

4 July 2025

REF: SHA/ 26574

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**APPEAL AGAINST SOUTH EAST LONDON ICB
DECISION TO REFUSE AN APPLICATION BY POPSON
HEALTHCARE LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING UNFORESEEN
BENEFITS UNDER REGULATION 18 AT OASIS
PHARMACY WELLNESS CENTRE, 131A PLUMSTEAD
ROAD, LONDON, SE18 7DW**

1 Outcome

- 1.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, quashes the decision of the Commissioner and remits the matter to the Commissioner for it to redetermine subject to the directions set out in this determination.

A copy of this decision is being sent to:

Popson Healthcare Ltd

PCSE on behalf of South East London ICB

Pharmacy Sales and Consultancy on behalf of Burrage Limited t/a Royal Arsenal Pharmacy

Pharmacy Sales and Consultancy on behalf of Burrage Limited t/a Burrage Pharmacy

First Care Pharmacy Ltd t/a First Care Pharmacy

Bansal & Long Ltd t/a Whinchat Pharmacy

Boots UK Limited

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1 The Application

By application dated 5 November 2024, Popson Healthcare Ltd ("the Applicant") applied to South East London ICB ("the Commissioner") for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 at Oasis Pharmacy Wellness Centre, 131A Plumstead Road, London, SE18 7DW. 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 left this box blank.

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:

- 1.1 "The Oasis Pharmacy Wellness Centre is located at the entrance of the Greenwich Islamic Centre (GIC) which is in a prominent location between Plumstead, Thamesmead and Woolwich. GIC is one of the largest mosques in London which serves about 5,000 worshippers in Greenwich, Bexley and Lewisham.
- 1.2 Currently, Berekeley [sic] Group is building new homes in the Opposite area estimated to have 1,933 flats and due to be completed in 2026. This could accommodate up to 6,000-7,500 people. There has been a population increase, diversity and influx of people to the area due to the mosque location, jobs in the area and the new Elizabeth line - which has a direct train to Heathrow. This population increase has not been captured in the previous Pharmaceutical Needs Assessment (PNA). Greenwich's population growth rate was higher than the overall population growth rate for London (7.7%) and England (6.6%) in the last population census. The population of Greenwich is expected to increase to 311,100 by 2027. The population is aging, with the proportion of people aged 75 and over expected to increase by almost 25%. The last Greenwich PNA estimates about 300,741 and did not take into consideration new housing projects in the Plumstead and Thamesmead area - the population are currently struggling with access to Healthcare services.
- 1.3 We are seeing a rise in patients' demand for health care services which is putting a lot of pressure on the local General Practitioner (GP) Practices, Community Health Services and Hospitals. Our goal is to bring healthcare closer to the community which is a diverse population and our team is well trained to be able to further help reduce the burden on the local GP Practices if given an NHS contract."

In response to "please explain how you intend to secure the unforeseen benefit(s)" the Applicant stated:

- 1.4 "This application offers unforeseen benefits not captured within the PNA as highlighted above.

- 1.5 The location is easily and conveniently accessible for the local population and is in close proximity to other shops, services and transport system, especially with the new homes due to be completed in the next 1-2 years.
- 1.6 Our team consists of Independent Pharmacist Prescribers experienced in working with GP Practices, well-trained Pharmacy Technicians, and Pharmacy assistants running the pharmacy. Their knowledge and expertise have positive impact in the community - as seen in the increasing number of people confident in coming to us for their health advice and needs.
- 1.7 The Superintendent Pharmacist has experience working with GP Practices and is well trained as an Advanced Clinical Practitioner. His skills and experience are useful to relieve the increasing pressures on the local healthcare services and prepare for the evolving proposed future services to be commissioned locally and nationally. We intend to implement our robust standard operating procedures for the NHS services in the pharmacy should the NHS contract application be granted, thus offering reasonable choice.
- 1.8 Our team is diverse in line with our local community, and we have access to interpreters from the local mosque. Our team is trained to be able to provide all presently commissioned services and future services in preventive healthcare such as vaccination services, blood test / phlebotomy service, management of hypertension and diabetes, weight management, Men's Health, and Women's Health. Our vision is to help improve the healthcare of our community and support the National Health Service's need to move to a Neighbourhood Health Service with more care delivered in the local community.
- 1.9 Innovative approaches would be taken with regard to the delivery of the pharmaceutical services which would be person-centred, embracing technology such as video consultation and use of our robust Health App compatible with the NHS App in meeting patients' health care needs in a timely manner, promoting self-care and signposting where appropriate."

2 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 21 February 2025 states:

- 2.1 "South East London 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 South East London 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".

PSRC report

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

- 2.4 **"CAS reference number** - CAS-334278-F1Q1C8
- 2.5 **Name of applicant** - POPSON HEALTHCARE LTD
- 2.6 **Fitness to practise** - Not applicable, already included in respect of other premises.
- 2.7 **Address/best estimate of proposed premises** - Oasis Pharmacy Wellness Centre
131a Plumstead Road London SE18 7DW
- 2.8 **Status of location** - Non-controlled locality.
- 2.9 **Relevant regulations and guidance**
- 2.10 Regulations 18 and 19 – unforeseen benefits: additional matters and consequences.
- 2.11 Regulation 31 – refusal: same or adjacent premises. Regulation 65 – core opening hours conditions.
- 2.12 Regulation 66 – conditions relating to providing directed services.
- 2.13 DH market entry guidance chapter 8.

Interested parties notified of the application – Representation Submitted			
Name	Address	Postcode	Reason appeal rights – given or reason why not given
First Care Pharmacy	Unit 6 The Reach	SE28 0NY	Appeal rights given if granted.
Boots	12-16 Hare Street	SE18 6NB	
Burrage Pharmacy	57 Burrage Place	SE18 7BE	

Interested Parties notified of the application – Representations not submitted		
Name	Address	Postcode
Whinchat Pharmacy	1 Whinchat Road	SE28 0DZ
Central Chemists	3 Brewery Road	SE18 7PS
Royal Arsenal Pharmacy	21-23 Arsenal Way	SE18 6TE
Alpharm Chemist	116 Plumstead High Street	SE18 1SJ
Temple Pharmacy	33 Lakedale Road	SE18 1PP
Woolwich Late Night Pharmacy	Equitable House, 10 Woolwich New Road	SE18 6AB
Pyramid Pharmacy	156 Plumstead High Street	SE18 1JQ
Alpha Chemist	7 Greens End	SE18 6HX
Tesco Instore Pharmacy	13 Old Stable Row	SE18 6JR
Pyramid Pharmacy	66 Powis Street	SE18 6LQ
St James Pharmacy	52 Powis Street	SE18 6LQ
Geepharm Chemists	36 Plumstead Common Road	SE18 3TN

