pharmacy within a mile of the proposed site.
- 2.132 The LPC highlight that the C8 bus route should also be considered for journeys to Springfield Pharmacy. We note that this bus service is also infrequent, arriving every half an hour. A journey from the proposed site to Springfield Pharmacy would drop passengers at New Bowers Way bus stop. We note that this bus stop is an additional 10-minute/ 0.4-mile walk from Springfield Pharmacy. Clearly this does not constitute reasonable choice and sufficient access for the elderly; those with impaired mobility; and those who are pregnant.
- 2.133 Paydens Limited t/a Rivermead Pharmacy

- 2.134 We highlight to the Committee that Rivermead Pharmacy is a 1.1-mile journey by foot from my client's proposed site. This journey includes a poorly lit river walkway, which can be considered as unpleasant during the winter months. Indeed, many residents may feel unsafe using this walkway and thus must use safer alternative routes. Safer routes constitute a 1.8-mile/ 39-minute one way journey by foot. Clearly this does not represent reasonable choice/ access to pharmaceutical provision by foot.
- 2.135 Image demonstrating unpleasant/ poorly lit river-walkway to Rivermead Pharmacy [appendix C].
- 2.136 For journeys by bus from the proposed site to Rivermead pharmacy, residents must catch the C8 bus followed by the 702 bus. We do not consider having to take multiple buses to access pharmaceutical provision as representing reasonable choice. This joint service can only be caught hourly and thus does not represent reasonable choice to pharmaceutical provision.
- 2.137 Paydens also mention the increase in items from various other city stores demonstrating that residents of North East Chelmsford access the city centre for pharmaceutical provision. We strongly contest this notion. We highlight that these increases are likely to be a result of alternative factors rather than the closure of the Boots, CM1 6NF (my client's proposed site). Indeed, the prescription data is not even available for March 2024 – when the Boots closed. My client's proposed site (the location at which the Boots recently closed), is situated amongst a communal parade of approximately 10 shops which are well-utilised by residents as part of their daily lives – especially the Co-operative convenience store.
- 2.138 We maintain that residents of North East Chelmsford predominantly only have access to Springfield Pharmacy. Indeed, there are some residents who are unable to access Springfield Pharmacy. We note that 18.8% of residents in the Lawns Ward (ward of the proposed site) who are disabled under the Equality Act, do not have access to a car/van.
- 2.139 We also note that residents of the Lawns Ward are significantly older than the general population and thus health needs are greater. 31.3% of the Lawns Ward population are over 60, compared to 23% for the UK; this is a considerably more elderly population than normal.
- 2.140 When considering bus journeys between the proposed site and Springfield Pharmacy, we note that there is still a 7-minute total walk in addition to the bus journey. We apologise for the typo in the original application, however, note that this is still a journey that those groups who share protected characteristics may find difficult.
- 2.141 Further, it is already apparent that Springfield Pharmacy cannot cope with the additional workload caused by the Boots closure and the extra housing. This is highlighted in some google reviews such as:
- 2.141.1 *'Too busy and not everyone is served in queue order. I was refused to be seen by a pharmacist as there were too many prescriptions waiting. All I'm trying to do is "take the pressure off the GP" but I'm not getting anywhere..'*
- 2.142 It is concerning that this resident was unable to see a pharmacist. This is especially pertinent when we consider the advent of Pharmacy First and community pharmacies new role in providing minor ailments support. This should theoretically support the Primary Care Network, however Pharmacy First cannot be administered without Pharmacies!
- 2.143 Conclusion

- 2.144 In conclusion, granting this application would secure better access and improvements to pharmaceutical services for Northeast Chelmsford, especially the Lawns Ward.
- 2.145 The proposed location is situated next to shops that resident's access as part of their daily lives. The elderly, disabled, and the wider population are likely to find the proposed pharmacy significantly more accessible than their current choices. It would also introduce reasonable choice of a different pharmaceutical provider for the under-served Northeast Chelmsford area.
- 2.146 Hence, regulation 18 has been met and this application should be granted.
- 2.147 The Committee noted that the applicant has not contested the walking journey from the proposed location to Springfield Pharmacy, and instead has stated the walk to Rivermead Pharmacy is unsafe and poorly lit, but this is not relevant to the argument raised by Rushport Advisory Ltd on behalf of Paydens Ltd.
- 2.148 The Committee noted the dispensing data figures do appear to suggest that the closure of the Boots Pharmacy, where the proposed premises would be located, have increased the dispensing figures for the Tesco Pharmacy, Springfield Park Road and the Boots Pharmacy located in the Chelmer Village Retail Park as asserted by Rushport Advisory LLP.
- 2.149 **Regulation 18(2)(b) generally**
- 2.150 The opening hours of those pharmacies that are closest to the best estimate location provided were shared with the Committee prior to the meeting. The Committee noted that supplementary hours can be withdrawn at any time in line with the Regulations.
- 2.151 The Committee noted that no information had been provided to support a finding that pharmaceutical services are not currently provided at such times as needed and therefore it is unlikely that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits in relation to opening hours on persons.
- 2.152 The Committee considered whether there are any other factors that would confer significant benefits including on patients who share protected characteristics based on the information provided by the applicant.
- 2.153 The Committee noted the applicant provided no evidence to satisfy that there are other factors that would confer significant benefits on patients who shared protected characteristics.
- 2.154 **Regulation 65 – core opening hours conditions**
- 2.155 The Committee noted the applicant's proposed 48.5 core opening hours along with supplementary hours resulting in a total of 53.5 hours of opening Monday to Saturday.

Proposed											48:30	5:00
	S1		C1		S2		C2		S3		C3	
Monday			09:00	13:00	13:00	14:00	14:00	18:30				
Tuesday			09:00	13:00	13:00	14:00	14:00	18:30				

Wednesday			09:00	13:00	13:00	14:00	14:00	18:30				
Thursday			09:00	13:00	13:00	14:00	14:00	18:30				
Friday			09:00	13:00	13:00	14:00	14:00	18:30				
Saturday			10:00	13:00			13:00	16:00				
Sunday												

2.156 The Committee noted the Applicant has provided its proposed 40 core hours, and those remaining 8.5 hours which would require a direction, if a successful application is made. These are as follows:

2.156.1 Monday to Friday 09:00 – 13:00 and 14:00 – 18:00

2.156.2 The directed hours would therefore be:

2.156.3 Monday to Friday 18:00 – 18:30

2.156.4 Saturday 10:00 - 16:00

2.157 **Decision**

2.158 The Committee refused the application on the following basis, under Regulation 18(2)(b):

2.159 (i) There is no evidence that there is not already a reasonable choice with regard to obtaining pharmaceutical services in the area of Essex HWB. The Essex PNA 2022-2025 has clearly stated:

2.160 “No gaps in the provision of necessary pharmaceutical services have been identified in the Chelmsford locality. No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to relevant services across the Chelmsford locality.”

2.161 “The impact of local housing development plans on provision of pharmaceutical services has been considered but has not identified any gaps in pharmaceutical services provision in the area during the lifetime of this PNA.”

2.162 “All significant developments have access to existing pharmaceutical services either in the locality or in the neighbouring localities and no gaps in the provision of pharmaceutical services are identified.”

2.163 “All significant developments that are expected to be realised during the lifetime of this PNA have access to existing pharmaceutical services either in the locality or in the neighbouring localities and no gaps are identified.”

2.164 (ii) There is no evidence provided of people sharing a protected characteristic having difficulty in accessing pharmaceutical services that meet their specific needs for such services; and

2.165 (iii) There is no evidence provided that innovative approaches would be taken with regard to the delivery of pharmaceutical services.

- 2.166 The Committee agreed that there is no information provided to support a finding that pharmaceutical services are not currently provided at such times as needed and therefore was not satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits (in relation to opening hours) on persons.
- 2.167 For all the above reasons the view in accordance with Regulation 18(2)(b) was that the granting of this application would not confer significant benefits on persons in the area of the Essex HWB which were not foreseen when the PNA was published.
- 2.168 **Regulation 50 - Discontinuation of arrangements for the provision of pharmaceutical services by doctors**
- 2.169 The Committee agreed that as the application was refused, it was not required to consider Regulation 50, discontinuation of arrangements for the provision of pharmaceutical services by doctors.
- 2.170 **Regulation 66 – conditions relating to providing directed services.**
- 2.171 The Committee agreed that as the application has been refused, it is not required to consider this regulation.
- 2.172 The Committee agreed that as the application has been refused, appeal rights are given to the applicant, Alticare Ltd.”

3 The Appeal

In a letter dated 30 January 2025 addressed to NHS Resolution, the Applicant appealed against the Commissioner’s decision. The grounds of appeal are:

- 3.1 “Thank you for your letter dated 8th January 2025. Alticare Ltd have instructed us (Healthcare Plus Consulting Ltd) to act on their behalf for this appeal, please find an authorisation letter attached.
- 3.2 We would like to appeal the decision made in relation to the above unforeseen benefits application.
- 3.3 We submit that NHS England have failed to properly evaluate Regulation 18 and the fundamental question within the Regulation: does the application provide ‘improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB’s area.’
- 3.4 We assert that this application does provide improvements or better access to pharmaceutical provision, as set out in our client’s original application and the comments previously provided by our client. We have attached these documents for reconsideration by NHS Resolution.
- 3.5 We also disagree with the Committee’s assessment of the usefulness of DSPs as representing pharmaceutical choice. NHS England have also failed to properly consider all of the ongoing developments in the area and have not considered the difficulties in the journeys to alternative pharmacies. We have dealt with these issues further below.
- 3.6 Essex Pharmaceutical Needs Assessment (PNA)
- 3.7 NHS Resolution will be aware that the PNA for the local area is drawn up every 3 years and is tailor-made to the specific health needs of the local population. Hence, PNA’s

form vital insight into localised health needs; and thus, it is prudent to assess the merits of any application for inclusion in the pharmaceutical list against the guidance written within the PNA. In this instance it is the Essex PNA that is of relevance.

- 3.8 The Essex PNA directly refers to the plans for community pharmacy and the NHS Long Term Plan.
 - 3.8.1 *“improving out-of-hospital care by supporting primary medical and community health services”.* (Essex PNA, pg. 28)
 - 3.8.2 *“supporting older people through more personalised care and stronger community and primary care services.”* (Essex PNA, pg. 28)
- 3.9 An increasing wider population and elderly population is also forecasted by the Essex PNA.
 - 3.9.1 *“ONS project that the total population size of Essex is going to increase...by 3.0% to 1,542,867 in 2025, and by 5.5% to 1,580,618 in 2030.”* (Essex PNA, pg. 40)
 - 3.9.2 *“The older age groups especially from 75+ years are projected to see the largest increases.”*(Essex PNA, pg. 40)
- 3.10 The accessibility of community pharmacies and the essential role it carries out within communities as an inclusive healthcare setting is highlighted in the Essex PNA.
- 3.11 *“Community pharmacy is well placed to provide accessible screening services, support patients at earlier stages and provide interventions that will reduce the burden of these conditions on the person and health and social care services”* (Essex PNA, pg. 59)
- 3.12 *“Pharmacies can enhance these community-based interventions in their daily contact with the local population as part of their essential pharmacy contract.”* (Essex PNA, pg. 60)
- 3.13 *“Community pharmacies provide services which are easy to get to and are accessible in terms of location, opening hours and waiting times, this mean that people will be more likely to attend”* (Essex PNA, pg. 74)
- 3.14 *“Community pharmacy is a socially inclusive healthcare setting providing a convenient and less formal environment for those who do not choose to access other kinds of health service”.* (Essex PNA, pg. 75)
- 3.15 *“community pharmacies improve access to healthcare and increase the choice available to residents”* (Essex PNA, pg. 89)
- 3.16 *“Community pharmacy teams have a long history of delivering community health promoting interventions – engaging in an annual series of public health campaigns and rolling out initiatives such as stop smoking services, reducing alcohol consumption, sexual health services and dementia friends.”* (Essex PNA, pg. 245)
- 3.17 *“Pharmacies are ideally placed to encourage and support people to make these healthy choices as part of the provision of pharmaceutical services and services commissioned by the Council and the CCGs.”* (Essex PNA, pg. 246)
- 3.18 *“Transport links have an effect on access to healthcare.”* (Essex PNA, pg. 68)

- 3.19 We note that the Essex PNA is clear in the importance of having pharmacies within communities. Point 7 highlights how residents are 'more likely to attend' healthcare services within pharmacies and point 9 highlights how pharmacies 'improve access to healthcare and increase the choice available to residents'. We submit that accessible pharmacies within communities are important more now than ever. With the advent Pharmacy First, we highlight that pharmacies are no longer just dispensers but are being tasked with providing a number of minor ailments services through the Pharmacy First scheme and are playing an important role in accessing professional advice for people to lead healthier lives. Pharmacies situated within communities among amenities that residents access as part of their daily lives, ultimately improve access to these services. As the PNA highlights, some patients may actually prefer to access these services at a pharmacy opposed to at their local GP – Point 8 above. For local residents' access to local pharmacies is difficult due to the distances involved and infrequent buses. We submit for Pharmacy First to be successful; pharmacies need to be accessible within communities.
- 3.20 Pharmacy Closures & Population Growth
- 3.21 There have been 5 unforeseen pharmacy closures in Chelmsford since mid-2023. These unforeseen closures have placed greater strain on the existing pharmaceutical network within Chelmsford.
- 3.22 In Northeast Chelmsford, residents have seen the closure of the Boots Pharmacy (CM1 6NF – the Proposed Site), and the Lloyds Pharmacy in Sainsbury's (CM2 5PA), which received PhaS payments. The Committee will be aware that PhaS payments are given to pharmacies where there is less provision and higher health needs. As previously highlighted, these closures have left Northeast Chelmsford with just one remaining pharmacy.
- 3.23 We wish to illuminate the Essex PNA's vision for community pharmacies, it states that; "Community pharmacy is well placed to provide accessible screening services, support patients at earlier stages and provide interventions that will reduce the burden of these conditions on the person and health and social care services" (Essex PNA, pg. 59). We submit that while the Essex PNA highlights the essential role of community pharmacies as health facilities within the wider healthcare system, it also indicates that they must be "well placed" in order to provide access to these services.
- 3.24 The location of a pharmacy is also linked with welcoming communities into the healthcare setting, as the Essex PNA also notes that; "Pharmacies are ideally placed to encourage and support people to make these healthy choices as part of the provision of pharmaceutical services and services commissioned by the Council and the CCGs." (Essex PNA, pg. 246).
- 3.25 We submit that, since this reduction in pharmaceutical provision since 2023, one pharmacy serving a large reliant population does not meet the definition of community pharmacies being "well placed". We emphasise that such a huge loss in pharmaceutical provision is not sufficient for the existing residents and communities in Springfield, and it is even more dire when we consider the growing population in northeast Chelmsford.
- 3.26 It is surprising that the Committee did not consider the increasing reliant population that has emerged from the Beaulieu development (3,600 new homes) since the reduction of pharmaceutical provision to the degree it should be evaluated. This is a major housing development which will see an influx of an additional 7500 residents to North East Chelmsford. The majority of this development is now complete.