Temple Pharmacy Ltd	6 The Slade	SE18 2NB
Herbert Pharmacy	36-38 Herbert Road	SE18 3SH
Weston Pharmacy	60 Herbert Road	SE18 3SH
Plumstead Pharmacy	9 Wickham Lane	SE2 0XJ
Day Lewis Pharmacy	5 Woodman Parade	E16 2LL
Ns Warwick Ltd	12 Kingsman Parade	SE18 5QE
Browne AF Ltd	174 Eynsham Drive	SE2 9PT
Greenwich Healthwatch		
Greenwich HWBB		
Greenwich LMC		
Community Pharmacy South-East London		
Newham Healthwatch		
Newham HWBB		
Newham LMC		
Community Pharmacy NEL (LPC)		

2.14 Additional information

2.15 The PSRC have determined that there is enough information within the papers to decide the application without an oral hearing.

2.16 Applicants Comments

2.17 [see 1.1 to 1.9 above].

2.18 First Care Pharmacy Comments

2.19 We strongly opposed this application and submit that this application should NOT be granted. This application is made under the unforeseen benefit category and would therefore be considered under regulation 18 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.

2.20 This application offers no significant benefits, over the NHS Pharmaceutical Services already in place within the vicinity and wider area of the application.

2.21 This application does not secure any improvements or better access, indeed everything contained within this application is already included in the local authority Health and Wellbeing (HWB's) Pharmaceutical Needs Assessment (PNA), and already provided by existing NHS Pharmacies in the area; i.e. this application does not offer to provide any unforeseen benefits.

2.22 There have not been any changes since the PNA was published, that were not already included in the PNA. Furthermore, the applicant is not offering to provide any new or innovative types of service delivery, or service redesign that would be of benefit to any patient groups.

2.23 Population Growth:

2.24 The current Royal Borough of Greenwich 2023-2026 PNA, pages 30 to 32, has correctly and accurately identified the population growth in Greenwich and specifically in the areas of this application; namely, Glyndon, the site of the application + 2.2% and

Thamesmead Moorings, site of the new development + 6.4 %. The PNA concludes that with respect to Pharmaceutical Services this increase can more than easily be absorbed by the existing community pharmacy network.

- 2.25 Local housing developments:
- 2.26 The current Royal Borough of Greenwich 2023-2026 PNA; has correctly and accurately identified the new housing developments in Greenwich, pages 32 and 33. Community Pharmacy access and provision and hours:
- 2.27 There are already seven (7) pharmacies within 0.5 miles of the applicant's site. Furthermore, there are twenty (20) pharmacies within 1.0 mile of the applicant's site. These offer opening times that cover all those offered by the applicant. There are no access or transport issues for patients living at this area to access local pharmacies. The applicant has failed to reason or provide evidence that there is not already reasonable choice with regard to obtaining Pharmaceutical Services in this area of the HWB. There is in fact more than reasonable choice already available.
- 2.28 Pharmaceutical Services to be provided at the proposed premises:
- 2.29 The applicant proposed to offer all NHS advanced and locally commissioned services. It should be noted the roll out of existing NHS pharmacy services - Pharmacy first, Hypertension, contraception, Discharge Medicines service (DMS) and Smoking Cessation are still being ramped up; the referrals are very low and under capacity. The PNA states that there is enough current and future community pharmacy capacity in Greenwich to provide these services. Community pharmacy sign up of National NHS services is very high but in reality are facing low referrals.
- 2.30 I also note the applicant's premises are not accredited yet to provide these services, in contrast all existing pharmacies are accredited to provide all services that are locally and Nationally commissioned.
- 2.31 An additional Community Pharmacy would only dilute existing services and add no discernible value. This would cause detriment to planning of Pharmaceutical Services and overprovision considering the current viability of the community pharmacy network due financial pressures and medicine shortages. Indeed, at time the NHS and government are encouraging pharmacies to merge together, the "Consolidation Application" being an example, this application goes against the grain of NHS and National Policy.
- 2.32 Protected Characteristics:
- 2.33 The applicant has failed to reason or provide evidence that people sharing a protected characteristic are having any difficulty or challenges to access services that meet specific needs for services which, in the area of this HWB, are difficult for them to access; and there is not already being a reasonable choice with regard to obtaining Pharmaceutical Services in the area of the HWB for these people. There is in fact more than reasonable choice already available.
- 2.34 Significant benefits:
- 2.35 The applicant has not explained or provided evidence in the application why they believe that approving it would confer significant benefits on people in this area of this HWB that were not foreseen when the HWB published its PNA. It is not sufficient simply to offer to provide a service or services for which there is no basis in the PNA. Unforeseen benefits applications must be fully evidenced. There is absolutely nothing contained within this application that was not already foreseen and contained within the

PNA. Granting this application will NOT confer any significant benefits on persons in the HWB area which were not foreseen when the PNA was published.

- 2.36 The applicant has failed to reason or provide evidence that there are any innovative approaches taken with regard to the delivery of pharmaceutical services in this application. Everything contained within the application is already in place and being provided by existing Pharmacies in the area.
- 2.37 Our Notes and Response to the Application Form Section 1 Information regarding the applicant
- 2.38 1.1 Requires Full name and correspondence address of applicant – this is missing and hence the application is incomplete.
- 2.39 Section 2 Proposed premises

The applicant correctly provides the location of the new premises. GPhC Registration 9012288	Oasis Pharmacy Wellness Centre	Ground Floor Shop Unit 1 131 Plumstead Road London SE18 7DW	Premises Type Community Pharmacy	Popson Healthcare Ltd	Registered 15/12/2023
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- 2.40 Curiously, nowhere in the application process does the applicant mention that he already has a NHS Pharmacy, providing NHS Pharmaceutical Services, and that this is located in “the heart “of the new development for which he is allegedly going to offer “unforeseen benefits.”

GPhC Registration 9010843 NHS England ODS FHH89	Oasis Pharmacy and Just pharmacy	Unit 3 119-121 Nathan Way Thamesmead London SE28 0AQ	Premises Type Community Pharmacy	Popson Healthcare Ltd	Registered 15/02/2018
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- 2.41 Section 3 Opening hours
- 2.42 There are already seven pharmacies within 0.5 miles of the applicant's site, including his own current other pharmacy above. These pharmacies offer hours of opening from 8.00am to 9.00pm. Furthermore, there are nineteen (19), twenty (20) including his own, pharmacies within 1.0 mile of the applicant's site. These offer opening times from 8.00 to 9.00pm.
- 2.43 Commissioners will be well aware and wise to the fact that if the application is granted, the additional supplementary hours can be reduced by a simple notification process by the applicant.

Distance from applicants site	NHSODS GPhC Registration	Trading name of Pharmacy	Pharmacy Owners name	Address of Pharmacy
0.2 miles	NHSEODS FTL72 GPhC 1040971	Whinchat Pharmacy	Bansal And Long Limited	1 Winchat Road Thamesmead SE28 0DZ
0.3 miles	NHSEODS FXE44 GPhC 1040897	Central Chemists	Morjaria G	3 Brewery Road Woolwich SE18 7PS
0.4 miles	NHSEODS FW185 GPhC 1117507	Royal Arsenal Pharmacy	Burrage Limited	21-23 Arsenal Way Woolwich SE18 6TE
0.4 miles	NHSEODS FJM49 GPhC 1094661	Alpharm Chemist	Alpharm Healthcare Plumstead Limited	116 Plumstead High Street Plumstead SE18 1SJ
0.5 miles	NHSEODS FHF01 GPhC 1040906	Temple Pharmacy	Temple Pharmacy Ltd	33 Lakedale Road Plumstead SE18 1PP
0.5 miles	NHSEODS FA716 GPhC 1118968	Woolwich Late Night Pharmacy	Uk Apothecary Limited	Equitable House Woolwich SE18 6AB
0.6 miles	NHSEODS FD863 GPhC 1078053	Pyramid Pharmacy/ Chase Pharmacy	Pf Pharma Ltd/ Plumstead Hs Limited	156 Plumstead High Street Plumstead SE18 1JQ
0.6 miles	NHSEODS FJX93 GPhC 1116649	Alpha Chemist	Alpharm Healthcare Limited	7 Greens End Woolwich SE18 6HX
0.6 miles	NHSEODS FRE57 GPhC 1040896	Burrage Pharmacy	Burrage Limited	57 Burrage Place Woolwich SE18 7BE

2.44 First Care Pharmacy is the trading name of First Care Pharmacy Ltd (Registration 06775936) Providing NHS Services

0.6 miles	NHSEODS FTX08 GPhC 1112366	Tesco Instore Pharmacy	Tesco Stores Limited	13 Old Stable Row Woolwich SE18 6JR/ SE186QT
0.6 miles	NHSEODS FGJ82 GPhC 9010652	Pyramid Pharmacy	PF Pharma Ltd	66 Powis Street Woolwich SE18 6LQ
0.6 miles	NHSEODS FXR67 GPhC 1090567	St James Pharmacy	MSM Medicare Limited	52 Powis Street Woolwich SE18 6LQ
0.7 miles	NHSEODS FJG92 GPhC 1108089	First Care Pharmacy	First Care Pharmacy Ltd	Unit 6 The Reach Thamesmead SE28 0NY

0.7 miles	NHSEODS FHH89 GPhC 9010843	OASIS PHARMACY And Just Pharmacy	POPSON HEALTHCARE LTD	Unit 3 119/121 Nathan Way Thamesmead SE28 0AQ
0.7 miles	NHSEODS FRK12 GPhC 1040900	Boots	Boots Uk Limited	12-16 Hare Street Woolwich SE18 6NB
0.7 miles	NHSEODS FCK76 GPhC 1040907	Geepharm Chemists	Gupta Sk	36 Plumstead Common Road Plumstead SE18 3TN
0.8 miles	NHSEODS FVC32 GPhC 1040910	Temple Pharmacy Ltd	Temple Pharmacy Ltd	6 THE SLADE PLUMSTEAD SE18 2NB
0.9 miles	NHSEODS FDQ41 GPhC 1040901	Herbert Pharmacy	Herbert Pharmacy Ltd	36-38 Herbert Road Plumstead SE18 3SH
0.9 miles	NHSEODS FWM57 GPhC 1040902	Weston Pharmacy	Dunamispharm Limited	60 Herbert Road Plumstead SE18 3SH
1.0 miles	Plumstead Pharmacy			

- 2.45 Section 4 Pharmaceutical services to be provided at these premises.
- 2.46 The applicant states/confirms that the Premises are accredited to provide all the services he has ticked. This cannot be correct as to be accredited, the premises must be on the NHS England/HWB Pharmaceutical List, which it is not.
- 2.47 Floor plan showing consultation area.
- 2.48 With respect to the floor plan submitted by the applicant, having visited the site several times, we urge commissioners and decision makers to do the same. The current existing pharmacy and the proposed plan raises more questions than it provides answers.
- 2.49 Decision makers will need to assure themselves as to if the current pharmacy or proposed plan fulfils all the requirements to be able to provide services to all that have protected characteristics. Indeed, the above also applies equally to those that may seek employment at the pharmacy in the future.
- 2.50 Section 6 Information in support of application
- 2.51 The site of the application is 131 Plumstead Road SE18 7DW and it is within the Greenwich Islamic Centre/Mosque.
- 2.52 The applicant currently leases the premises and has registered it with GPhC as a Pharmacy.
- 2.53 The applicant already advertises that patients can have their NHS prescriptions dispensed at the site of application which is not only illegal (as there is no NHS contract in place), but also misleading to the general public. This is advertised by:
- 2.54 "A board" outside the application site