- 3.27 We also highlight how the PNA is acutely aware of population growth in Essex, and in particular in the elderly age categories: “ONS project that the total population size of Essex is going to increase...by 3.0% to 1,542,867 in 2025, and by 5.5% to 1,580,618 in 2030.” (Essex PNA, pg. 40). In particular, “The older age groups especially from 75+ years are projected to see the largest increases.” (Essex PNA, pg. 40).
- 3.28 Access to Alternative Pharmaceutical Provision
- 3.29 According to the patient survey in the Essex PNA, 45% of respondents revealed that they travelled to their pharmacy by foot (Essex PNA, pg. 68). It is clear that walking to access pharmaceutical services is a highly preferred mode of travel within Essex. We have previously covered off the difficulty of journeys to Springfield Pharmacy in prior correspondence which has been attached.
- 3.30 The Essex PNA considers transportation as a fundamental factor when residents are accessing pharmaceutical services, for it states that “Transport links have an effect on access to healthcare.” (Essex PNA, pg. 68). It also notes the following:
- 3.30.1 *“Access to services, regardless of the purpose (e.g., to work, hospital, educational establishment, recreational activities), is closely linked to transportation. The chosen modes of travel (walking, cycling, or motorised) can vary according to people’s means (Can they afford a car or bus fare), their personal mobility (Are they able to walk or cycle) and the availability of public or alternative transport.”* (Essex PNA, pg. 68)
- 3.31 We emphasise that access to services is also linked to the needs of groups with protected characteristics.
- 3.32 Groups with Protected Characteristics
- 3.33 We reiterate that there are a high number of elderly residents in Springfield living in the areas surrounding the proposed site. We have demonstrated this in the table below.

Chelmsford LSOAs	Aged 65 and above
Chelmsford 004F	28.7%
Chelmsford 007D	24.4%
Chelmsford 007C	25.5%
Chelmsford 004E	21%

- 3.34 When we compare these figures to the Chelmsford Local Authority average aged 65 and over (19.4%) and national average (18.3%), it is clear that there is a very high number of elderly residents living in the vicinity of the proposed site. We reiterate that such a high elderly population may not feel comfortable driving to access pharmaceutical provision.
- 3.35 The Essex PNA also outlines how pharmacies should meet the needs of the specific population, we highlight the following from the guidance included in the age characteristic:
- 3.35.1 *“supporting older people through more personalised care and stronger community and primary care services.”* (Essex PNA, pg. 28)

- 3.35.2 *“Age has an influence on which medicine and method of delivery is prescribed”* (Essex PNA,pg. 74)
- 3.35.3 *“Older people have a higher prevalence of illness and take many medicines”* (Essex PNA, pg.74)
- 3.35.4 *“The safe use of medicines for children and older people is one where pharmacies play an essential role”* (Essex PNA, pg. 75)
- 3.36 As the Essex PNA clearly acknowledges how community pharmacy should support the elderly, we note it is likely that the local resident population have greater health needs, and thus it is imperative that this guidance is followed. We submit that the preferred mode of transport to access pharmaceutical services among these groups is likely to be by foot/public transport. We urge the Committee to consider the high elderly population and the travel factors which impact access to pharmaceutical services as illustrated by the Essex PNA.
- 3.37 We note that, geographically, alternative pharmaceutical provision in Chelmsford is located beyond the River Chelmer and railway tracks. We remind the Committee that this journey by foot could prove difficult and challenging for local residents, and especially for groups with protected characteristics when crossing the River Chelmer or the railway tracks.
- 3.38 We contest the Committee’s observation that patient choice is facilitated by six other pharmacies located within a 1.3-mile radius of the area.
- 3.39 Firstly, we wish to inform the Committee that there are in fact only five pharmacies within a 1.3-mile radius of the proposed site by foot, namely;
- 3.39.1 Springfield Pharmacy (CM1 6GL) – 0.8 miles
- 3.39.2 Rivermead Pharmacy (CM1 1TR) – 1.1 miles
- 3.39.3 Shadforth Pharmacy (CM1 4DP) – 1.2 miles
- 3.39.4 Tesco Pharmacy (CM1 6QT) – 1.3 miles
- 3.39.5 Boots Pharmacy (CM2 6XE) – 1.3 miles
- 3.40 Secondly, we note that the Committee have failed to consider that access to alternative pharmaceutical provision by foot is not representative of realistically practicable walking routes. A closer look at these journeys by foot reveal that patients will encounter several barriers to access through the naturally defined area.
- 3.41 As a result of these barriers to access, we have concluded that three of these five pharmacies are not realistically accessible within a 1.3-mile distance via walking. Further, we submit that the availability of public transport is extremely poor for residents living in Springfield.
- 3.42 Using the location of the proposed site, CM1 6NF, we have outlined the patient journeys by foot and public transport below.
- 3.43 **Rivermead Pharmacy, CM1 1TR**
- 3.44 **By Foot**

- 3.45 The patient journey by foot to access pharmaceutical services at Rivermead Pharmacy is 1.1 miles from the location of the proposed site.
- 3.46 [map provided – appendix D].
- 3.47 As per our client's initial application, we do not consider a minimum 48-minute round trip to access pharmaceutical provision by foot as sufficient access.
- 3.48 As mentioned previously, those travelling by foot to Rivermead Pharmacy are met with an unpleasant and unlit bridge walkway above the River Chelmer, which can function as a barrier to access. This is shown in the image overleaf [appendix D].
- 3.49 We note that this journey could be uncomfortable for patients exposed to the elements during cold and dark winter months and may deter residents from accessing pharmaceutical services at all, especially the high elderly population. This walk is also a 1.1-mile journey which many groups will struggle with. We do not consider this journey as representative of reasonable choice nor sufficient access to pharmaceutical provision.
- 3.50 **By Public Transport**
- 3.51 The journey by public transport from the proposed site to Rivermead Pharmacy is very poor, with no direct bus service available. This is demonstrated in the image mapping the bus routes below [appendix D].
- 3.52 It is clear that the bus routes available are quite complex, they either involve catching multiple buses or a distance to walk. The red line in the image above shows the C8 Chelmsford Shuttle service, which operates every 30 minutes. We submit this is a 34-minute round trip at best, as patients will spend more time travelling on foot (c. 20 minutes) than on the C8 bus. This service counters the purpose of travelling via public transport as residents are forced to spend more time travelling on foot than via bus. Additionally, patients could be waiting up to 30 minutes for a return bus in poor weather conditions.
- 3.53 If patients are unable or feel uncomfortable walking for c. 20-minutes of this total journey, then they must catch both the C11 and C9 Chelmsford Shuttle buses. We do not consider a minimum 46- minute round trip as sufficient access to pharmaceutical provision. As shown in the image above, this service operates hourly, which could leave residents waiting for 1-hour on their return journey while exposed to the elements.
- 3.54 It is evident that access to pharmaceutical provision by bus when navigating around the River Chelmer is challenging and excessive, especially when we include the return journey. Such poor public transport availability does not represent reasonable choice or sufficient access to pharmaceutical provision.
- 3.55 **Shadforth Pharmacy, CM1 4DP**
- 3.56 **By Foot**
- 3.57 While there are two journeys residents can take to access pharmaceutical services at Shadforth Pharmacy, we observe that neither are practicable routes.
- 3.58 As can be seen in the image above [appendix D], both routes force residents to travel along a pathway under the A1016 to the east of Springfield. This leads to a bridge to cross the River Chelmer displayed below [appendix D].

- 3.59 We submit that this river bridge could be uncomfortable and unpleasant for residents, especially when we consider darker evenings during winter months and rainy conditions. Thus, there is no practicable walking route to access Shadforth Pharmacy by foot. Such a journey does not represent sufficient access at all to pharmaceutical provision by foot for the residents living in Springfield.
- 3.60 **By Public Transport**
- 3.61 The journey by public transport from the proposed site to Shadforth Pharmacy is very poor. This is demonstrated in the image mapping the bus routes below [appendix D].
- 3.62 It is clear that the bus routes available are also quite complex, they either involve catching multiple buses or a distance to walk. Again, we can see that the Chelmsford Shuttles are infrequent, operating every 20 minutes and 40 minutes.
- 3.63 The red line in the image above represents the quickest public transport route, which is a 22-minute one way journey. First, we do not consider a minimum 44-minute round trip as sufficient access to pharmaceutical provision, especially when residents are required to walk for most of this journey (36-minutes). Additionally, we submit that patients could be waiting up to 20 minutes for a return bus, which would mean this journey could be 1-hour and 4-minutes in total. As this is the quickest transport route available, we submit that this journey is excessive and may deter patients from accessing pharmaceutical services at Shadforth Pharmacy by bus.
- 3.64 Again, we reiterate that access to pharmaceutical provision by bus when navigating around the River Chelmer is dire. Such poor public transport availability does not represent reasonable choice to pharmaceutical provision.
- 3.65 **Tesco Pharmacy, CM2 6QT**
- 3.66 **By Foot**
- 3.67 There are three walking routes displayed in the map below [appendix D] when accessing Tesco Pharmacy, CM2 6Q1, by foot from the proposed site. We submit that each of these routes present barriers to access, and therefore should not be considered as sufficient access to pharmaceutical services by foot.
- 3.68 **Route 1**
- 3.69 For clarity, the first route is the dotted dark blue line displayed in the map above [appendix D]. It requires patients to cut across the Pollards Sports Field and later cross the River Chelmer via the same bridge to access Rivermead Pharmacy.
- 3.70 As can be seen in the image above [appendix D], this route is unlit without a designated pedestrian walkway. This route is clearly impractical for patients requiring access to pharmaceutical services.
- 3.71 We disagree with the Committee's conclusion that Tesco Pharmacy is within a 1.3 mile radius, as no consideration was given to the practicality of this route. As this route is clearly unfeasible, we submit Tesco Pharmacy should not be deemed to be within a 1.3 mile radius of the proposed site.
- 3.72 **Route 2**
- 3.73 This route also requires residents to travel across the Pollards Sports Field, which we have already considered impractical.

3.74 Route 3

3.75 This route is a 1.4-mile journey, equating to a 58-minute round trip. We do not consider such an extensive journey as sufficient access to pharmaceutical provision. While this route avoids crossing the Pollards Sports Field and the bridge above the River Chelmer, it requires patients to travel along a bridge to cross the railway tracks on Stump Lane.

3.76 As can be seen in the image above [appendix D], there is no pedestrian walkway on the left side of the road, but the one available on the right side of the road can hardly constitute as a safe pedestrian path. The path is narrow and certainly not wide enough for a wheelchair.

3.77 It is clear that this route is also impractical and unsafe, especially for groups with protected characteristics. Those who are in a wheelchair/disabled/visually impaired would find this journey particularly challenging. Further, such a journey is unsafe for parents with young children, including those who may use a pushchair. Such narrow walkways in close proximity to the road and passing traffic presents lack of safety, as well as a barrier to access for these groups with protected characteristics.

3.78 Again, we submit that the journey to access Tesco Pharmacy is clearly impractical for residents travelling by foot, and especially for those groups with protected characteristics. Further, as this journey is clearly inaccessible by foot, we submit that Tesco Pharmacy should not be considered as one of the accessible pharmacies located in a 1.3-mile radius of the proposed site, or even accessible at all.

3.79 By Public Transport

3.80 The Chelmsford Shuttles are infrequent, with the C8 bus operating every 30 minutes, and the C11 service operating every 60 minutes. When we consider that the one-way journey itself is c. 15 minutes, we submit that residents could be waiting up to 30 minutes or 60 minutes for a return bus. Thus, the total journey time could be at least 1 hour. It is evident that access to pharmaceutical provision by bus is poor for those wishing to avoid walking across the bridge on Stump Lane. Such poor public transport availability does not represent reasonable choice to pharmaceutical provision.

3.81 Boots Pharmacy, CM2 6XE

3.82 By Foot

3.83 There are three walking routes displayed in the map below [appendix D] when accessing Boots Pharmacy, CM2 6XE, by foot from the proposed site.

3.84 Route 1

3.85 Route 1 is the 1.3-mile route depicted in the image above. It requires patients to cross the bridge above the railway tracks on Stump Lane. As we have already demonstrated that this route is clearly impracticable, we submit that the Boots Pharmacy should not be considered within a 1.3-mile distance of the proposed site by foot.

3.86 Route 2

3.87 Route 2 is the 1.4-mile journey depicted in the image above. Firstly, the total length of the journey is a 2.8-mile walk, equating to 1 hour and 2 minutes, which we do not consider as representative of reasonable choice or sufficient access to pharmaceutical services. Such a journey is also outside the scope of the 1.3-mile radius as mentioned by the Committee. It also requires patients to cross the railway tracks on the bridge

along Springfield Green, which has a slight incline and no pedestrian guardrails, also calling into question the safety of this journey by foot.

3.88 By Public Transport

3.89 The route to Boots Pharmacy is similar to Tesco Pharmacy. The C8 and C11 Chelmsford Shuttle buses are infrequent, operating every 30 minutes/60 minutes. When we consider that the quickest journey via the C8 is c. 20-minutes, which also includes a 15-minute walk, we submit that residents could be waiting up to 30 minutes for a return bus. Thus, the total journey time could be at least 1-hour and 10-minutes. It is evident that access to pharmaceutical provision by bus is poor for those wishing to avoid walking across the bridge on Stump Lane. Such poor public transport availability does not represent reasonable choice to pharmaceutical provision.

3.90 Summary of Patient Journeys by Foot and Public Transport

3.91 As demonstrated above, we submit that access to pharmaceutical provision by foot and public transport is poor and should not be considered as sufficient access or providing reasonable choice to alternative pharmaceutical providers for patients.

3.92 We emphasise the high number of elderly patients living in the area of the proposed site and the challenges they will face while making these journeys. As the Essex PNA also notes, “the ability to keep active and independent depends greatly on mobility. Mobility can be seriously limited because of age, by the effects of falls and physical inactivity.” (Essex PNA, pg. 53)

3.93 Given the difficulty of these journeys, we believe that granting this application would introduce reasonable choice and significantly improve and secure better access to pharmaceutical services.