- 2.55 Screen in the window of the application site
- 2.56 The applicant's website:
- 2.57 https://www.google.com/search?q=oasis+pharmacy+wellness+centre&rlz=1C1CHBF_e_nGBGB912GB912&oq=oasis+pharmacy+wellness&gs_lcrp=EgZjaHJvbWUqCAgBEAA_YFhgeMgYIABBFGDkyCAgBEAAYFhgeMggIAhAAGBYHjiNCAMQABiGAXiABBiKBTINCAQQABiGAXiABBiKBTINCAUQABiGAXiABBiKBTINCAQABiGAXiABBiKBTIKCAcQABiABBiBDIKCAgQABiABBiBDIKCAkQABiABBiBNIBCTEyMzg5ajBqN6gCALACA&sourceid=chrome&ie=UTF-8
- 2.58 Clicking on the Website on the right-hand side takes you to the website of the other pharmacy owned by the applicant in Thamesmead:
- 2.59 <https://www.oasispharmacy.co.uk/>
- 2.60 NHSEODS FHH89, GPhC 9010843, OASIS PHARMACY and Just Pharmacy, POPSON HEALTHCARE LTD, UNIT 3 119/121 NATHAN WAY THAMESMEAD SE28 0AQ
- 2.61 The above needs to be investigated by NHS England with regards [sic] to its legality.
- 2.62 The applicant fails to explain how having a pharmacy at that site secures improvements or better access.
- 2.63 As stated above, there are already seven pharmacies within 0.5 miles of the applicant's site, including his own current other pharmacy. These pharmacies offer hours of opening from 8.00am to 9.00pm. Furthermore, there are nineteen (19), twenty (20) including his own, pharmacies within 1.0 mile of the applicant's site. These offer opening times from 8.00 to 9.00pm.
- 2.64 The applicant states that the mosque is one of the largest in London and serves 5,000 worshippers, the mosques own website states a capacity of 1,100 including the recent extension (<https://www.gicuk.org/overview/>). Regardless of the number of visitors, people come to the mosque to worship or for community activities, not to access Primary Care Services, including Pharmaceutical Services. The visitors to the mosque access Pharmaceutical Services where they live and work, the applicant has not provided any evidence that Pharmaceutical Services are lacking where these worshippers come from and that these people will travel to the mosque just to access these services.
- 2.65 The applicant states that there has been "a population increase, diversity and influx of people to the area due to the mosque location and jobs in the area" but provides no evidence of this. The mosque has been in the same location since 1985, there have been various face lifts and expansions over time, it is not new. It is located on a dual carriage way, surrounded by double yellow lines, with no parking. There is a sign directly outside the entrance of the mosque/Pharmacy directing "No Stopping, No loading, Monday to Sunday, 7am to 7pm" which makes it inaccessible for the purpose of providing services. The mosque is one of six mosques in Greenwich. The actual resident population surrounding the site of the pharmacy/mosque have nothing to do with the mosque and the applicant has provided no supporting evidence that they will in future, or indeed, that they are not already satisfactorily served by the twenty pharmacies within their locality.
- 2.66 <https://www.findahood.com/locations/glyndon/6275660>
- 2.67 Religions of residents in Glyndon SE18 7DW

	Glyndon		London	England and Wales
Religion	%	+/-	%	%
Christian	51%	-2%	53%	64%
Hindu	10%	5%	5%	1%
Jewish	0%	-2%	2%	0%
Muslim	12%	-1%	14%	5%
Sikh	3%	1%	2%	1%
Other	4%	2%	2%	1%
No religion	20%	-2%	23%	28%

2.68 Age of residents in Glyndon SE18 7DW

	Glyndon		London	England and Wales
Age group	%	+/-	%	%
0-17	24%	2%	22%	21%
18-29	22%	2%	20%	16%
30-44	29%	4%	25%	20%
45-59	16%	-2%	17%	20%
60+	9%	-6%	15%	23%

2.69 Religions in West Thamesmead

Religion	Total	% of Usual residents
Christian	6,248	52.88
No religion	2,715	22.98
Muslim	1,443	12.21
Not answered	827	7.0
Hindu	282	2.39
Buddhist	153	1.29
Other religion	69	0.58
Sikh	50	0.42
Jewish	28	0.24

2.70 Age groups of West Thamesmead residents

Age	Total	% of Usual residents
Aged 35 to 49 years	3,082	26.09
Aged 50 to 64 years	1,893	16.02
Aged 25 to 34 years	1,079	9.13
Aged 10 to 15 years	984	8.33
Aged 5 to 9 years	843	7.14
Aged 4 years and under	808	6.84

Aged 16 to 19 years	511	4.33
Aged 65 to 74 years	365	3.09
Aged 75 to 84 years	143	1.21
Aged 85 years and over	45	0.38

- 2.71 The applicant cites the Elizabeth line and its alleged impact on Pharmaceutical services and population; - the Elizabeth Line Station is located in Woolwich (SE18 6GD) some 1.2 miles away from the application site. The applicant provides no evidence that there has been an increase in the population around the site of the application due to the Elizabeth Line Station, or indeed why people would stop on route to Elizabeth Line Station, use his services, and then proceed to the Station. The Elizabeth Line Station is in the heart of Woolwich Town Centre surrounded by amenities and shops. There are eight pharmacies within 0.5 miles of the station location, open - 08.00am to 9.00pm.
- 2.72 The applicant states that Berkley Group is building new homes opposite the site of application and "the PNA did not take into consideration population increases and new housing projects in the area." Specifically, the applicant is referring to the development opposite North of the application site - Lombard Square, Royal Borough of Greenwich [Lombard Square | New Build Homes Plumstead | Berkeley Developments](#)
- 2.73 The above is incorrect, the PNA does include within it the population increase and also the proposed number of housing developments and development units; and thus, this application under Regulation 18 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (the Regulations) cannot be granted/approved.
- 2.74 Unfortunately, and not accurately, Berkley Homes on some of its advertisings have referred to the development as Lombard Square, Plumstead, Royal Borough of Greenwich, this is because the closest railway station is Plumstead.
- 2.75 Lombard Square is actually situated in Thamesmead, specifically in the Ward of West Thamesmead, which was originally part of the larger entire Thamesmead Moorings Ward. The West Thamesmead ward was first used in the 2022 elections, as stated above prior to that it was part of Thamesmead Moorings. [https://en.wikipedia.org/wiki/West_Thamesmead_\(ward\)#:~:text=West%20Thamesmead%20is%20an%20electoral,to%20Greenwich%20London%20Borough%20Council](https://en.wikipedia.org/wiki/West_Thamesmead_(ward)#:~:text=West%20Thamesmead%20is%20an%20electoral,to%20Greenwich%20London%20Borough%20Council).
- 2.76 https://www.royalgreenwich.gov.uk/info/200155/councillors_and_elected_officials/105/wards
- 2.77 For the purposes of The Royal Borough of Greenwich PNA 2023 to 2026, the now West Thamesmead Ward and Thamesmead Moorings was left labelled as its origin, as one, "Thamesmead Moorings".
- 2.78 The Lombard Square Development runs along Pettman Crescent A2016 and Western Way A2016; North, Griffin Manor Way SE28 0FJ and South, Nathan Way SE28 0FA and with respect to the PNA is in Thamesmead Moorings.
- 2.79 So, for the purposes of the PNA, Lombard Square SE28 is located in the Thamesmead Moorings Ward and the site of this application is in Glyndon Ward:
- 2.79.1 Lombard Square SE28 0FJ - SE28 0FA - Thamesmead Moorings Ward
- 2.79.2 Applicants other pharmacy - Oasis Pharmacy and Just Pharmacy (GPhC Registration 9010843, NHS England ODS FHH89) Unit 3, 119-121 Nathan Way Thamesmead SE28 0AQ, Premises Type Community Pharmacy, Popson Healthcare Ltd, Registered 15/02/2018 – Thamesmead Moorings Ward