3.94 Location

3.95 The geographical gap left by the closures of the local pharmacies can be seen on the map below [appendix D].

3.96 Red Markers – depict closed Boots Pharmacy (CM1 6NF) and Lloyds Pharmacy (CM2 5PA).

3.97 Blue Markers – depicts current pharmaceutical provision.

3.98 When considering our client’s application, we reiterate that there are a number of amenities situated on the parade of shops within the best estimate of the proposed site, CM1 6NF:

3.98.1 Co-Op Food Store

3.98.2 Off-License Store

3.98.3 Hair and Beauty Studio

3.98.4 Barber Shop

3.98.5 Chinese Takeaway

3.98.6 Dry cleaner’s

3.98.7 Dental Studio

- 3.98.8 The Two Saxons Pub
- 3.98.9 ATM
- 3.98.10 Amazon Delivery Pick Up
- 3.99 There are also a number of surrounding amenities:
 - 3.99.1 Estate Agent
 - 3.99.2 Small Wonders Day Nursery
 - 3.99.3 Tyrells Primary School (419 pupils)
 - 3.99.4 Dental Laboratory
 - 3.99.5 Churches
 - 3.99.6 Tan Boutique
 - 3.99.7 Barbers
 - 3.99.8 Lyons Court Residential Care Home
 - 3.99.9 Holders Farm Kindergarten
 - 3.99.10 Lawn Lane Nursery
 - 3.99.11 Springfield Bees Pre-School
 - 3.99.12 Perryfields Infant School (181 pupils)
 - 3.99.13 Perryfields Junior School (301 pupils)
 - 3.99.14 The Boswells School (1440 pupils)
 - 3.99.15 Humber Road GP surgery
 - 3.99.16 Springfield Hospital
 - 3.99.17 The Lawns Care Home
 - 3.99.18 Springfield Primary School (430 pupils)
 - 3.99.19 Springfield Community Centre
 - 3.99.20 Springfield Library
 - 3.99.21 The Bishops' C of E & R C Primary School (442 pupils)
 - 3.99.22 Coffee Shop
 - 3.99.23 Tyre Shop
 - 3.99.24 Dance School

3.99.25 Tesco Express

- 3.100 There are a number of amenities surrounding the proposed site and are all facilities that residents access as part of their daily lives.
- 3.101 We submit that the Springfield area and the large reliant population would be well served by a pharmacy at the Proposed Location. Previously, Boots was dispensing on average c. 6,500 items monthly, with some months exceeding 7,000 items. These figures indicate that this pharmacy was busy and consistently utilised up until its closure. We also note that the Boots Pharmacy had closed before the Beaulieu development was completed, and therefore we anticipate a pharmacy at the proposed site would be utilised far more by the large reliant population.
- 3.102 In their decision, the Committee place weight on the notion that people are travelling to GP practices for medical services, and thus they are likely to access pharmaceutical services on route to or from their medical practice or anywhere else they may be travelling to/from. While this may be the case, we submit that this incentive would also apply for residents who are accessing GP services at Humber Road Surgery which is 0.2 miles from the proposed site. In any case, we submit that residents are far more likely to access provision in the course of their daily lives alongside other amenities, especially for services such as Pharmacy First.
- 3.103 We invite the Committee to also consider the following as outlined in the Essex PNA.
- 3.103.1 *“Community pharmacies provide services which are easy to get to and are accessible in terms of location, opening hours and waiting times, this means that people will be more likely to attend”* (Essex PNA, pg. 74).
- 3.104 We believe our client will provide services which are *“accessible in terms of location”* by reinstating pharmaceutical provision at the same site as the well utilised closed Boots Pharmacy.
- 3.105 Our client will provide services which are *“accessible in terms of...opening hours and waiting times”*, as they are proposing to open for 48.5 core hours. We submit that these opening hours are necessary as Springfield Pharmacy is currently “too busy” and thus providing an extensive coverage of opening hours for pharmaceutical services will reduce waiting times and patient demand for those at Springfield Pharmacy.
- 3.106 Further, we submit that this application meets the guidance articulated in the Essex PNA, which states that *“community pharmacies improve access to healthcare and increase the choice available to residents”* (Essex PNA, pg. 89).
- 3.107 **Distance Selling Pharmacies (DSPs)**
- 3.108 We note that the Committee also place weight on Distance Selling Pharmacies (DSPs). We remind the Committee of the high elderly population residing in the proposed site and its surrounding areas, who may find technology functions as a barrier to access, and thus would prefer face-to-face modes of communication, specifically when seeking medical advice.
- 3.109 This notion is also recognised in the Essex PNA, for it states:
- 3.110 DSPs *“may not provide essential services face-to-face, and therefore provision is by mail order and/or wholly internet.”* (Essex PNA, pg. 93)
- 3.111 When considering virtual consultations, the Essex PNA states:

3.111.1 *“it is recognised that these platforms are not always sustainable for all patients and should enhance, rather than replace access to face-to-face care. There needs to be flexibility in the delivery of service to balance access and not further the health inequalities gap”* (Essex PNA, pg. 246)

3.112 Of course, accessing pharmaceutical provision via a “wholly internet” system can prove a barrier to access for much of the high resident elderly population. The Essex PNA alludes to this, noting that virtual platforms are not accessible for all patients. We also stress to the Committee that whilst brick- and-mortar pharmacies provide reasonable choice to DSPs, the inverse is not necessarily true, and DSPs do not necessarily provide reasonable choice to brick-and-mortar pharmacies. The Essex PNA highlights that DSPs “may not provide essential services face-to-face”. It will be known to the Committee that pharmaceutical services not only prescribe medication but also provide health advice via face-to-face contact with patients, which can improve patient outcomes. Thus, we submit that the Committee should place little weight on DSPs as representative of reasonable choice and access to pharmaceutical provision.

3.113 **Conclusion**

3.114 We submit that it is clear that following the closure of the Boots and Sainsbury’s pharmacies there is now a large geographical gap in pharmaceutical provision.

3.115 We note that the area surrounding the proposed site contains a high number of elderly residents who are very likely to have greater health needs.

3.116 We also note that the area is a self-contained locality where residents access all the amenities they require as part of their daily lives. Alternative pharmacies are challenging to reach by foot or public transport, thus rendering pharmaceutical access as insufficient.

3.117 Therefore, we appeal this decision and trust that NHS Resolution will reevaluate this application.

3.118 We maintain that granting this application would secure better access and improvements to pharmaceutical services for local residents. Hence, we submit that Regulation 18 has been met and we invite NHS Resolution to grant our client’s application.”

3.119 [Letter of 27 May 2024 from the Applicant to the Commissioner enclosed – see 1.131 to 1.150 above, supporting information provided with application – see 1.3 to 1.56 and a copy of the 2022 PNA – see appendix E].

4 **Summary of Representations**

After reviewing the appeal and the paperwork provided by the Commissioner, NHS Resolution applied its discretion under Schedule 3, Part 3, paragraph 7 and allowed parties the opportunity to make comments on documentation relied upon by the Commissioner to make its determination. [appendix F]. This is a summary of representations received.

4.1 The Commissioner

4.1.1 “Please note that from the 1 April 2023, community pharmacy contracting and commissioning has been delegated to Integrated Care Boards (ICBs). Hertfordshire and West Essex (HWE) ICB are hosting the function on behalf of the six East of England ICBs. The six ICBs have formed one Pharmaceutical Services Regulation Committee (PSRC) which is also hosted by HWE ICB.

- 4.1.2 Having reviewed the grounds of appeal made by Healthcare Plus Consulting on behalf of Alticare Ltd (the Appellant), for premises at Torquay Road Parade of Shops, Springfield, Chelmsford, CM1 6NF, the ICB remains of the opinion that this application should be refused.
- 4.1.3 The Appellant appears to be appealing on the following grounds:
- 4.1.3.1 Failure to properly evaluate Regulation 18 and the fundamental question within the Regulation: does the application provide improvements or better access to pharmaceutical provision?
 - 4.1.3.2 The PSRC's assessment of the usefulness of Distance Selling Pharmacies (DSPs) as representing pharmaceutical choice.
 - 4.1.3.3 Failure to properly consider all the ongoing developments in the area and the difficulties in the journeys to alternative pharmacies.
- 4.1.4 In considering and determining the application and subsequent appeal, the ICB has reviewed the 2022-2025 Essex PNA which was published on 28 September 2022. The 2022-2025 Essex PNA can be found at [Pharmaceutical Needs Assessment \(PNA\) 2022-2025 | Essex Open Data](#) along with the published supplementary statements.
- 4.1.5 The 2022-2025 Essex PNA does not identify any gaps in the provision of pharmaceutical services, either within normal working hours or outside of them. It does not articulate any current or future needs for, or current or future improvements or better access to, a particular pharmaceutical service or pharmaceutical services in general.
- 4.1.6 In regard to the Chelmsford Locality the 2022-2025 Essex PNA states:
- 4.1.6.1 *"No gaps in the provision of necessary pharmaceutical services have been identified in the Chelmsford locality". "No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to relevant services across the Chelmsford locality."* (Page 157 of PNA).
- 4.1.7 In addition, on page 248 of the 2022-2025 Essex PNA the following is detailed:
- 4.1.7.1 *"Given the current population demographics, housing projections and the distribution of service providers in the HWB area, this document concludes that the current provision will be sufficient to meet the likely future needs of the residents during the three year lifetime of this pharmaceutical needs assessment. The HWB has not identified any services that would secure improvements, or better access, to the provision of pharmaceutical services either now or within the 3-year lifetime of this pharmaceutical needs assessment."*
- 4.1.8 PSRC also noted the Supplementary Statements published in April 2023, December 2023 and June 2024 specifically in regard to the Chelmsford Locality.
- 4.1.9 The Appellant refers to the closure of Boots Pharmacy (CM1 6NF – the proposed site) and the Lloyds Pharmacy in Sainsbury's (CM2 5PA) and states, *'these closures have left Northeast Chelmsford with just one remaining pharmacy.'* (Page 3, Appeal letter)

- 4.1.10 The ICB notes that the closure of a pharmacy does not lead to the granting of an application for another. If the Essex Health and Wellbeing Board (HWB), was of the view that the closure of the Boots Pharmacy and the Lloyds Pharmacy in Sainsbury's would affect the granting of an application, it has arrangements in place to initiate a revised assessment of the PNA. The HWB has not initiated a revised assessment and publication of the 2022-2025 Essex PNA based on the closure of Boots Pharmacy and Lloyds in Sainsbury's in the Chelmsford locality or any other pharmacy closures in Essex.
- 4.1.11 It can be concluded therefore that the HWB were not of the view that this change was detrimental to the provision of pharmaceutical services, otherwise a revised publication would have been initiated. (The ICB is aware that the 2022-2025 PNA is being revised – this is not due to a response to a change in the availability of pharmaceutical services but due to the routine 3-yearly publication of the PNA). If the HWB thought a revised assessment of the 2022-2025 Essex PNA was disproportionate, it can issue a supplementary statement. The ICB notes that supplementary statements have been published and the June 2024 statement details pharmacy closures in the Chelmsford locality. The HWB has not concluded as a result of these closures that there is any gap in pharmaceutical services or in a specific pharmaceutical service.
- 4.1.12 The Appellant makes several references to the 2022-2025 Essex PNA within their appeal, in particular how *'the Essex PNA directly refers to the plans for community pharmacy and the NHS Long Term Plan', 'an increasing wider population and elderly population being forecast' and 'the accessibility of community pharmacies and the essential role it carries out within communities as an inclusive healthcare setting.'* (Pages 2 & 3, Appeal Letter)
- 4.1.13 As addressed later in these representations, it is recognised that there is an increasing population, and an elderly population is forecast. This does not mean that older people cannot access pharmaceutical services, and no evidence has been provided to demonstrate that older people cannot access medicine or access the wider range of pharmaceutical services available.
- 4.1.14 The ICB notes that as with many of the quotes taken from the 2022-2025 Essex PNA which form part of this appeal, they are not reasons within the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended ("the Regulations") to approve a market entry application. Each application is determined in line with the Regulations, and these are not something that have been unforeseen.
- 4.1.15 The Appellant references the importance of the NHS Pharmacy First Service (page 3, Appeal letter). The ICB notes that this advanced service is currently offered by the 7 nearest pharmacies to the proposed site identified in **Appendix 3**.
- 4.1.16 **Pharmacy Closures & Population Growth**
- 4.1.17 The Appellant refers to the *'5 unforeseen pharmacy closures in Chelmsford since mid-2023' and how these 'unforeseen closures have placed greater strain on the existing pharmaceutical network within Chelmsford.'* (Page 3, Appeal letter)
- 4.1.18 The ICB notes that there have been 6 pharmacy closures between July 2023 to March 2024 and these are identified in the Supplementary Statement to the 2022-2025 Essex PNA – June 2024 specifically for the Chelmsford locality, which states *'no gaps in pharmaceutical services have been identified that if*

provided either now or in the future would secure improvements or better access to necessary pharmaceutical services across the locality.’ The Appellant has assumed that these closures have placed a greater strain on the existing pharmaceutical network within Chelmsford however there is no evidence to support this.

- 4.1.19 The Appellant refers to 2 closures in Springfield. The ICB notes that Boots Pharmacy, CM1 6NF (the proposed site), closed in March 2024 and Lloyds in Sainsbury’s (CM2 5PA) closed in July 2023. The closures are noted in the 2022-2025 Essex PNA June 2024 Supplementary Statement as mentioned above and states *‘no gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to necessary pharmaceutical services across the locality’*.
- 4.1.20 The Appellant notes that Lloyds in Sainsbury’s received Pharmacy Access Scheme (PhAS) payments and that these payments ‘are given to pharmacies where there is less provision and higher health needs.’ The ICB notes that there is no reference to ‘higher health needs’ in the PhAS guidance [2022 Pharmacy Access Scheme: guidance - GOV.UK](#), in fact pharmacies in the 20% most deprived areas of England are excluded from the scheme. Eligibility is based on dispensing volume and next nearest pharmacy by the most practicable route on foot, and only pharmacies on a pharmaceutical list on 31 March 2021 could be eligible.
- 4.1.21 The map below [appendix G] shows the areas that are within 110m, 400m, 800m 1.2km and 1.6km walk of the three closest pharmacies. It shows the proposed location is within a 1.6km walk of Springfield Pharmacy. This suggests that the situation in Chelmsford has changed since the last PhAS review and if the PhAS was reviewed now, the pharmacy that was previously at CM1 6NF would not meet the eligibility criteria.
- 4.1.22 The residents of Springfield currently receive medical services from various local GP practices in the surrounding area. Dispensing data from the nearest pharmacy (Springfield Pharmacy) suggest that patients are being prescribed medicines from Beacon Health Group, North Chelmsford NHS Healthcare, Chelmer Medical Partnership and Beauchamp House Surgery (top 4 identified in the dispensing data below). As patients are travelling to these GP practices for medical services, they are likely to be able to access pharmaceutical services on route to or from their GP Surgery or anywhere else they may be travelling to or from.
- 4.1.23 Since PSRC were presented with dispensing data during the November 2024 meeting, there have been very little changes to the way in which residents of Springfield choose to have their medication dispensed: [see appendix G].
- 4.1.24 The Appellant states that ‘it is surprising that the Committee did not consider the increasing reliant population that has emerged from the Beaulieu development (3,600 new homes) since the reduction of pharmaceutical provision to the degree it should be evaluated.’ (Page 3, Appeal letter)
- 4.1.25 The ICB notes that within Appendix G of the 2022-2025 Essex PNA (see Appendix 1) it mentions the ‘Strategic Growth Site – North East Chelmsford’ (which includes the Beaulieu development) and states:
- 4.1.26 “All significant developments have access to existing pharmaceutical services either in the locality or in the neighbouring localities and no gaps in the provision of pharmaceutical services are identified” and “All significant

developments that are expected to be realised during the lifetime of this PNA have access to existing pharmaceutical services either in the locality or in the neighbouring localities and no gaps are identified.”

- 4.1.27 The Appellant also refers to ‘how the PNA is acutely aware of population growth in Essex and in particular the elderly’ (Page 4, Appeal letter). It is to note that an increase in population does not automatically lead to the requirement to grant an application. As mentioned above, the ICB is aware that the 2022-2025 Essex PNA is being revised and population growth in Essex will be reviewed as part of this routine 3-yearly publication of the PNA.

4.1.28 Access to Alternative Pharmaceutical Provision

- 4.1.29 The Appellant refers to the patient survey in the 2022-2025 Essex PNA and how it is clear that walking to access pharmaceutical services is a highly preferred mode of travel within Essex and how access to services is linked to the needs of groups with protected characteristics. (Page 4, Appeal letter).

- 4.1.30 The ICB notes that the analysis from the public survey undertaken (Appendix E of the PNA) shows that the travel time for 83% of residents was less than 20 minutes, 14% had travelled between 20 and 30 minutes, and 3% had travelled between 30-45 minutes. 61% made the trip by car, and 34% had travelled on foot—only 3% used public transport and 2% a bicycle.’ (Page 84, Essex PNA)

- 4.1.31 The ICB notes that seven hundred and twenty three (723) valid questionnaires were collected during the public survey engagement. The sample was spread across the age groups with the majority of respondents aged between 65-74 years.

- 4.1.32 [chart provided – see appendix G].

- 4.1.33 The ICB also notes that 40.19% of respondents are aged 65 years and over.

4.1.34 Groups with Protected Characteristics

- 4.1.35 The Appellant states that there is a high number of elderly residents in Springfield living in the area surrounding the proposed site and provided a table with percentages of patients aged 65 and above. (Page 4, Appeal letter). The ICB notes that the source of this information is unclear.

- 4.1.36 The ICB notes that the Appellant has made generic assumptions regarding people with protected characteristics such as the elderly living in the areas surrounding the proposed site stating, ‘*such a high elderly population may not feel comfortable driving to access pharmaceutical services*’ and ‘*the preferred mode of transport to access pharmaceutical services among these groups is likely to be by foot/public transport.*’ (Page 4 & 5, Appeal letter). The ICB also notes that the Appellant mentions others with protected characteristics in their Appeal response such as those with impaired mobility, and those who are pregnant (page 27, Appeal letter) and also mentions disabled, and parents with young children in their application however they have focussed heavily on the elderly in their appeal.