- 2.79.3 This application - Oasis Pharmacy Wellness Centre (GPhC Registration 9012288), Greenwich Islamic Centre, Unit 1, 131 Plumstead Road, SE18 7DW, Premises Type Community Pharmacy, Popson Healthcare Ltd, Registered 15/12/2023 – Glyndon Ward
- 2.80 This application under Regulation 18 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (the Regulations) cannot be approved – because there are no unforeseen benefits or circumstances:
- 2.81 The PNA clearly documents an increase in the population in both the relevant wards; the PNA correctly documents the proposed number of housing developments in both wards.
- 2.82 The mosque has been in the same location since 1985, it is not new. The NHS Pharmaceutical Services being offered in this application are already available at local pharmacies within the vicinity of the mosque. Those worshippers that attend the mosque do so for religious reasons and not to access NHS Pharmaceutical Services, they access these services where they live and work and there is no evidence to suggest otherwise.
- 2.83 Royal Borough of Greenwich Pharmaceutical Needs Assessment 2023 – 2026 includes the following:
- 2.84 Page 32
- 2.84.1 Table 4.3: Projected population changes by ward between 2022 - 2025
- 2.84.2 Glyndon Ward 2.2% in population
- 2.84.3 Thamesmead Moorings 6.4%
- 2.84.4 4.24 The Royal Borough of Greenwich is expected to deliver a large amount of housing over the plan period and has one of the highest housing targets in London (2824 units per year).....
- 2.84.5 4.25 The largest developments are listed below:....
- 2.84.5.1 Thamesmead Waterfront, Thamesmead Moorings– 2500 proposed development units
- 2.84.5.2 Thamesmead Town Centre, Thamesmead Moorings – 2500 proposed development units
- 2.85 Page 33
- 2.85.1 Table 4.4: Proposed number of housing developments in Greenwich by ward, 20/21 to 2024/25.
- 2.85.1.1 Glyndon 1200
- 2.85.1.2 Thamesmead Moorings 7022
- 2.86 The applicant has not provided any evidence that the local population or the wider community are struggling with access to NHS Pharmaceutical Services.
- 2.87 With respect to the section that the applicant is required to explain how he intends to secure unforeseen benefits, - easy convenient access, skill set of staff, SOP's, services now and future, technology, video consultations, Health App, - these are all currently

provided (and will continue to be provided) by existing NHS Pharmaceutical Pharmacy Contractors and are included in the PNA.

- 2.88 Should commissioners require a list of all the services/offers that are listed and the names of the pharmacies providing these we can provide such evidence.
- 2.89 We strongly opposed this application and submit that this application should NOT be granted, for the reasons outlined above.
- 2.90 Boots Comments
- 2.91 Whilst we accept that the application is based on benefits not foreseen when drafting the Pharmaceutical Needs Assessment (PNA), it is unclear from the information provided what elements of this application were 'unforeseen' during the preparation of the PNA.
- 2.92 The reference to new housing and a population increase, is highlighted with the Greenwich Pharmaceutical Needs Assessment 2023 (PNA) and still concludes that there is no gap. Should a gap arise as the developments take place, we suggest that the PNA should be updated to reflect change and need. Just because the requirement for a new pharmacy has not been included, does not mean that the locality and expected changes within it, were not considered when the document produced.
- 2.93 Paragraph 8.3 [sic] of the Greenwich PNA 2023-2026 states the following:
- 2.94 8.30 The steering group will review pharmacy needs in consideration of any population changes that may arise as a result of these proposed new housing developments in the next PNA.
- 2.95 The results of the PNA conclude that there are no gaps in the future provision of essential services during normal working hours in the lifetime of this PNA. The anticipated population increase is likely to be met by the pharmacies in the area, as indicated by the low dispensing numbers, but future PNAs should continue to monitor the population changes closely.
- 2.96 It also states that pharmacies in Greenwich have lower dispensing figures compared to the rest of the nation (5,021 items per month compared to 6,675 for the national average) and have capacity to cater for additional pharmaceutical needs.
- 2.97 The applicant also says that the PNA has not considered housing projects within Thamesmead, however paragraph 8.28 clearly state that it was.
- 2.98 We believe that there are pharmacies within the locality that are accessible for patients, and which will continue to offer choice in provider, services, and opening hours. There are 17 pharmacies less than 1 mile of the application site (NHS.UK)
- 2.99 The applicant has not identified any specific patient groups that may wish to access a pharmacy at the proposed location and that are expressing difficulty in accessing services in the area. We are unaware of any patients submitting a complaint to NHS England with regards to accessibility or any concerns regarding services or opening hours within the locality.
- 2.100 We do not believe that the applicants are offering to secure any innovation by way of services or delivery.
- 2.101 For these reasons we respectfully urge the ICB to refuse this application.
- 2.102 Burrage Comments

- 2.103 On behalf of our client, which provides pharmaceutical services from premises at 23 Arsenal Way, Woolwich, London, SE18 6TE and 57 Burrage Place, London SE18 7BE, I wish to object to this application and make the following comments in response:
- 2.104 Regulatory tests
- 2.105 This application has been submitted pursuant to Regulation 18 of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (as amended).
- 2.106 The ICB is required to determine whether granting the application would secure improvements in, or better access to, pharmaceutical services in the HWB's area which were not included in the relevant pharmaceutical needs assessment.
- 2.107 The ICB must have particular regard to the matters set out in regulation 18(2). It must consider whether it is satisfied, having regard in particular to the desirability of-
- 2.107.1 There being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB;
- 2.107.2 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;
- 2.107.3 There being innovative approaches taken with regard to the delivery of pharmaceutical services
- 2.107.4 that 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.
- 2.108 To the extent that there is a burden of proof, it is submitted that this rests with the applicant. That is, it is for the applicant to demonstrate to the ICB that the application meets the regulatory test, not for our client to demonstrate that it does not meet the relevant regulatory test.
- 2.109 We submit that the information provided by the applicant in this case is not sufficient to satisfy the ICB that the requirements of Regulation 18 have been met.
- 2.110 Preliminary matter
- 2.111 We note that the application is for premises that are currently registered with the GPhC. As the premises are not included in the NHS pharmaceutical list this is essentially a 'private pharmacy'. We also note that the applicant has a Facebook page for this private pharmacy. We provide a 'screen print' from this page below [appendix A].
- 2.112 The ICB will note that this Facebook page states "We're here to go the extra mile for your healthcare, providing both private and NHS prescription services".
- 2.113 We are aware that the applicant also owns a distance selling pharmacy ("DSP") within the area and that the Facebook page for the proposed premises states that "NHS prescription collection" is available from the premises named in this application.
- 2.114 We point these matters out as the ICB may wish to consider whether the applicant is currently providing NHS pharmaceutical services from premises that are not included in the pharmaceutical list.