- 4.1.37 Information was taken from the Office for National Statistics Census 2021 for Springfield North, which includes the proposed site, and also Springfield South & Coronation Park. This information demonstrates that for Springfield North, 10.2% of the population is aged 65 to 74 years and 7.4% aged 75 and over.

For Springfield South & Coronation Park, 9.8% of the population is aged 65 to 74 years and 8.8% aged 75 years and over (see Appendix 2).

- 4.1.38 The ICB notes that whilst it is accepted that there are elderly patients living in Springfield and/or others with protected characteristics specific information has not been provided about them and the pharmaceutical services they need that they cannot access or are having difficulty accessing. The appeal appears to be based on a generalisation that there are elderly people, and they will therefore struggle to access pharmaceutical services.
- 4.1.39 The Appellant 'contests the Committee's observation that patient choice is facilitated by six other pharmacies located within a 1.3 mile radius of the area' of the proposed site. The ICB notes that due to an administrative error this should have stated that 'patient choice is facilitated by six other pharmacies located within a 1.4 mile radius.' (Page 5, Appeal letter) (see Appendix 3)
- 4.1.40 As demonstrated in Appendix 3 there are 7 pharmacies within 1.4 miles of the proposed site. Distances in miles, by car and on foot have been taken from google maps.
- 4.1.41 The Appellant notes in their appeal that the 'Committee have failed to consider that access to alternative pharmaceutical provision by foot is not representative of realistically practicable walking routes'. (Page 5, Appeal letter)
- 4.1.42 The Appellant also notes that '*access to pharmaceutical provision by foot and public transport is poor and should not be considered as sufficient access or providing reasonable choice to alternative pharmaceutical providers for patients.*' The Appellant then 'emphasise the high number of elderly patients living in the area of the proposed site and the challenges they face while making these journeys' and is applying weight to the following quote from the 2022-2025 Essex PNA which states '*the ability to keep active and independent depends greatly on mobility. Mobility can be seriously limited because of age, by the effects of falls and physical inactivity*' (Essex PNA, pg. 53)' (Page 14, Appeal letter)
- 4.1.43 The ICB notes Appendix F of the 2022-2025 Essex PNA (see Appendix 1) which provides a detailed 'Health Service mapping and Pharmacy Travel Time Analysis Report' which states:
- 4.1.43.1 *"Overall, across Essex, generally residents are within a relatively short travel time whichever method is chosen – 99.9% of the Essex population could get to a pharmacy in a 20-minute drive, 95% a 20-minute public transport journey or 83% within a 20-minute walk. Residents have to travel for longer if they choose to walk, 11% over 30-minute walk away.*
- 4.1.43.2 *Driving – all residents across all districts can drive to a pharmacy within 20 minutes.*
- 4.1.43.3 *Public transport – most residents can get to a pharmacy within a 20-minute journey on public transport in most districts. However, some districts see a relatively high % of their population having to travel for longer (Braintree, Maldon, Uttlesford 20-30 minutes; Braintree, Epping Forest, Uttlesford over 30 minutes)*
- 4.1.43.4 *Walking – most residents can get to a pharmacy within 20-minute walk in most districts. Some districts however see a relatively higher % of*

their population that'd have to walk further (Braintree, Brentwood, Uttlesford 20-30 minutes; Braintree, Maldon, Uttlesford over 30 minutes)."

4.1.43.5 *The tables below show [appendix G] the percentage of the total population by District and Essex overall within either a 20 minute, 20-30 minutes or over 30-minute travel time for each travel method."*

- 4.1.44 The ICB notes that the Appellant has provided details of several routes from their proposed site to alternative pharmacies, on foot, by bus and potential barriers that people face (Pages 6-13, Appeal letter). The Appellant has failed to consider that 87.6% of households in Springfield North (which includes the proposed site) and 89.9% of households in Springfield South & Coronation Park have access to one or more cars, which is higher than the East of England average where 83.2% have access to one or more cars.
- 4.1.45 [Census maps provided – see appendix G].
- 4.1.46 The ICB notes that the Appellant has not included Springfield Pharmacy (0.8 miles) in their journeys by foot and public transport and will therefore assume that the Appellant has not identified any barriers for patients accessing pharmaceutical services.
- 4.1.47 The ICB notes that the Appellant has not provided details around journeys by car to the other pharmacies mentioned within this appeal.
- 4.1.48 It is to note that times of car journeys from the proposed site to the nearest pharmacies were provided to the PSRC when assessing the application and these can be found in **Appendix 3**.
- 4.1.49 For people travelling by public transport there are services available and all pharmacies within a 1 mile radius of the proposed premises are served by at least two bus routes. Springfield Pharmacy, the nearest to the proposed premises is 0.8 miles away and served by two bus routes, offering 4 buses per hour on weekdays. The Appellant has not provided any evidence to demonstrate that those who travel by car, on foot or by public transport are currently having difficulty in accessing existing pharmaceutical provision in the area of the HWB.
- 4.1.50 When considering access and patient journeys on foot, the ICB notes that the Appellant has been misleading in the presentation of photographs submitted. For example, the photograph below [appendix G] submitted by the Appellant (Appeal letter, page 11 entitled "Route 1") explains that patients are required *"to cut across the Pollards Sports Field and later cross the River Chelmer via the bridge to access Rivermead Pharmacy."*
- 4.1.51 This is not true. The Photograph 1 below shows the path running alongside the field (NHS Resolution will note the children's playground in both pictures). Just past the playground, people can turn right and walk along the pavement. (Photograph 2). There is no need to cut across the field. Both sides of the road have pavements easily accessible by foot, for those people with pushchairs or those who use a mobility scooter or wheelchair. Whilst the street lighting and bus stops on both sides of the road have been missed from the Appellant's photograph, they are included in Photograph 3 below. The area is a "Traffic calmed area" as depicted by the blue sign in Photograph 3 and the speed-bumps depicted in Photograph 4.

- 4.1.52 Photograph 1 [appendix G]
- 4.1.53 Photograph 2 [appendix G]
- 4.1.54 Photograph 3 and photograph 4 [appendix G]
- 4.1.55 Directly behind where the Appellant's photograph has been taken (approximately 50 metres) is another bus stop and a zebra crossing for anyone who may wish to cross the road (Photograph 5):
- 4.1.56 Photograph 5 [appendix G]
- 4.1.57 Likewise, in reference to crossing the River Chelmer bridge and the picture submitted by the Appellant on Page 7 of their Appeal Letter. Whilst this is one way to access Rivermead Pharmacy, there are alternatives. If travelling from Rivermead Pharmacy, you can turn left where the picture below has been taken and use the bridge. Alternatively, continuing along the pavement, turning left at the traffic lights just past the zebra crossing, you can continue along the pavement, turn left again, avoiding the bridge. It is noted this would be a longer distance to walk (Photograph 6). You can "cut back" and walk by the river to Springfield. The river walk is easily accessible on foot and bicycle. There are street lights every 10 metres and cameras (Photograph 7)
- 4.1.58 Photograph 6 and Photograph 7 [appendix G]
- 4.1.59 During the day, the river walks are very busy with people using the routes to access the town, two playgrounds situated along the route, dog walkers, joggers and children accessing both the primary schools (Bishops and The Perryfields School) and the secondary school, The Boswells School. It is recognised that late in the evening or when it is dark, some people may not want to use this route however it is likely that at this time, they would not be using the route to access pharmaceutical services as 18:00 is the latest core opening time of the nearby pharmacies.
- 4.1.60 The ICB is aware that the HWB has noted within the 2022-2025 Essex PNA, the time it takes to access the pharmacies on foot, by car and by public transport and was of the opinion that there are no current or future gaps in the provision of pharmaceutical services.
- 4.1.61 It is to note that the test is whether or not there is reasonable choice with regard to pharmaceutical services in the area of the relevant HWB. It is not reasonable choice within one small part of the HWB. In addition, it is reasonable choice with regard to obtaining pharmaceutical services, which is different to physically accessing pharmaceutical services. There is no formal definition of 'obtain' within the regulations and therefore it is used in its everyday way to mean get, acquire or secure.
- 4.1.62 **Location**
- 4.1.63 The Appellant asks that the ICB consider the following 'as outlined in the Essex PNA':
- 4.1.64 *"Community pharmacies provide services which are easy to get to and are accessible in terms of location, opening hours and waiting times, this mean that people will be more likely to attend" (Essex PNA, pg. 74).*

4.1.65 Since the closure of the Boots Pharmacy at 10-12 Torquay Road, Springfield, CM1 6NF (the proposed site) on 9th March 2024 there have been no concerns or reports received from patients living in the Springfield area of Chelmsford who are unable to access pharmaceutical services or who have found it challenging to access services or obtain their medication.

4.1.66 The ICB notes that the dispensing data for both Boots at Chelmer Village Retail Park (CM2 6XE) and Tesco (CM2 6QT) have increased since the closure of Boots Pharmacy (CM1 6NF).

Code	Contractor	Month 2024	Prescriptions
FL401	Boots Pharmacy (CM1 6NF)	February	3650
		March	370
FQR56	Tesco In-Store Pharmacy (CM2 6QT)	February	3691
		December	4591
FM336	Boots Pharmacy (CM2 6XE)	February	8321
		December	10796

4.1.67 This demonstrates that patients are exercising their choice when deciding where to have their medications dispensed which could be after a visit to their GP Surgery, from their home, which could of course be anywhere within Chelmsford or outside the area, or whilst going about their daily activities. It also indicates that patients can access the existing pharmacy network who have absorbed the additional prescriptions and patients with minimal impact.

4.1.68 The Appellant has provided a list of amenities situated on the parade of shops within the proposed site of CM1 6NF. (Page 16, Appeal letter) The ICB notes that these are not destination shops and are more likely to be accessed on a convenience basis by residents as they go about their daily lives. The ICB notes that the facilities at the proposed site are limited and residents would need to travel outside of the area to access a wider range of services and amenities.

4.1.69 The Appellant is offering to provide 48.5 core hours and is of the opinion that these are necessary as Springfield Pharmacy is 'too busy'. The ICB notes that there are two reviews on [Ratings and reviews - Springfield Pharmacy - NHS](#) for this pharmacy, one with 1 star from 13 January 2025 regarding the monthly prescription not being ready in time and the other with 3 stars from 17 November 2023 regarding problems getting through to the pharmacy on the telephone. The ICB does not like to read negative reviews however these two reviews when considering the number of people accessing pharmaceutical services from the pharmacy do not suggest that Springfield Pharmacy are struggling with demand.

4.1.70 The 40 core hours will be Monday to Friday 09:00 13:00 and 14:00 – 18:00. If this application is granted on appeal the ICB will issue a direction as the total number of hours will be 48.5. Those directed hours will be Monday to Friday 18:00 – 18:30 and Saturday 10:00 – 16:00. There will be supplementary hours Monday to Friday 13:00 – 14:00.

Proposed		48:30	5:00
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	S1		C1		S2		C2		S3		C3	
Monday			09:00	13:00	13:00	14:00	14:00	18:30				
Tuesday			09:00	13:00	13:00	14:00	14:00	18:30				
Wednesday			09:00	13:00	13:00	14:00	14:00	18:30				
Thursday			09:00	13:00	13:00	14:00	14:00	18:30				
Friday			09:00	13:00	13:00	14:00	14:00	18:30				
Saturday			10:00	13:00			13:00	16:00				
Sunday												

4.1.71 Whilst the proposal of longer hours is welcomed, we note that the 2022-2025 Essex PNA does not identify the need for additional opening hours and there is no evidence to suggest that residents of the Chelmsford locality are in need of pharmaceutical services at the new timings proposed.

4.1.72 It is to note that of the 7 nearest pharmacies 4 provide a delivery service. Three offer this service for a fee whilst Springfield Pharmacy, the nearest to the proposed site, offers the service free of charge.

ODS Code	Trading Name	Delivery	Delivery Charge	Fee
FH505	Springfield Pharmacy	Yes	No	n/a
FJH49	Rivermead Pharmacy	Yes	Yes	£2 per delivery
FPK31	Shadforth Pharmaceutical Co Ltd	No	n/a	n/a
FQR56	Tesco In-store Pharmacy	No	n/a	n/a
FM336	Boots, Chelmer Village Rtl Park	Yes	Yes	£5 per delivery or £55 for one year
FL640	Apple Tree Pharmacy	No	n/a	n/a
FPD07	Boots, High Chelmer	Yes	Yes	£5 per delivery or £55 for one year

4.1.73 The ICB recognises that this is a private service which can be withdrawn at any time however it is an option currently available to the residents of Springfield.

4.1.74 Distance Selling Pharmacies (DSPs)

4.1.75 The Appellant states that there is a *'high elderly population residing in the proposed site and its surrounding areas, who may find technology functions as a barrier to access'*. (Page 17, Appeal letter)

4.1.76 The ICB acknowledges that there may be people who may not wish/or cannot use the internet and this cohort of patients are unlikely to use a DSP. They will access one of the many 'bricks and mortar' pharmacies in the HWB (or outside it). However, some residents will prefer to choose this type of pharmaceutical service due to the practicality of accessing the service by post and phone without physically having to make a journey. As DSPs do provide pharmaceutical services they should not be excluded entirely when considering reasonable choice within a HWB.

4.1.77 Regulation 18(1)(a)

4.1.78 PSRC noted it was required to determine this routine application and determine whether it is satisfied that granting the application or granting it in respect of some of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB.

4.1.79 No evidence has been provided that granting the application would secure improvements or better access to services in the area of the relevant HWB.

4.1.80 Regulation 18(1)(b)

4.1.81 PSRC agreed that the improvements or better access that the applicant is claiming would be secured by its application, were not included in the relevant PNA in accordance with paragraph 4 of schedule 1.

4.1.82 PSRC further agreed that in order to be satisfied in accordance with Regulation 18(1), regard is to be had to those matters set out at Regulation 18(2).

4.1.83 Regulation 18(2)(a)(i) and (ii)

4.1.84 PSRC noted that there is no plan for the provision of pharmaceutical services in the area. Granting the application would therefore not cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of Essex HWB.

4.1.85 PSRC noted there was no evidence to suggest granting this application would cause significant detriment to the arrangements the ICB has in place for the provision of pharmaceutical services in that area.

4.1.86 In the absence of any significant detriment as described in Regulation 18(2)(a), the Committee was not obliged to refuse the application and went on to consider Regulation 18(2)(b).

4.1.87 Regulation 18(2)(b)(i)

4.1.88 PSRC noted that even with the closure of the Boots Pharmacy, 10-12 Torquay Road, Chelmsford, CM1 6NF on 9 March 2024 there are no reports of people being unable to obtain their medicines or access pharmaceutical services.

4.1.89 PSRC took into account all the information and data presented to it and noted that patients are using a wide range of pharmacies for their pharmaceutical needs, and therefore it can be said that patients are exercising their choice. No evidence had been provided to demonstrate that those living in Springfield are currently unable to exercise a choice in obtaining pharmaceutical services across the HWB. The Committee noted that the test is whether or not those living in Springfield have reasonable choice with regards to obtaining pharmaceutical services in the area of Essex HWB, not just in the area of Springfield.

4.1.90 Regulation 18(2)(b)(ii)

4.1.91 PSRC were not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons in the area of the

relevant HWB which were not foreseen when the relevant pharmaceutical needs assessment was published.

4.1.92 No specific evidence has been provided that people sharing a protected characteristic have difficulty accessing current pharmaceutical services generally or that services specific to their needs are not being provided by existing pharmacies.

4.1.93 **Regulation 18(2)(b)(iii)**

4.1.94 PSRC noted the applicant provided no evidence regarding innovative approaches in the delivery of pharmaceutical services, therefore were not satisfied that, having regard to the desirability of there being innovative approaches taken with regard to the deliverability of pharmaceutical services, granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the 2022-2025 Essex PNA was published.

4.1.95 **Conclusion**

4.1.96 In summary, we remain of the opinion that the application should be refused.

4.1.97 There is no evidence to suggest that the closure of Boots in March 2024 has left a significant gap in pharmaceutical services for Springfield in the Chelmsford locality and that patients are having difficulties in accessing pharmaceutical services.

4.1.98 In the very recent publication of the Supplementary Statement for the Chelmsford locality the Essex HWB remain of the opinion that there is no gap in pharmaceutical services that if provided, either now or in the future, would secure improvements or better access to necessary pharmaceutical services across the locality.

4.1.99 We appreciate there may be some convenience in having a new pharmacy, however this is different to one conferring significant benefit. Our priority is ensuring patients can access pharmaceutical services.

4.1.100 The regulatory requirements to identify an unforeseen benefit not in the 2022-2025 Essex PNA accompanied by the significant benefit considerations is a high threshold. We respectfully suggest that this appeal is without any substantive new or compelling evidence. The application should be refused as granting it will not confer significant benefits that were not foreseen when the PNA was published."

4.1.101 [Appendices referenced by the Commissioner – see appendix G].

5 **Observations**

5.1 The Applicant

5.1.1 "Thank you for your letter dated 2nd April 2025. We note the responses made by interested parties on my client's appeal and respond accordingly here.

5.1.2 Preliminary matter

5.1.3 We, Healthcare Plus Consulting, wish to raise a preliminary point for consideration by the Committee.

- 5.1.4 We have recently acted on behalf of other clients for unforeseen benefits applications (Regulation 18) where local pharmacy(s) have closed causing capacity issues within the current pharmaceutical network. Despite there being a strong body of evidence highlighting these ongoing issues, a couple of these applications have been refused on the basis that 'performance management' can solve these problems locally. There are a few issues with this perspective:
- 5.1.4.1 Strong evidence of current struggles residents face was submitted c. 1-year following the closures of local pharmacies. We submit, that if there truly were performance issues opposed to inherent capacity issues then there would not be issues an entire year after any pharmacy closure. We submit that 3 months is a far more sensible timeframe.
 - 5.1.4.2 The Committee will be aware, that for unforeseen benefits applications the process often takes an entire year until being heard by the Appeals Committee. We trust that the Committee are mindful that any refusal of an unforeseen benefits application in preference of performance management has a direct impact on local residents who may be struggling. Re-application, to re-demonstrate ongoing issues again takes a year, thus there can be a period of 2/2.5 years where vulnerable residents really struggle with accessing medication should this route be taken. We hope the Committee will be mindful of this point.
 - 5.1.4.3 The Committee will also be aware that any decision made pertaining to Regulation 18, must have regard to Reg 18(2)(b)(i), namely 'reasonable choice'. Reasonable choice does not have an official interpretation in the regulations, however we would submit that one interpretation relates to overall capacity issues of the local pharmaceutical network. This often manifests itself in long queues or difficulty in accessing services.
 - 5.1.4.4 'Performance management' cannot solve inherent capacity problems within the network and thus we submit that long queues/ poor access to services a year after pharmacy closures is indicative of a lack of reasonable choice.
- 5.1.5 We thought it important to raise the above, just to highlight the impact that decisions can have on real people and real lives. We submit that if there is doubt or a need for residents to be heard, an oral hearing can be helpful in ascertaining the facts.
- 5.1.6 In spite of the above, the application put forward by our client here, very much focuses on both physical access issues and capacity issues within the network.
- 5.1.7 Closures
- 5.1.8 In addition to the closures of the Boots Pharmacy and Lloyds in Sainsbury's, it has recently been announced that the Tesco Pharmacy located in Chelmsford city centre, CM2 6QT, is set to close on the 24th May 2025; in under a month. This will further reduce access and choice for local residents.
- 5.1.9 Hertfordshire & West Essex ICB
- 5.1.10 The ICB appear to be oblivious to the issues these closures and the Beaulieu housing development has caused at ground level and have confusingly cited

uptake at nearby pharmacies as evidence that residents are accessing services. This is a flawed argument, as patients still need to access their medication regardless of where a pharmacy is located.

- 5.1.11 However, the question is whether the access is representative of reasonable choice. Someone may be currently accessing a pharmacy through a 2-hour round-trip, because they have nowhere else to go – clearly this is not representative of reasonable choice even though access is being obtained.
- 5.1.12 The ICB have also directly cited a lack of evidence as a reason for not supporting this application.
- 5.1.13 In response, my client sought evidence from the public and between the 2nd April 2025 and the 10th April 2025. We received a staggering 209 emails highlighting the issues local residents were facing in accessing pharmaceutical services following local closures. We submit that the volume of emails received in a mere 8 days demonstrates the dire need for additional pharmaceutical provision in North-East Chelmsford.
- 5.1.14 Crucially, these emails were received over a year from the Boots closure at Torquay Road on 9th March 2024, and almost two years since the Lloyds in Sainsburys closure in July 2023. If performance management or patient acclimatisation were the solution, then there wouldn't be issues over a year on from closures. We submit that these emails demonstrate the inherent capacity issue for pharmacies in North East Chelmsford.
- 5.1.15 The situation will only worsen following the closure of the Tesco Pharmacy next month.
- 5.1.16 These emails have been numbered and can be found in Appendix A [appendix H]. We encourage the Committee to read each email in detail, as they show difficult personal experiences of accessing alternative pharmaceutical provision. Common issues that were highlighted include, but are not limited to:
 - 5.1.16.1 Hour long queues being a common occurrence, cited by many
 - 5.1.16.2 Queuing outside the door in relation to Springfield Pharmacy
 - 5.1.16.3 Having to leave vulnerable residents alone at home for excessive periods due to the long queues.
 - 5.1.16.4 Struggles accessing medication following a visit to Humber Road Surgery (0.2 miles away from proposed site).
 - 5.1.16.5 Issues with delivery services as require access to a local Pharmacist face to face.
 - 5.1.16.6 Issues with delivery services being signed for or not fitting in the post
 - 5.1.16.7 Difficulty accessing alternative pharmacies by bus
 - 5.1.16.8 Difficulty with the hourly bus to the Boots in Chelmer Village
 - 5.1.16.9 Difficulty with parking at alternative pharmacies, especially Springfield Pharmacy and the City Centre

- 5.1.16.10 Patients now having to be driven by a family member to access provision
- 5.1.16.11 Growth of the area through the Beaulieu Park Development
- 5.1.16.12 Those groups with protected characteristics, particularly the elderly, struggling to access current pharmacies
- 5.1.16.13 Those groups with protected characteristics, particularly the elderly, struggling to stand due to excessive queues at current pharmacies
- 5.1.17 Clearly hour-long queues, with the vulnerable particularly affected by standing times is not representative of reasonable choice or access to services. One resident wrote: *"I had to stand in a queue for over half an hour which I found very difficult as I am very unsteady on my feet"*.
- 5.1.18 Another wrote: *"He is unable to deal with standing for any period of time. The wait is typically 30 mins but more often than not 1 hour"*.
- 5.1.19 For the benefit of the Committee we have categorized these emails, based on what comments pertain to. But first, we draw your attention to experiences by individuals of pharmaceutical provision in the area:
- 5.1.20 [name redacted by NHSR] (Email 36) writes:
 - 5.1.20.1 *"Please please reconsider the new application for a pharmacy in Torquay Road Springfield. My husband and I have mobility issues and having to queue so long at our nearest chemist it can get extremely painful. Please don't think we can have things delivered because we still would like to retain some independence and we could visit the old pharmacy and the coop whenever things were needed. We could always ask for advice in person or by phone not anymore."*
 - 5.1.20.2 [name redacted by NHSR] highlights how both she and her husband suffer from mobility issues. Worryingly she details how the standing queue in alternative pharmacies gets *'extremely painful'*.
 - 5.1.20.3 Clearly being in pain from standing is not representative of reasonable choice or access.
 - 5.1.20.4 She also highlights how they are unable to obtain advice from the Pharmacist, presumably because there is no longer one accessible/ current Pharmacists are too busy to be able to help.
- 5.1.21 [Name redacted by NHSR] (Email 133) who has suffered from a stroke writes:
 - 5.1.21.1 *"I am writing to offer my full support for a new pharmacy in Torquay Road. I have recently suffered from a stroke and have wanted to visit a pharmacy on several occasions to seek advice on my medication. I had to stand in a queue for over half an hour which I found very difficult as I am very unsteady on my feet, at the Clematis tye pharmacy, as this is the only I can get too as I am unable to drive at the moment. A new pharmacy where the old boots site on Torquay Road would of been much easier for me and would of been less stressful. My elderly parents also live a 2 minute walk from this site and have found it very difficult to not only get prescriptions but also to get other medical provision that are not sold in a local grocery shop meaning they to pay*

for a taxi or rely on family or friends to take them to a pharmacy or supermarket. I strongly give my support for a pharmacy to reopen at Torquay road as this is an essential thing for all of the community."

5.1.21.2 Again, this resident highlights how they are unsteady on the feet whilst waiting in a queue to see a Pharmacist. He also highlights how his parents are now reliant on a taxi to access alternative pharmacies. We submit that queueing for extensive periods of time after having a stroke is not representative of reasonable choice or access to pharmaceutical provision.

5.1.22 [Name redacted by NHSR] (Email 146) who has lived in Springfield for 45 years and is a patient of Humber Road surgery writes:

5.1.22.1 *"I have lived on Springfield for 45 years and attend Humber Road Surgery. Since the closure of Boots pharmacy at Torquay Road the nearest pharmacy at Crocus Way is over run, long queues, prescriptions not available, long waiting times. They do their best but when you are unwell the lack of local pharmaceutical facility makes a bad situation so much worse. Nobody wants to wait 30/40mins only to find prescription is not ready and not available due to stock shortages/demand and, your unwell.*

5.1.22.2 *Bringing back a choice for such a large and expanding community will relieve the existing facility and benefit the many residents living locally.*

5.1.22.3 *We have lost 2 of the three pharmacies serving this area of north Chelmsford. We need this pharmacy to succeed to accommodate thousands of local families who do not have the health/mobility, time or money to travel at least 3/4miles to find alternative provision, ie Chelmer Retail Park and Chelmsford Town Centre."*

5.1.22.4 This resident highlights how Springfield Pharmacy is still overrun following the closure of the Boots more than a year ago, citing 30/40 minute wait times with no guarantee that your prescription is ready when you are eventually served. She also acknowledges how 2/3 pharmacies in North Chelmsford have been lost recently due to closures.

5.1.23 [Name redacted by NHSR] (Email 152) writes:

5.1.23.1 *"I am writing to express my shock upon hearing that the NHS is opposing the reopening of the dispensing chemists shop in Torquay Road, Springfield in Chelmsford. This is in an area with mainly families and elderly people who are groups that are primary users of dispensing chemists. Many elderly people rely on having a nearby walk-in chemists. This particular unit is also large enough to support the ancillary walk in medical services such as flu jabs etc which are common in larger chemists The nearest chemists at Sainsbury's and Tesco's are closed or about to close, whilst nearest chemists at Crocus Way is so busy that frequently the queue is out of the door! To say that there is no need is a very poor excuse for not supporting the reopening of Torquay Road. I urge the NHS reconsider their decision."*

5.1.23.2 This resident expresses their 'shock' that this application was not initially granted by the ICB. He details how the area is of elderly and a

young population. This is perhaps unsurprising when we the number of bungalows and schools in the area.

5.1.23.3He details how queues at Springfield Pharmacy are frequently outside the door; demonstrating just how dire the situation is at this pharmacy. Tellingly, this resident is not the only one to mention queues outside the door in relation to Springfield Pharmacy.

5.1.24 [Name redacted by NHSR] (Email 156) who is in her seventies writes:

5.1.24.1*"I am a resident in [address redacted by NHSR], Springfield, in my seventies, and was devastated when Boots closed their pharmacy in Torquay Road. As a patient registered at Springfield Medical Partnership, Humber Road surgery, I could walk from a doctor's appointment to collect my medication (or any other pharmaceutical items), from Torquay Road as the surgery would send the prescription straight across.*

5.1.24.2*Now I have to find a lift to another pharmacy to collect prescriptions a couple of days later. Several supermarkets have closed their pharmacies or are threatening to do so, which will mean even fewer options for people, particularly in the Old Springfield and North Springfield areas.*

5.1.24.3*I have experienced very long queues at the Boots in Chelmer Village Retail Park and when trying to speak to a pharmacist about minor issues that have now been authorised by the NHS, I have been sent away and told to return at another time. Speaking to a pharmacist at that branch of Boots, I was told that they were inundated with advice requests and prescription volumes which were becoming unsustainable. Standing waiting in long queues is not ideal, particularly for the elderly and vulnerable and for those reliant on the kindness of neighbours who are providing lifts.*

5.1.24.4*Formerly, when our 1 year old grandson was with us, we could take him in the pushchair to the pharmacy to seek advice, but this is no longer possible and a car seat is required for transport.*

5.1.24.5*The Torquay Road pharmacy was also close to a local primary and secondary school, and also a nursery and pre-School group, making it easy for parents and carers to walk across after dropping their children to pick up prescriptions and pharmaceutical items. Whenever I visited the Torquay Road Boots branch, it was always busy, which would imply high demand for the service.*

5.1.24.6*I trust that the NHS will re-consider its rejection of the application, particularly as travelling some distance to a pharmacy without direct bus routes will mean more pollution from cars at a time when we are all being advised to consider 'green' options."*

5.1.24.7[Name redacted by NHSR] details how she used to collect her script from the closed Boots (same location as the proposed site) following a trip to Humber Road surgery. However, she now has to obtain a lift from someone else to collect her script which may be a couple days later. Given her difficulty with transport, [name redacted by NHSR] may find difficulty should this medication ever be urgent.

5.1.24.8 Several residents have expressed that they are now reliant on someone else to provide transportation to alternative pharmacies; again this is cause for concern when we consider urgent scenarios may arise where a prescription needs to be fulfilled swiftly.

5.1.24.9 [Name redacted by NHSR] also highlights how she has experienced long queues at the Boots in Chelmer Village, and has even been turned away by the Pharmacist for a Pharmacy First consultation. Pharmacy First, is not effective if local pharmacies are too busy to implement it! It is also concerning to hear that Boots's prescription volume has become 'unsustainable'. This is perhaps unsurprising when latest figures from Pharmdata highlight how the Boots is now dispensing c. 15,000 items per month – a very large dispensing volume.

5.1.24.10 [Name redacted by NHSR] also highlights the benefits of the Torquay Road location being close to schools. In the immediate area of the proposed site we note that there are four schools:

5.1.24.10.1 Perryfields Infant School (181 pupils) – 0.3 miles from proposed site

5.1.24.10.2 Perryfields Junior School (301 pupils) – 0.3 miles from proposed site

5.1.24.10.3 The Tyrells Primary School (419 pupils) – 0.2 miles from proposed site

5.1.24.10.4 The Boswells School (1440 pupils) – 0.2 miles from proposed site

5.1.24.11 For this cohort, access to a pharmacy close to Humber Road Surgery is particularly important in case of any emergencies and requirement for urgent medication."