- 2.115 If it is, this is a serious breach of the Regulations and the ICB may wish to consider whether that is a matter that requires further investigation before this application is determined. If the applicant is not providing NHS pharmaceutical services from the premises then its Facebook page is misleading.
- 2.116 At the very least there is significant scope for patients to become confused about which premises NHS services are being provided from by the applicant.
- 2.117 We invite the ICB to consider whether this application should be deferred in accordance with Regulation 18(2)(f) pending further investigation.
- 2.118 Part 6 of the application form
- 2.119 Putting aside the matter of whether the application should be deferred, we have considered the applicant's comments in Part 6 of the application form.
- 2.120 The applicant is invited, in part 6 of the application form, to "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."
- 2.121 We address the comments made by the applicant in the same order they have been made in Part 6. The applicant's comments are included in italics for ease of reference.
- 2.122 *GIC is one of the largest mosques in London which serves about 5,000 worshippers in Greenwich, Bexley and Lewisham.*
- 2.123 We are happy to accept the applicant's comments in this respect but no information has been provided on where these worshippers live, whether they currently have any difficulties accessing pharmaceutical services or whether they have specific needs that are not met by existing pharmacies. It is clear, however, that Greenwich, Bexley and Lewisham covers a very large area so the worshippers referred to by the applicant do not appear to have any difficulty travelling around the wider area.
- 2.124 *Currently, Berekeley[sic] Group is building new homes in the Opposite area [sic] estimated to have 1,933 flats and due to be completed in 2026. This could accommodate up to 6,000-7,500 people.*
- 2.125 Firstly it is clear that this development is a long way from being complete. The applicant's comments in respect of how many people might live there is nothing but speculation.
- 2.126 Secondly, the health needs of these people cannot be assessed until these flats have been occupied. It is premature to take this development into account.
- 2.127 *There has been a population increase, diversity and influx of people to the area due to the mosque location, jobs in the area and the new Elizabeth line - which has a direct train to Heathrow.*
- 2.128 Reference to the Elizabeth line reflects how well the area is connected with public transport and therefore the ease with which local residents are able to travel. That being the case there are very many community pharmacies they would be able to access using public transport if required.
- 2.129 *This population increase has not been captured in the previous Pharmaceutical Needs Assessment (PNA).*

- 2.130 The population increase has not been captured because it does not currently exist. A new PNA is due to be published in 2025 and that will consider the accessibility of pharmaceutical services in the context of any population growth that has taken place since the current PNA was published.
- 2.131 Even if it is accepted that there will be some future growth in the population, this does not constitute evidence that the pharmaceutical needs of this growing population will not be met by the existing community pharmacy network.
- 2.132 *We are seeing a rise in patients' demand for health care services which is putting a lot of pressure on the local General Practitioner (GP) Practices, Community Health Services and Hospitals.*
- 2.133 It is not clear whether this statement reflects the applicant's personal experience or whether it is a general statement about pressure on services. Either way, the applicant has failed to provide any evidence to support its case that these pressures, should they exist, would be addressed by the provision of a new pharmacy at its proposed location.
- 2.134 *Our goal is to bring healthcare closer to the community which is a diverse population and our team is well trained to be able to further help reduce the burden on the local GP Practices if given an NHS contract.*
- 2.135 Whilst this may be an admirable aim, this comment has no relevance to the regulatory tests the ICB is required to consider.
- 2.136 *The location is easily and conveniently accessible for the local population and is in close proximity to other shops, services and transport system, especially with the new homes due to be completed in the next 1-2 years.*
- 2.137 The applicant fails to mention that there are 19 other pharmacies within a one-mile radius of its proposed location, all of which are also "easily and conveniently accessible for the local population and is in close proximity to other shops, services and transport system".
- 2.138 Residents of the area already have excellent access to pharmaceutical services. The applicant has failed to provide any evidence to show otherwise.
- 2.139 Our team consists of Independent Pharmacist Prescribers experienced in working with GP Practices, well-trained Pharmacy Technicians, and Pharmacy assistants running the pharmacy. Their knowledge and expertise have positive impact in the community - as seen in the increasing number of people confident in coming to us for their health advice and needs.
- 2.140 *The Superintendent Pharmacist has experience working with GP Practices and is well trained as an Advanced Clinical Practitioner. His skills and experience are useful to relieve the increasing pressures on the local healthcare services and prepare for the evolving proposed future services to be commissioned locally and nationally. We intend to implement our robust standard operating procedures for the NHS services in the pharmacy should the NHS contract application be granted, thus offering reasonable choice.*
- 2.141 *Our team is diverse in line with our local community, and we have access to interpreters from the local mosque. Our team is trained to be able to provide all presently commissioned services and future services in preventive healthcare such as vaccination services, blood test / phlebotomy service, management of hypertension and diabetes, weight management, Men's Health, and Women's Health. Our vision is to help improve the healthcare of our community and support the National Health*

Service's need to move to a Neighbourhood Health Service with more care delivered in the local community.