5.1.25 [Name redacted by NHSR] (Email 162) who has a mobility scooter writes:

5.1.26 *"A pharmacy is desperately needed in Torquay Road. I live in Springfield and am disabled and use a mobility scooter. I can get to Torquay Road but cannot get to any of the other local pharmacies. When Boots were open there was always a queue of three or more people which shows there is a very definite need for a pharmacy there. There are a lot of older people live in the area who are the ones who need a convenient pharmacy most and often no longer drive so cannot easily go elsewhere."*

5.1.27 [Name redacted by NHSR], who is disabled, talks about how she is unable to travel to alternative pharmaceutical provision following the closure of the Boots store given her reliance on a mobility scooter. Presumably, is now reliant on other people collecting her medication causing her to lose independence and unable to get to a pharmacist face to face. Access to a Pharmacist is not only important for Pharmacy First advice but also for general advice surrounding taking and adherence to medication. Many elderly residents can get confused with taking medication and a local Pharmacist can help solve this. The lack of a local pharmacy potentially leaves confused patients unable to check whether the medication they are taking is correct and can lead to taking medication at incorrect times or worse not taking the medication at all.

5.1.28 [Name redacted by NHSR] (Email 163) writes:

5.1.28.1 *"I am writing regarding the rejection of a new pharmacy at Torquay Road, which the area desperately needs. I am a resident of [redacted by NHSR] & my mother is a resident of [redacted by NHSR] My local pharmacy is on Clematis Tye. With the closure of all the pharmacies in the area, they are under considerable pressure to serve the local community. My mother, who is under palliative care, had to move her medication requests to Clematis Tye. On occasions I have waited in the cue [sic] at Clematis Tye for nearly an hour & then had to wait for the prescription to be fulfilled. When medication is required we pray that it is not raining, as sometimes the cues [sic] are outside the door. I am NOT criticising Clematis Tye, they do a fantastic job, work very hard & must be under extreme pressure to accommodate everybody.*

5.1.28.2 *To say that another pharmacy is not required in the area is sheer lunacy. You just have to look around at the amount of houses being built in the area to see that demand is great & will get even greater."*

5.1.28.3 [Name redacted by NHSR] raises how she has had to queue at Springfield Pharmacy for an hour, just to ask for her prescription to be fulfilled. This is clearly not representative of reasonable choice or access and is analogous with other experiences at Springfield Pharmacy. Again, she describes the queues as being outside the door which has also been raised by other patients. Notably Springfield Pharmacy is a high-volume dispenser, dispensing c. 13,000 items per month.

5.1.28.4 Finally, she describes the decision to refuse this application initially as 'lunacy' given the situation on the ground.

5.1.29 The above examples are only a select few from the hundreds of emails received; detailing the current difficulty patients face with pharmaceutical provision in the area. We urge the Committee to take the time to read each individual email and experience as there are numerous examples like the ones used above.

5.1.30 For the benefit of the Committee, we have also categorised the complaints received in the email/ letters. These categories constitute:

5.1.30.1 Long queues and poor service

5.1.30.2 Importance of location near amenities, especially Humber Road Surgery (CM1 7PE)

5.1.30.3 Issues with delivery services

5.1.30.4 Access difficulties by foot

5.1.30.5 Parking difficulties

5.1.30.6 Groups who share protected characteristics

5.1.31 **Long queues and poor service**

- 5.1.32 *'Im currently ordering medication over a week in advance in the ridiculous hope it would be ready for collection. Unfortunately no. Still standing for 30 plus mins to collect items.'* (Letter 10)
- 5.1.33 *'Excessive Waiting Times: The waiting times to have prescriptions filled are often unacceptably long, on Tuesday 4st April I first visited at 3.30 pm and as the queue to just hand in the prescription was so long I had to return later in the day when I had the time to wait. I returned at 5 pm and waited 25 mins to hand in my prescription and then a further 25 mins for it to be given to me — this is always my experience surely this is unacceptable'* (Letter 12)
- 5.1.34 *'there is always a large queue, not surprisingly given the closure of both Boots and Lloyds.'* (Letter 17)
- 5.1.35 *'I have spent about 20 hours each month since covid sourcing medications that are out of stock. The issue is becoming worse and worse as more and more pharmacies in the area are closing so the queues are longer.'* (Letter 18)
- 5.1.36 *'As usual it appears to be a supply issue so the only hope is if a chemist has some in stock as no one can order it in. This then involves visiting every non Boots pharmacy (unless I can get through on the phone) and queuing to see if anyone else has it in stock. If I dont get it the young person will have to stop their studies so it is totally life changing hence my spending however many hours it takes to source. The queues are getting longer and longer everywhere.'* (Letter 18)
- 5.1.37 *'The only remaining chemists is one just off Pump Lane, they have always been busy and the queues there now are horrendous. Older, nondriving older people must I imagine be forced to go there and have no other option.'* (Letter 19)
- 5.1.38 *'My local pharmacy has ques going out the door on a daily basis and staff are just overwhelmed I seriously urge government local council to step in this is for the health and wellbeing of Chelmsford.'* (Letter 23)
- 5.1.39 *'As a community we have lost this pharmacy and the one that was located in the Sainsburys store in White Hart Lane. This has put an enormous amount of pressure on the pharmacy in Clements Tye and Boots Pharmacy on Chelmer Retail Park. The queues to collect a prescription is absolutely ridiculous at Boots Pharmacy in Chelmer Retail Park as wait times are extremely long and I have often had to walk away as I have not had the time to wait.'* (Letter 24)
- 5.1.40 *'My son has cystic fibrosis and having a local pharmacy which would be Torquay Road saved me lots of running around to pick up meds from elsewhere and the queues at the big boots store in Chelmer Village is clear that they under ridiculous amounts of pressure with the closure of Lloyd's in Sainsburys, Boots Torquay rd, Tesco Springfield Road.'* (Letter 27)
- 5.1.41 *'Whilst he can drive, the wait within the store often queues almost through the store as the pharmacy is at the back (this causes issues with general shoppers in the store) He is unable to deal with standing for any period of time. The wait is typically 30 mins but more often than not 1 hour.'* (Letter 32)
- 5.1.42 *'The other pharmacy at Clematis Tye in Springfield is wholly inadequate, they are half stocked and again have massive queues due to the loss 2 pharmacies one in Sainsburys which was well used, and one at the Boots in Torquay Road'* (Letter 32)

- 5.1.43 *'I have lived in Springfield all my life and had been a customer of the former chemist in Torquay rd . Now it's no longer there you have to go to the large boots in Chelmer Village. I have to drive there and often Que for 45/60 minutes to be told to come back tomorrow as items are not in'* (Letter 34)
- 5.1.44 *'My husband and I have mobility issues and having to queue so long at our nearest chemist it can get extremely painful.'* (Letter 36)
- 5.1.45 *'The Torquay Road Pharmacy was very well used by many people but now people are experiencing long queues and waits at the nearest pharmacy and delays in medication being available. Surely it makes sense to re-open Torquay Road.'* (Letter 41)
- 5.1.46 *'The closure of Boots in Torquay Road has left us without any pharmacy within a manageable walking distance. We now have to drive to Boots on the Chelmer Village Retail Park, where there are often very long queues in part, we suspect, because of the number of Springfield people who have had to transfer from Torquay Road to this and other*
- 5.1.47 *pharmacies elsewhere in Chelmsford because we no longer have a local pharmacy.'* (Letter 45)
- 5.1.48 *'I have stood in a queue 16 deep at boots in chelmer village over an hours queue. The wait time is often over 30mins of queueing every visit.'* (Letter 47)
- 5.1.49 *'The boots pharmacy at Chelmer Village sometimes has queues going out of the door. The NHS does need to approve this pharmacy application in Torquay Road as a matter of urgency.'* (Letter 48)
- 5.1.50 *'As someone living locally, my options are to try and get to pharmacies after 6pm, the only ones available require a drive (I don't drive) and the queues are horrendous. There's often no ability to sit and wait either.'* (Letter 55)
- 5.1.51 *'From the moment it changed over, there was always a long queue just to pick up prescriptions and I have waited for 45 minutes to be told that it still hadn't been dispensed yet and could I come back the following day. This was not an isolated incident. There were at least three times when I was told that Boots had supply issues and my meds would not be in till the following week. I should add that they were blood pressure meds and I had suffered a stroke already because of it.'* (Letter 57)
- 5.1.52 *'The queue was from the pharmacy counter virtually to the front door and it was obvious I would be waiting for over an hour.'* (Letter 57)
- 5.1.53 *'Secondly, Boots pharmacy Chelmer Village is always very busy. Never been there and not had to join a very long queue. If the medication is not ready etc it requires a second visit to collect.'* (Letter 63)
- 5.1.54 *'The alternatives are Chelmer Village Pharmacy, a nightmare for queues and a considerable distance to travel.'* (Letter 65)
- 5.1.55 *'The pharmacy in North Springfield is just the same long queues and dreadful parking.'* (Letter 65)
- 5.1.56 *'Queuing with my son is an unpleasant experience in many of the other pharmacies.'* (Letter 66)

- 5.1.57 *'Clematis Tye is always busy with queues waiting to pick up their medicines - despite the best efforts of the staff – and reopening the Torquay Road pharmacy would reduce the load and free up the staff to attend to some of the other needs of patients, giving professional advice and extended services and consequently free up the GPs valuable time.'* (Letter 71)
- 5.1.58 *'The pressure on the few remaining pharmacies has been immense often with long queues'* (Letter 74)
- 5.1.59 *'My wife transferred to the main Boots in High Chelmer but there is always a long queue at the prescription counter.'* (Letter 78)
- 5.1.60 *'The current pharmacy in Springfield has very long queues. I avoid the other pharmacy across town as I usually have to queue for an hour and most of the time they then don't have the medication in stock and then I have to return and wait another hour.'* (Letter 79)
- 5.1.61 *'The idea of having to drive into the town centre, park, walk to Boots and then have to wait ages for a prescription is frankly daft'* (Letter 81)
- 5.1.62 *'I've given up with Boots in the town. At Clematis Tye the queue often comes out if the door.'* (Letter 81)
- 5.1.63 *'When the weather is awful, its definitely needed! The alternative at chelmer village has seen so many queues and waiting times of over 30 mins, whereas if we had a chemist at Torquay road, I am sure myself, all my family and all my neighbours who are besides 2 households, retired with varying medical and mobility needs, would be grateful!'* (Letter 83)
- 5.1.64 *'Since then I moved to Tesco"s as the nearest pharmacy in crocus way was absolutely inundated, regularly queueing out the door. I had already tried Boots at chelmer village but again whenever I went there were always huge queues and long waits. I found that I could manage with Tescos but now that is closing at the end of May.'* (Letter 86)
- 5.1.65 *'My other nearest pharmacy is Boots at Chelmer Village retail park and due to lack of other pharmacies their queues have become outrageously long! I frequently have to queue for a minimum of 20 min and often almost an hour. They also don't answer their phone so I have to drive over from Springfield to check they have my son's prescription and then have to come back again when they've done it only to queue again. Just to get one prescription often involves 2 trips to Boots and approximately 1.5 hours waiting.'* (Letter 88)
- 5.1.66 *'Torquay Road was my local pharmacy. It was my go to for prescriptions as I could park (unlike in town) or could walk if it was less urgent and didn't have to queue or wait for at least 30 minutes every time (as for Boots Chelmer Village).'* (Letter 89)
- 5.1.67 *'As the number of pharmacies in and around Springfield diminishes it is impossible for the remaining ones to keep up and waits have got longer and stock harder to find.'* (Letter 89)
- 5.1.68 *'I have tried using The Pharmacy at Clematis Tye but as the only pharmacy in the wider and growing Springfield area it often runs out of required medicines and has long queues.'* (Letter 90)

- 5.1.69 *'The Boots pharmacy in Torquay Road was always busy and regularly had queues of customers awaiting collection of medication.'* (Letter 96)
- 5.1.70 *'Sadly this boots now there are forever delays. Not just with waiting for the prescription to be ready to be picked up (twice as many days compared to Torquay road) but the queues to wait for them. Standing up in the queue isn't always easy for me now. The staff there are not organised and blame each other when there are delays. One woman even told me my doctors don't know what they are doing and I don't need to take my medication as instructed so could wait a few more days as they hadn't got it in. When I explained I needed the meds as I had had 4 strokes it was very important for me to have it she huffed and funnily enough found a box.'* (Letter 97)
- 5.1.71 *'I have spent over an hour waiting in queue to collect medication to be informed it is not in stock, which, when you have a nasty infection this results in significant delay. On several occasions this has happened.'* (Letter 98)
- 5.1.72 *'The other pharmacies are SO overrun since pharmacies y closures and a growing community , the wait for medication that may be needed that day, can mean enduring often a half an hour or more queue before even getting to make a request or collect and may out some people off getting help.'* (Letter 101)
- 5.1.73 *'Since the closure of Boots on Torquay Rd, we have used Tesco, which has now announced its closure and have queued, almost to the door at Boots in Chelmer Village. A local pharmacy would resolve many issues.'* (Letter 105)
- 5.1.74 *'So from having a 5 minute walk each way to Torquay Rd, we are having to spend an hour or so in town and queue up for 30 minutes to collect prescriptions as Boots can't cope with the additional pressure that has been put on them by the closure.'* (Letter 106)
- 5.1.75 *'Clematis Tye pharmacy is so over prescribed and the queues are often overwhelmed.'* (Letter 107)
- 5.1.76 *'The queues at Boots in Chelmer Village are an absolute joke - my experience there was an hour and half wait to speak the pharmacist with my 2 year granddaughter. Crocus Way is also so busy with very little parking and they cannot cope with everyone in Springfield and probably Beaulieu.'* (Letter 109)
- 5.1.77 *'They try and get others to help, but when people know they're potentially waiting in a queue for an hour, as I did last week, people stop volunteering!'* (Letter 110)
- 5.1.78 *'Since the Boots branch was closed, I have tried to seek advice from the Boots at Chelmer Village on three occasions and on each occasion I have left the shop without success due to the long queues.'* (Letter 111)
- 5.1.79 *'Also due to the closure of so many the queues are very large in the ones that are left.'* (Letter 114)
- 5.1.80 *'The local chemists are under great pressure due to the number of pharmacies which have closed in the last year. I use Boots at Chelmer Village, and what ever time of day I go, the queue is horrendous, and with only one person dispensing drugs the wait is long. If someone wants advice it gets very frustrating.'* (Letter 115)

- 5.1.81 *'It is not only the unnecessary travel that is the issue but the fact that Boots have closed so many of their neighbourhood pharmacies resulting in Chelmer Village not being able to cope with the demand, with long queues and exasperated staff.'* (Letter 116)
- 5.1.82 *'We've been using Boots lately in Chelmer village and the queues are insane! Moreover you must drive there and going anywhere with a newborn baby is challenging - including queuing for ages. We also tried Springfield pharmacy but the lack of parking and the fact that they had to deal with both Torquay Road and Sainsbury's former patients has really put a strain on their service.'* (Letter 117)
- 5.1.83 *'receive regular monthly prescription medication and the only pharmacy available to me in Springfield now is Lloyds. This is a much smaller pharmacy and is frequently overcrowded, sometimes the queue is out of the door. This can result in may not be able to access my medication on time and has a negative effect on my anxiety for which I receive medication for.'* (Letter 125)
- 5.1.84 *'I drive so now have to go to Chelmer Village Boots to collect my husband's medication for Parkinson's and other medical problems. I have to wait in a long slow queue which takes time and I am the main carer (aged 74) for my husband with Parkinson's (aged 79) and should not be leaving him on his own for long.'* (Letter 126)
- 5.1.85 *'The only other option left to us is the Boots in Chelmer Village which is not easily accessible on foot, is already extremely busy with very long queues and it is not suitable for me to use as I cannot stand for long periods of time due to my numerous autoimmune conditions.'* (Letter 127)
- 5.1.86 *'During my subsequent trips to the Boots pharmacy in Chelmer Village Retail Park and the Springfield Pharmacy in Clematis Tye, I have encountered very long queues, so much so that I have given up to return at less busy times requiring another car journey.'* (Letter 128)
- 5.1.87 *'I tried a couple of other chemists, when our chemist closed, but found they were incredibly busy due to taking up the thousands of residents who were without their own local chemist any more.'* (Letter 132)
- 5.1.88 *'I had to stand in a queue for over half an hour which I found very difficult as I am very unsteady on my feet, at the Clematis tye pharmacy, as this is the only I can get too as I am unable to drive at the moment.'* (Letter 133)
- 5.1.89 *'There is always a big queue at the Boots Chelmer Village and is some distance away from where we live.'* (Letter 134)
- 5.1.90 *'Boots on Chelmer Village is inundated with calls, and cannot answer its 'phone. Also neighbours say it is very busy with long queues. My son supports this, having taken his wife there a couple of weeks ago on Saturday morning, when she needed advice. There was a very long queue and it was very difficult for her.'* (Letter 136)
- 5.1.91 *'Since the closure of Boots pharmacy at Torquay Road the nearest pharmacy at Crocus Way is over run, long queues, prescriptions not available, long waiting times.'* (Letter 146)
- 5.1.92 *'Nobody wants to wait 30/40mins only to find prescription is not ready and not available due to stock shortages/demand and, your unwell.'* (Letter 146)

- 5.1.93 *'I am writing on behalf of my 86 year old mother who lives in [address redacted by NHSR] Chelmsford who frequently used to use the old pharmacy thats closed down. She now has to make her way to the boots pharmacy in chelmer village which is difficult for her to get too as she does not drive and which almost always has a big que and a long wait.'* (Letter 147)
- 5.1.94 *'Since Boots has closed down I initially moved my preferred pharmacy as Boots on Chelmer Village retail park. This store is constantly busy with huge queues and a very limited number of staff dealing with customers.'* (Letter 148)
- 5.1.95 *'As we are in our eighties it is essential that we have access to a pharmacy within walking distance, as the nearest one now to where we live, is Nabbots Way, which is a fair distance for us to walk if unable to drive there. When we have been to this pharmacy it has always been very busy with long queues and very little parking space if we needed to park.'* (Letter 150)
- 5.1.96 *'The nearest chemists at Sainsbury's and Tescos are closed or about to close, whilst nearest chemists at Crocus Way is so busy that frequently the queue is out of the door!'* (Letter 152)
- 5.1.97 *'In addition to the closure of Boots, two other local pharmacies have also shut down, leaving the nearest option in North Springfield severely overstretched. It's now extremely common to face long waiting times, delays in prescriptions, and queues out the door.'* (Email 194)
- 5.1.98 *'Since the closure of Torquay Road and the closure of the pharmacy at Sainsbury's, the only other pharmacy in Springfield has been rushed off its feet, resulting in drugs not being available and at times, over an hour wait. It is also not on a bus route and not easily accessible for those who are disabled and/or who cannot drive.'* (Email 197)
- 5.1.99 *'A pharmacy is much needed in this part of Springfield, my wife does not drive and is of limited mobility. Were both on a number of prescription medications and find it hard to go to other pharmacies which often have large queues.'* (Email 198)
- 5.1.100 *'The queues can be up to an hour each visit.'* (Email 205)
- 5.1.101 *'The staff openly apologise to the patients saying they can't cope.'* (Email 208)
- 5.1.102 **Importance of location near amenities, especially Humber Road Surgery (CM1 7PE)**
- 5.1.103 *'This Chemist is desperately needed the empty Boots was in the middle of a very large housing estate with doctors 2 senior schools 2 primary schools and a lot of very elderly residents'* (Letter 7)
- 5.1.104 *'The location you are aiming for is ideal for so many. Easy to find no matter how you're getting there!'* (Letter 10)
- 5.1.105 *'The closure of the Pharmacy in Torquay Road has been the biggest decease in the shops etc.for the residets of the houses around lawn lane, Torquay Road, Bodmin Road, Burnham Road, and patients of the Humber Road Surgery.'* (Letter 21)

- 5.1.106 *'There is a great need for a pharmacy to serve the residents around Humber Road Surgery with so many young families and elderly living in this area.'* (Letter 40)
- 5.1.107 *'The nearest pharmacy's are a considerable distance away and I hear of many old people who are unable to travel the extra distance to get their medication and have no one to get it for them.'* (Letter 41)
- 5.1.108 *'The Torquay Road Pharmacy was very well used by many people but now people are experiencing long queues and waits at the nearest pharmacy and delays in medication being available. Surely it makes sense to re-open Torquay Road.'* (Letter 41)
- 5.1.109 *'My elderly parents live in Springfield and regularly used the Boots pharamacy that was recently closed. They are in poor mobility but could get to the pharmacy as it is not too far from their doctors and could walk there.'* (Letter 42)
- 5.1.110 *'We have lived in Humber Road, Springfield for over forty years, and throughout that time we used the Torquay Road pharmacy for our family's prescriptions and other healthcare advice and supplies. It provided a good, convenient service 10-15 minutes' walk from our home, which was invaluable when one of us was ill.'* (Letter 45)
- 5.1.111 *'I'm writing today in favour of a new pharmacy on Torquay road. It is near a Dr's surgery, allowing vulnerable people to access their prescriptions without long drives or walks.'* (Letter 55)
- 5.1.112 *'I am a 90 yr old resident of [redacted by NHSR] who has found it very difficult since the previous Chemist closed, not only for collecting prescriptions but also items not available in supermarkets....The part of [redacted by NHSR] where I live, are mostly elderly so are in the situation as myself.'* (Letter 59)
- 5.1.113 *'Please allow a pharmacist to be on our local parade of shops'* (Letter 62)
- 5.1.114 *'First, we are both in our 80s, on regular medication from our Doctor in Springfield, and require regular medication - prescriptions every 6 weeks. We collect these from Boots, Chelmer Village - nearly 2 miles away - which can be difficult (particularly in winter) and no immediate family to help.'* (Letter 63)
- 5.1.115 *'Many of us in the surrounding area now have to travel further afield, usually by car, for our prescriptions and medical supplies/Pharmacist advice whereas before we could walk to our local pharmacy. It was an invaluable part of our community, especially being so close to our local GP surgery in Humber Rd.'* (Letter 68)
- 5.1.116 *'This is a greatly needed shop in Torquay Road and | for one would support it. It would also come at a perfect time as the pharmacy in Springfield Road Tesco's is shutting at the end of May. If you're feeling under the weather, or the doctor has prescribed medication, you need a short walk to pick up necessary items, not a bus ride. That applies to those of us living on our own right through to young mothers with a sick child.'* (Letter 70)
- 5.1.117 *'Please rethink and reopen a pharmacy at the above location. For many older local patients attending Humber Road Doctor's Surgery, getting a prescription filled can be difficult with the distances involved getting to Clematis Tye or Chelmer Village pharmacies etc.'* (Letter 71)

- 5.1.118 *'As we are almost 90 years of age it has been very difficult since the old one closed. We do not have transport nor can we walk far and it has been difficult to pick up prescriptions prescribed by the doctor recently or other items needed from a pharmacy.'* (Letter 72)
- 5.1.119 *'With time constraints and when feeling ill it really is not easy to catch a bus into town just to pick up a prescription. Also we are told to use our pharmacists for any small problems we have to save a trip to the doctors - the nearest surgery (Humber Road) is as close as a few minutes walk away, so being able to go to the pharmacy will help reduce pressure on my doctors surgery, making it easier to get an appointment there if required.'* (Letter 73)
- 5.1.120 *'There has been a pharmacy at Torquay Road for years and it has always been well attended. Many older residents don't drive so it was ideally located near the Coop. So many of us were really upset when Boots closed. It is also near primary schools where mums can get help with their children without the need to see a GP which is hard enough to get an appointment with anyway. A pharmacy is a vital part of the community as is the GP. They work hand in hand and we need a pharmacy where Boots was.'* (Letter 75)
- 5.1.121 *'I understand that there is the possibility of a new pharmacy at the above location. This would be very beneficial for local residents who cannot travel very far from home.'* (Letter 84)
- 5.1.122 *'A community pharmacy can provide a vital lifeline for local residents, many of whom are elderly and unable to manage a trip to the city centre. My late mother was reliant on the service provided by the previous pharmacy in Torquay Road; she did not drive, was too frail to use public transport and could only walk short distances. Being able to walk to a pharmacy in very close proximity gave her a small but important amount of independence which she valued greatly. I know of several of her former neighbours who are in a similar position.'* (Letter 85)
- 5.1.123 *'Our local GP surgery is also always extremely busy and an alternative option for healthcare advice would be very welcome.'* (Letter 85)
- 5.1.124 *'What is very handy about Torquay road is the ability to shuttle between pharmacy and physically going to the Humber Road Surgery to resolve issues asap.'* (Letter 87)
- 5.1.125 *'The closure of the Boots pharmacy in Torquay Road has caused inconvenience and distress due to having to travel to the nearest pharmacy and often a considerable delay between submitting a repeat prescription to the Humber Road Surgery and it being ready for collection at the Boots pharmacy in the city centre. This is primarily due to an increase in their workload due to the closure of other pharmacies.'* (Letter 93)
- 5.1.126 *'My doctors is at Humber Road Surgery Springfield. When the previous boots the pharmacy closed I was forced to go to Boots at Chelmer village. I was always able to walk to the pharmacy at Torquay road. Now I can not. Since having my 4 strokes 7 months ago I have to plan when to go over to Chelmer village retail park or rely on others.'* (Letter 97)
- 5.1.127 *'With a doctors surgery around the corner from this potential new one is exactly what is needed and wanted by all ages. It would also be very accessible for lots of people. We are told by the nhs to speak to the chemist first about certain ailments. But how can we when we do not have a local one and the one we do have at chelmer village is too busy and don't seem to care. Having a local one*

again could also take pressure off our gps for advice. It is very much needed in our community and was always busy but very very efficient before they were shut down.' (Letter 97)

5.1.128 *'Also we can walk from the doctors surgery to the hopefully new chemist which is only a good thing. Whereas now the community have to drive to various ones. We have a gp surgery so we need a pharmacy. This would also boost the shops on the parade bringing back the local people rather than having to go elsewhere'* (Letter 97)

5.1.129 *'This location is perfect, being a wheelchair user.'* (Letter 100)

5.1.130 *'I moved to [address redacted by NHSR] to have facilities on my doorstep , the GP surgery and Pharmacy both within walking distance . Now if we are unfortunate enough to need the GP we have to then either drive or get on a bus to get somewhere to get prescriptions dispensed , both these options are not ideal when you don't feel well !!'* (Letter 103)

5.1.131 *'I have lived here for 20 years and the pharmacy has always been busy partly because we have large numbers of elderly in the area. The doctors is only 10 minutes walk from Torquay Rd and is ideally situated. Many of the residents of Sherborne Road where I live moved to the area because of the supporting shops and the idea of reducing trips into town etc.'* (Letter 104)

5.1.132 *'A local pharmacy would resolve many issues. It's already almost impossible to speak to anyone in an NHS GP run surgery, unless you go online. The closure of pharmacies and therefore access to pharmacists, has made person to person advice and support very difficult. As residents in this area we believe, as do many others, that a pharmacy on Torquay Rd would transform a very limited access to health care.'* (Letter 105)

5.1.133 *'We attend the Humber Road Doctors surgery and the short walk from the surgery to Torquay Road enabled us to pick up urgent prescriptions on the same day. We were also able to order repeats on line and collect from the store a day or two later. The pharmacy also sold non prescription items which was helpful and convenient. The closure of the pharmacy caused us and many others locally great inconvenience. We had to select another pharmacy in the area.'* (Letter 106)

5.1.134 *'Many of our members, and residents of surrounding areas of Springfield, are in their 70's, 80's and even 90's - and, not surprisingly, suffer from a variety of health problems. We have the Humber Road GP Surgery close by, and for many years we had a pharmacy in Torquay Road that we could walk to, to collect our medication, often needed on that same day - and get health advice from.'* (Letter 108)

5.1.135 *'My elderly neighbour made two fruitless trips to the same place for an important drug, if she was unable to drive this would have been three bus journeys, when you're not feeling well. This is not acceptable. There is a great need for a pharmacy to return to Torquay Road. It is close to the Doctors surgery and was always well used.'* (Letter 115)

5.1.136 *'It is the only pharmacy I can visit that I can walk to which is so much better than having to drive to Chelmer village retail park or the town centre - something that would be impossible if both my husband and I were not well enough to drive.'* (Letter 118)

- 5.1.137 *'I live in the area and always found the ability to walk to a pharmacy very useful, especially when my children were younger. There are a lot of families with young children in the area and the ability to obtain prescriptions, medicines and advice in the local area was invaluable. If you have a sick child, the last thing you need to do is have to travel by car or bus to reach an alternative pharmacy. My elderly mother in law also lives in the area and uses the doctors surgery on Humber Road; again, it was very convenient for her to be able to go straight from the doctor to the pharmacy without having to travel out of the area. In my experience, the pharmacy was always busy and seemed to be well used by local residents.'* (Letter 122)
- 5.1.138 *'Torquay Road is an ideal place for a local pharmacy. Easy parking and within walking distance of a large neighbourhood including a secondary school.'* (Letter 126)
- 5.1.139 *'There is always a big queue at the Boots Chelmer Village and is some distance away from where we live. Springfield is a large area close to Humber Road which needs another pharmacy to replace the one we lost when Boots decided to close their Torquay Road pharmacy.'* (Letter 134)
- 5.1.140 *'Please, please, can we have a new pharmacy in Torquay Road. This row of local shops offer amenities needed, and used, by a large number of residents of old Springfield. A pharmacy within a short walking distance is vital to many elderly non car owners, such as myself and my elderly husband. The pharmacy at Clematis Tye is too far to walk, especially in cold Winter weather. The same applies to Boots on the retail park, and the pharmacy at Chelmer Village. On average we need prescriptions three times each month.'* (Email 135)
- 5.1.141 *'A pharmacy would improve the parade of shops, both in usefulness to residents, and in appearance and ambiance, and might bring back some trade which has gone, since people have had to look elsewhere.'* (Letter 136)
- 5.1.142 *'The Springfield area has grown a lot in the last fifty years, with a much greater population, and a chemist is needed, for all of this side of Lawn Lane, and for the Humber Road, Waveney Drive areas, and for the Falmouth Road and Barnes Farm areas (Sainsbury's pharmacy has closed). A pharmacy is needed by families and the elderly, for prescriptions, other products, and for their advice, would surely be well supported in an area like this.'* (Letter 136)
- 5.1.143 *'A pharmacy would greatly improve things for me and for many others, and would also increase local trade and the availability of products in the Parade of shops, and would enhance the Parade area, and bring back many people who have started going elsewhere.'* (Letter 136)
- 5.1.144 *'My Father who is 91 often used to use the Boots Pharmacy in Torquay Road. He has had two hip replacements, and although he has a scooter to move around he can not really get in to Chelmsford Town Centre, for the nearest Boots Pharmacy. The other benefit of the Pharmacy in Torquay Road, is that it is NOT too far away for Patients of Humber Road Doctors Surgery, and therefor if they have been given a prescription by the doctor they can collect it on their way home.'* (Letter 138)
- 5.1.145 *'I live within walking distance of our Humber Road surgery and the old Torquay Road pharmacy which was very convenient since I do not drive. Now whenever I have to collect repeat prescription I am driven to a pharmacy. On the last occasion I get there to be told that they are unable to supply some of my essential medication. As a result I have to go back to the surgery and get*

another prescription to a pharmacy that does have the medication that I need. And then I'm driven there to collect it.' (Letter 145)

5.1.146 *'As we are in our eighties it is essential that we have access to a pharmacy within walking distance, as the nearest one now to where we live, is Nabbots Way, which is a fair distance for us to walk if unable to drive there.'* (Letter 150)