- 2.142 Whilst we have no reason to believe that the applicant's team is not well trained and experienced this does not overcome the requirement for the applicant to provide evidence the patients do not already have reasonable choice in respect of access to pharmaceutical services.
- 2.143 It is very clear that there is already a reasonable choice available from the existing pharmacies in the area.
- 2.144 *Innovative approaches would be taken with regard to the delivery of the pharmaceutical services which would be person-centred, embracing technology such as video consultation and use of our robust Health App compatible with the NHS App in meeting patients' health care needs in a timely manner, promoting self-care and signposting where appropriate.*
- 2.145 Nothing proposed by the applicant is innovative, as envisaged in Regulation 18(2)(b)(iii). The promotion of self-care and signposting are essential pharmacy services that must be provided by all contractors. The use of technology such as video consultation and 'apps' is commonplace; it is not innovative.
- 2.146 In conclusion, this application falls a long way short of providing any evidence that might lead the ICB to conclude that granting it would secure improvements or better access to the provision of pharmaceutical services in the area. For that reason, the application should be refused.
- 2.147 LMC Comments
- 2.148 Londonwide LMCs have approached local GP practices to seek their views on the application and has received no representations. We therefore do not have any comments to make on this occasion, but we would be grateful if you would keep us informed of developments.
- 2.149 Unsolicited Comments - Cllr [AK]
- 2.150 I am writing to express my strong endorsement of Oasis Pharmacy, located next to the Greenwich Islamic Centre (GIC). This pharmacy has been a tremendous asset to our local community, becoming an essential resource for health and wellness.
- 2.151 Strategically situated near one of London's largest Islamic Centre, Oasis Pharmacy serves many residences from the Royal Borough of Greenwich and surrounding boroughs. The pharmacy has embraced its role within this dynamic community by offering crucial health services, including blood pressure monitoring, diabetes screenings, and a variety of health checks aimed at encouraging overall well-being. These services are particularly important as our population continues to grow and diversify.
- 2.152 With the addition of 1,933 properties set to house thousands of new residents by 2026, in Plumstead, there is a clear and urgent need for expanded healthcare services.
- 2.153 Local general practices, community health services, and hospitals are currently facing significant pressure due to increased patient demand. Oasis Pharmacy is uniquely positioned to help ease some of this burden by providing accessible healthcare options and support.
- 2.154 Additionally, the pharmacy's consultation room is frequently used by community members seeking advice on various personal health concerns. This service creates a

supportive environment, motivating residents to take proactive steps towards improving their health and wellness.

- 2.155 By granting Oasis Pharmacy an NHS contract, it can further enhance its role as a community resource dedicated to promoting health and wellness. The skilled team at Oasis Pharmacy is committed to alleviating the strain on local GP practices while ensuring that all residents receive the care they require.
- 2.156 In summary, I wholeheartedly support Oasis Pharmacy's application and encourage you to recognise the positive influence this pharmacy has had on our community. It serves as a testament to the collective commitment to improving health outcomes and addressing the diverse needs of our population.
- 2.157 Applicant's response
- 2.158 In response to some of the comments made in the response received:
- 2.159 1. We did not state that we have a DSP Premise. Section 1 3 for Provision of fitness information clearly states we provide this information to [SA] for the premise FHH89.
- 2.160 2. The misconception that the proposed application site was advertised on Facebook for both private and NHS services. This is not the case. The facebook page was initially set up for the DSP which was advertised as initially stated. This has since been changed. Currently, the application site is a collection point for medicines dispensed at our distance selling branch on Unit 3, 119 -121 Nathan Way, London SE28 0AQ if the patient prefers this option or signposted to local pharmacies. We have not breached the NHS regulation as stated.
- 2.161 Our updated website <http://www.oasispharmacy.couk/> clearly differentiates the two premises and the type of services available in each. Patients are also made aware of this when they contact us. Feedback from patients prompted us to apply for the NHS contract at the proposed site to help bridge the health inequality locally.
- 2.162 All the contenders refuse to appreciate the benefits of better access to NHS services to thousands of residents in the immediate housing estate and worshippers at the Greenwich Islamic Centre. The worshippers would benefit from conveniently accessing some of the funded NHS services when they come to the mosque. This is analogous to a typical supermarket in-store pharmacy where shoppers can conveniently drop off or pick up their prescriptions anytime doing their weekly shopping. The worshippers also benefits from increased health awareness and access in the last one year of us opening
- 2.163 I foresee a huge relief on our GPs through provision of NHS Advanced services such as Minor Ailment clinic, better management of long-term conditions and access to Advance Clinical Practitioner in our pharmacy.
- 2.164 3. Our premise is accessible to all including easy access for wheelchair-bound patients. They can easily move from the entrance to our large consultation room. Our premise has been approved by the GPhC confirming we meet the required standard.
- 2.165 4. The proposed housing development in the application site neighbourhood and population increase as cited by the local Councillor indicating the additional need to cater for the local health needs. The ICB can check patients' feedback on the website of the local healthcare services of the need for better access to quality services, which I believe our team can help with which supports our application offering unforeseen benefits.

- 2.166 The PSRC have determined that there is enough information within the papers to decide the application without an oral hearing.
- 2.167 Regulation 31
- 2.168 There are no pharmacies in the immediate vicinity of this application so regulation 31 is not engaged.
- 2.169 Regulation 32
- 2.170 There are currently no LPS designations in this area therefore regulation 32 is not engaged.
- 2.171 General Comments
- 2.172 The current PNA is the one that was published on in 2023 and covers 2023-2026. This will be the relevant PNA for this application.
- 2.173 The PNA does identify a number of housing developments within the future access to essential services section 8.27 to 8.30, (page 107).
- 2.173.1 *8.28 The PNA is aware of and has considered the proposed new housing developments in Greenwich, particularly the larger developments, namely: Greenwich Peninsula (Knight Dragon), Charlton Riverside Central, Thamesmead Waterfront, Thamesmead Town Centre, Greenwich Peninsula Gasholder, and The Warren/Royal Arsenal Masterplan developments.*
- 2.174 however, this does go on to state the following:
- 2.174.1 *The results of the PNA conclude that there are no gaps in the future provision of essential services during normal working hours in the lifetime of this PNA. The anticipated population increase is likely to be met by the pharmacies in the area, as indicated by the low dispensing numbers, but future PNAs should continue to monitor the population changes closely.*
- 2.175 18(1)(a) [quoted in full].
- 2.176 The PSRC has determined that Regulation 18(1)(a) was satisfied in that PSRC 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.
- 2.177 18(1)(b) [quoted in full].
- 2.178 The relevant PNA for this Application is the PNA published by Greenwich HWBB in 2023, for the period 2023 to 2026. This is the latest published PNA.
- 2.179 The PSRC considered the Greenwich Pharmaceutical Needs Assessment 2023-2026 ("the PNA") prepared by Greenwich Health and Wellbeing Board, conscious that the document provides an analysis of the situation as it was assessed at the date of publication. The PSRC 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. It is noted that the PNA has not had any supplementary statements issued and therefore stands alone.