5.1.147 *'A pharmacy in Torquay Road would be the nearest one for two primary schools and a secondary school as well as an extremely busy doctors' surgery. There is a lot of footfall in the area and no other pharmacy within walking distance of Torquay Road.'* (Letter 151)

5.1.148 Issues with delivery services

5.1.149 *'My husband and I have mobility issues and having to queue so long at our nearest chemist it can get extremely painful. Please don't think we can have things delivered because we still would like to retain some independence and we could visit the old pharmacy and the coop whenever things were needed.'* (Letter 36)

5.1.150 *'Our biggest concern is for the other residents of Springfield - and there are many – who have greater health needs and/or limited mobility, and who don't have a car. They no longer have a pharmacy which is reasonably accessible to them. They can have routine prescriptions delivered, but that does not compensate for the lack of access to the full range of health services which a pharmacy provides, nor does it help when they need one-off prescriptions to deal with a particular illness or condition. There is a very real risk that their health needs will be neglected as a result.'* (Letter 45)

5.1.151 *'Please consider the needs of the elderly and disabled who do not always have access to the internet or the confidence to rely on medication delivery services, but who also need the advice and support of a face to face consultation.'* (Letter 120)

5.1.152 *'We are a couple aged 75 and 80 years old and live within a 10 minute walk of Torquay road. We are unable to arrange for prescriptions to be delivered by post as not all of the items will fit through the letter box and there is no time slot for delivery.'* (Letter 123)

5.1.153 *'I know prescriptions can be ordered by post but what happens when you have a problem with the delivery or get the wrong tablets. It would be harder to quickly sort out any problems as the tablets have to be posted.'* (Letter 126)

5.1.154 *'I have had problems since Boots closed on Torquay Road, as I can't get a number of the items I need. I can't drive and don't walk far. I have to pay for prescriptions to be delivered.'* (Letter 136)

5.1.155 *'We are now having to have our repeat prescriptions sent to the Boots online services and delivered to us, but this can be very inconvenient as the medication can take up to a week to be delivered once the GP has authorised it and sent it on to them to dispense.'* (Letter 150)

5.1.156 Access difficulties by foot

5.1.157 *'I live in the [redacted by NHSR] at [redacted by NHSR] and will be 90 this year and my driving license expires this year and I will not be able to walk to*

Springfield Pharmacy but I could manage the shops at Torquay road.' (Letter 3)

5.1.158 *'We are using Boots at Chelmer Village . It is a very long walk from Springfield. The alternative at Crocusway is greatly oversubscribed and we need a local replacement.'* (Letter 4)

5.1.159 *'I need to cross a busy road. Minimal parking and cramped space for manoeuvring your car if you find the tiny car park full when you get there.'* (Letter 6)

5.1.160 *'Since the closing of Boots, Torquay Road, and the chemist in Sainsburys, our nearest one is a long walk to Clematis Tye.'* (Letter 28)

5.1.161 *'However, my husband has regular medicine and since the closure of the Pharmacy on Torquay Road, our nearest Pharmacy is in Clematis Tye. We can walk there at the moment but who knows for how long.'* (Letter 29)

5.1.162 *'A lot of residents around Torquay Road are elderly and vulnerable. They need access to a local pharmacy. It is not realistic or fair to expect them to travel long distances to get that - if they don't drive it is a long walk, a convoluted bus journey, or relying on others to access their pharmacy needs.'* (Letter 43)

5.1.163 *'The closure of the boots on Torquay road had a huge impact on the older adult community who could not walk to chelmer village or town for their medications.'* (Letter 47)

5.1.164 *'Boots in the town, bus journey required and a lengthy walk.'* (Letter 65)

5.1.165 *'As we are almost 90 years of age it has been very difficult since the old one closed. We do not have transport nor can we walk far and it has been difficult to pick up prescriptions prescribed by the doctor recently or other items needed from a pharmacy.'* (Letter 72)

5.1.166 *'Since the closure of the previous pharmacy in March 2024, our nearest pharmacies are in the city centre; this involves a 20 minute walk'* (Letter 85)

5.1.167 *'Suddenly our members had no walkable access to a pharmacy. The nearest alternative was over a mile away, which would take 25 minutes to walk there, wait while the medication was dispensed, and then a return walk of another 25 minutes. Only the fit and agile could realistically be able to undertake this journey.'* (Letter 108)

5.1.168 *'I feel for people who don't drive or other people whose closest pharmacy is a 20/30 minute walk'* (Letter 112)

5.1.169 *'If, like me and many other local people, you are unable to walk far then your only option, if you don't drive, is to have a bus into the city and then walk a long way to Boots.'* (Letter 115)

5.1.170 *'I currently collect my prescriptions from a pharmacy quite a distance away, necessitating a long walk or a drive, both of which are time consuming,'* (Letter 121)

5.1.171 *'The pharmacy at Clematis Tye is too far to walk, especially in cold Winter weather. The same applies to Boots on the retail park, and the pharmacy at*

Chelmer Village. On average we need prescriptions three times each month.'
(Letter 135)

5.1.172 *'The area has grown, and there are many younger families, but also many elderly people, who bought in the 1970s and 80s, who are still living here, and all need the parade of shops. We are among them, being unable to drive (glaucoma) and not able to walk far (knees).'* (Letter 136)

5.1.173 *'As we are in our eighties it is essential that we have access to a pharmacy within walking distance, as the nearest one now to where we live, is Nabbots Way, which is a fair distance for us to walk if unable to drive there.'* (Letter 150)

5.1.174 *'I moved to the Pharmacy at Tesco's in Springfield Road but this Pharmacy is also closing this May. This will leave residents with no local option but to drive to central Chelmsford, or if they cannot drive, a very long walk, or a bus ride and shorter walk.'* (Letter 153)

5.1.175 Parking difficulties

5.1.176 *"Minimal parking and cramped space for manoeuvring your car if you find the tiny car park full when you get there."* (Email 6)

5.1.177 *"In my opinion springfield is in great need of another pharmacy! We use the one on clematis tye. Bad parking."* (Email 64)

5.1.178 *"The Pharmacy at the University is an option but again so many people using it. I have trouble standing up for lengthy periods. And parking is difficult. The pharmacy in North Springfield is just the same long ques and dreadful parking."* (Email 65)

5.1.179 *"The loss of the Boots pharmacy in Torquay Road has had an impact on the whole local community. It has meant that it is now a car drive to the nearest one where it is often difficult to park."* (Email 74)

5.1.180 *"Car parking is at a premium in the city centre and is not always a realistic travel option."* (Email 85)

5.1.181 *"Crocus Way is also so busy with very little parking and they cannot cope with everyone in Springfield and probably Beaulieu."* (Email 109)

5.1.182 *"We also tried Springfield pharmacy but the lack of parking..."* (Email 117)

5.1.183 *"I will not go to the other pharmacy in Springfield as I am worried about the problem parking."* (Email 126)

5.1.184 *"...but now have to go to the Melbourne pharmacy which is a few miles from where we live and we then have to park quite away from them."* (Email 150)

5.1.185 *"The only pharmacy that remains is very, very small and is situated at Clematis Tye. It closes for lunch from 1pm - 2pm Monday to Friday on Saturday it closes at 1pm. Parking there is very difficult and people often have to resort to parking in the local pub car park."* (Email 150)

5.1.186 *"There is very limited parking there (Springfield Pharmacy), with people often resorting to parking on the pavements or in nearby residential areas, as it is often the case that the designated spaces are full."* (Email 196)

5.1.187 Groups who share protected characteristics

- 5.1.188 *"I live in the [redacted by NHSR] and will be 90 this year and my driving license expires this year and I will not be able to walk to Springfield Pharmacy but I could manage the shops at Torquay road."* (Email 3)
- 5.1.189 *"It is with delight that I hear of a proposed pharmacy in Torquay road. My husband is 83 and I am 79. We have mobility issues and if we need a chemist, need to drive to Chelmer village. We are likely to have to give up driving in the near future so, as Torquay road is within easy walking distance, it would be invaluable for us."* (Email 25)
- 5.1.190 *"Please please reconsider the new application for a pharmacy in Torquay Road Springfield. My husband and I have mobility issues and having to queue so long at our nearest chemist it can get extremely painful."* (Email 36)
- 5.1.191 *"My elderly parents live in Springfield and regularly used the Boots pharmacy [sic] that was recently closed. They are in poor mobility but could get to the pharmacy as it is not too far from their doctors and could walk there. It is extremely important to have a local pharmacy as there is an ageing population in the area and they can't all get to the other pharmacies so a local one is a lifeline for them."* (Email 42)
- 5.1.192 *"The closure of Boots in Torquay Road has left us without any pharmacy within a manageable walking distance." "Even so, our medical needs are increasing as we get older, and Roger's arthritis is restricting his mobility."* (Email 45)
- 5.1.193 *"We really need a pharmacy here in Springfield there are so many in need my husband is recovering from a stroke I have major mobility problems to have to go into town to get prescription is really difficult and there are so many people like us so many pharmacies have closed in Chelmsford it has to change."* (Email 53)
- 5.1.194 *"I am a 90 yr old resident of [redacted by NHSR], who has found it very difficult since the previous Chemist closed, not only for collecting prescriptions but also items not available in supermarkets."* (Email 59)
- 5.1.195 *"My wife and I are strongly in favour of the opening of a new pharmacy in Torquay Road, as we are in need of regular medication and our mobility is steadily decreasing. A nearby pharmacy would be very useful to us, and to many of our neighbours who are elderly."* (Email 76)
- 5.1.196 *"Life has not been easy for myself and my wife since the Pharmacy closed on Torquay Road. I am now in my 80th year and my wife a couple of years younger."* (Email 78)
- 5.1.197 *"My mum who lives in sheltered housing at [redacted] can't always get all the way over to Chelmer Village as buses don't do a direct route but can walk to Torquay Road so a pharmacy local is really needed."* (Email 88)
- 5.1.198 *"It has also impacted me as a mum with two infant children as long waiting times for prescriptions are impossible to manage with young children."* (Email 94)
- 5.1.199 *"I have to wait in a long slow queue which takes time and I am the main carer (aged 74) for my husband with Parkinson's (aged 79) and should not be leaving him on his own for long."* (Email 126)

- 5.1.200 *"There has been a pharmacy here since the area was developed. The area has grown, and there are many younger families, but also many elderly people, who bought in the 1970s and 80s, who are still living here, and all need the parade of shops. We are among them, being unable to drive (glaucoma) and not able to walk far (knees)." (Email 136)*
- 5.1.201 *"My Father who is 91 often used to use the Boots Pharmacy in Torquay Road. He has had two hip replacements, and although [sic] he has a scooter to move around [sic] he can not really get in to Chelmsford Town Centre, for the nearest Boots Pharmacy." (Email 138)*
- 5.1.202 *"As we are in our eighties it is essential that we have access to a pharmacy within walking distance, as the nearest one now to where we live, is Nabbots Way, which is a fair distance for us to walk" (Email 150)*
- 5.1.203 *"There is a lot of footfall in the area and no other pharmacy within walking distance of Torquay Road. For my husband and I who both have mobility issues this is a massive personal worry..." "My husband can get to Torquay Road on his mobility scooter" (Email 151)*
- 5.1.204 *"I have really missed the pharmacy as I'm nearly 79 years of age and about to give up driving so the Boots that was there was within walking distance of my home." (Email 190)*
- 5.1.205 *"I have a number of health conditions and frequently need prescriptions at short notice as well as regular prescriptions. My daughter is diabetic and has regular prescriptions too. Since Boots closed our pharmacy in Torquay Road, it has become very difficult to get prescriptions. My daughter gets her online but they take ages to get here & she sometimes runs out of medication. I tried online but I'm not great at thinking 4- 5 weeks ahead and was running out of some medications. I changed to Boots at Chelmer village but the queues were dreadful, we would stand for 20-30mins each time, which I find extremely hard due to my disabilities." (Email 192)*
- 5.1.206 *"I am a resident of Springfield and have mobility difficulties due to FSH Muscular Dystrophy and use a mobility scooter to get around locally as I do not drive. The closure of this pharmacy has seriously impacted my independence..." (Email 195)*
- 5.1.207 *"Sadly I am not very mobile these days, with severe osteoarthritis in both knees, both feet and my left hand. I have just had my first total knee replacement and hope to have the other knee replaced in the autumn, with my feet and hands being looked at next year. I walk slowly with a stick and it takes me a while to walk to Torquay Road shops, but I can still do this and this is my independence" (Email 207)*
- 5.1.208 *"I am 85 years old and I can walk to Torquay road in around 10 minutes, but I cannot get to Chelmer Village, so I have to get the bus to the Tesco Pharmacy and now that one is closing too." (Email 209)*
- 5.1.209 **Conclusion**
- 5.1.210 We conclude that there is an overwhelming body of evidence highlighting the urgent need for pharmaceutical services in North East Chelmsford. The current pharmaceutical network is overwhelmed, despite having a year to acclimatize to closures. The situation will only get worse with the Tesco Pharmacy set to close on the 24th May 2025.

5.1.211 Granting this application would provide much better access to the local population to pharmaceutical provision, especially those visiting in connection with a visit to the Humber Road Surgery or the Co-Operative store. Access will also be improved for parents who send children to schools in the vicinity.

5.1.212 For those without access to a car, it can be particularly difficult to access alternative pharmaceutical provision by foot or bus. Some patients who share protected characteristics are completely unable to access an alternative pharmacy following the Boots closure, relying on transportation from friends & family.

5.1.213 We submit that granting this application will secure improvements and better access to pharmaceutical provision and thus meets the criteria for Regulation 18.

5.1.214 We invite the Committee to grant the application.”

6 Further comments

In the interests of transparency and fairness, NHS Resolution sought to rely on the discretion afforded in paragraph 7 of Schedule 3 of the Regulations to vary the normal procedures and seek observations on the information submitted by Healthcare Plus Consulting Ltd on behalf of the Applicant.

6.1 The Commissioner

6.1.1 “Thank you for your letter dated 29 April 2025 which outlined that Alticare Ltd (the Appellant) has submitted new information in relation to their unforeseen benefits application. The ICB is surprised that the submission of new information has been circulated noting that NHS Resolution’s communication dated 25 February 2025 was clear that “this will be your only opportunity to submit new material.” (Letter from NHS Resolution dated 25 February 2025).

6.1.2 Following the submission of representations, NHS Resolution circulated representations via the letter dated 02 April 2025, providing the opportunity to make observations on the representations. Again, the communication was clear and stated “you should restrict yourself to the rebuttal of information already provided; no new matters should be raised at this stage.” (Letter from NHS Resolution dated 02 April 2025).

6.1.3 On 11 April 2025, NHS Resolution informed the ICB that the Appellant had requested an extension to the 3 April 2025 deadline for submitting their observations on any representations, due to a private matter. The ICB is unaware of the details of the private matter however on review of the new evidence submitted by the Appellant dated 10 April 2025, we note that the new evidence was obtained between 2 April 2025 and 10 April 2025. This period coincides with the extension granted due to the private matter.

6.1.4 It is disappointing that rather than make observations on the representations made by the ICB, the Appellant has submitted new information. The ICB notes as set out in NHS Resolution’s letter dated 25 February 2025 that “anything new raised after this stage will have little or no weight placed upon it.” (Letter from NHS Resolution dated 25 February 2025)

6.1.5 As the Appellant has not commented or disputed our representations, addressed any of the issues raised by the ICB, including misleading NHS

Resolution with photographs previously included, the ICB concludes that the Appellant is accepting of the facts presented.

- 6.1.6 In relation to the new information submitted, the ICB is of course very concerned to read the feedback provided in the letters and emails submitted. Unfortunately, this information was not provided as part of the original application and not available to the Pharmaceutical Services Regulations Committee when the determination to refuse the application was made.”