- 2.180 The applicant seeks to provide unforeseen benefits to an area around Greenwich Islamic Centre (GIC), between Plumstead, Thamesmead and Woolwich. These are areas where the PNA has documented a number of developments and has indicated that there will be an increase in the population. The PNA also documents for some sites that these will run beyond the lifetime of the PNA and that the developments are planned and may not have received full permissions.
- 2.181 The improvements or better access that the Applicant was claiming would be secured by its application were included in the relevant pharmaceutical needs assessment in accordance with paragraph 4 of Schedule 1. The conclusions also highlighted that any of the developments that would be completed in the future would not leave any gaps in provision for this HWBB. Therefore, there was no need for any additional provision of pharmaceutical services.
- 2.182 Therefore, the PSRC determined that the application would NOT need to be assessed in accordance with the regulations under 18(2), as this is not unforeseen.
- 2.183 [18(2)(a)(i) quoted in full].
- 2.184 There are 23 pharmacies within 2 kms of the application site, as the crow flies as per NHS Choices website.
- 2.185 [18(2)(a)(ii) and 18(2)(b) quoted in full].
- 2.186 The PSRC has determined that the improvement or better access that the applicant has offered to provide were within the PNA and therefore not unforeseen, therefore the regulations in 18(2) have not been addressed or answered.
- 2.187 Regulation 19 – Deferral
- 2.188 n/a as not deferred
- 2.189 Decision
- 2.190 The PSRC have determined that there is enough information within the papers to decide the application without an oral hearing.
- 2.191 There are no pharmacies within the immediate vicinity of the application, so regulation 31 is not engaged.
- 2.192 With regard to 18(1)(a) the PSRC is satisfied that they were required to determine the application.
- 2.193 With regard to 18(1)(b) the PSRC has determined that it is not satisfied that the application would need to be assessed in accordance with the regulations under 18(2)
- 2.194 Therefore regulation 18(2) would not need to be accessed.
- 2.195 The PSRC have determined that the applicant has not fulfilled the criteria as required in regulation 18(1) & 18 (2) and therefore the Pharmaceutical Services Regulations Committee has refused the application
- 2.196 Determination made by London PSRC on behalf of NHS South East London ICB.”

3 The Appeal

Using NHS Resolution's on-line appeal form, as dated 22 March 2025 and received on 23 March 2025, the Applicant appealed against the Commissioner's decision. The grounds of appeal are:

- 3.1 "We would like to appeal the decision reached by the Greenwich HWBB as the Pharmaceutical needs assessment (PNA) published in 2023 which is the basis on which they felt our application did not satisfy regulations 18(1) & 18 (2) does not reflect the current situation in the Plumstead and Thamesmead area.
- 3.2 The PNA only considered the proposed new housing developments in Greenwich, particularly the larger developments, namely:
 - 3.2.1 Greenwich Peninsula (Knight Dragon), Charlton Riverside Central, Thamesmead
 - 3.2.2 Waterfront, Thamesmead Town Centre, Greenwich Peninsula Gasholder, and The Warren/Royal Arsenal Masterplan developments.
- 3.3 These developments are not near the proposed premise at SE18 7DW with only the Royal Arsenal and Thamesmead developments being about 1 mile away. The above developments have a good number of pharmacies (concentrated in the Woolwich area) which can support them.
- 3.4 The PNA failed to mention the following developments, fast-tracked with the influence of the Elizabeth line being launched closed to the SE18 area which will have an impact on the health needs of prospective residents, commuters, students and workers:
 - 3.4.1 Lombard Square as stated in our initial application estimated to have 1,933 flats and due to be completed in 2026. This could accommodate up to 6,000-7,500 people.
- 3.5 [Lombard Square | New Build Homes Plumstead | Berkeley Developments](#)
 - 3.5.1 New London South East College Greenwich Campus (only 5 minutes' walk from proposed premises). The project is a residential-led, mixed-use development comprising of the subsequent redevelopment of the London South East College campus providing a new fit-for-purpose college in the north-west corner and a ground floor commercial unit in the north-east corner, with the remainder of the site proposed as residential units, comprised of 294 flats.
- 3.6 <https://www.lsec.ac.uk/your-college/our-campuses/greenwich>
- 3.7 <https://docs.planning.org.uk/20210302/53/ GRNW DCAPR 106102/ngyfaa10qbhviiuw.pdf>
- 3.8 https://committees.royalgreenwich.gov.uk/Data/Planning%20Board/202107201830/Agenda/London%20South%20East%20Colleges%20Greenwich,%2095%20Plumstead%20Road,%20Woolwich,%20London,%20SE18%207DQ%20-%20Ref%20-%2021_0585_F.pdf
 - 3.8.1 Villa road SE18 7DQ as work has started building new council homes
- 3.9 https://www.royalgreenwich.gov.uk/directory_record/4315945/villas_road
- 3.10 Most information on the Royal Greenwich website is due to be updated.

- 3.11 The PNA also failed to anticipate the closure of pharmacies with the current financial pressure. For example, Weston Pharmacy SE18 3SH has closed permanently, and this again adds to the need to fill the gap created in addition to the growing population.
- 3.12 https://www.google.com/maps/place/Weston+Pharmacy/@51.488722,0.0523242,14z/data=!4m6!3m5!1s0x47d8a8e76e77ef99:0xa06ef18af80bf5b3!8m2!3d51.4800633!4d0.0692328!16s%2Fg%2F1tk9q0jh?entry=ttu&g_ep=EgoyMDI1MDMxOS4yIKXMDSoASAFQAw%3D%3D
- 3.13 Our goal is to bring quality healthcare closer to the evolving local community which is a diverse population, and our team is well-trained to be able to further help reduce the burden on the local GP Practices / healthcare services if given an NHS contract.
- 3.14 Our application is not a business-oriented application, but an application designed to meet a need.
- 3.15 Our local councillor, Cllr Adel Khairah also supports our application and has seen the benefit our involvement locally further helping reduce the health inequality that is prevalent in the area.
- 3.16 This is helping 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) have access to services that meet specific needs for pharmaceutical services experience the greatest challenges to their health.
- 3.17 The Greenwich Islamic Centre (GIC) close to the proposed premises is one of the largest mosques in London which serves about 5,000 worshippers in Greenwich, Bexley, and Lewisham consisting of mainly ethnic minorities with a good number of elderly population.
- 3.18 The new development of the London South East College also attracts a lot of the young persons in the area and services such as increased health awareness, sexual services, and smoking cessation would be important, which we can support if granted the application.
- 3.19 There is also a large bus garage a few metres from the proposed site which has a lot of men compared to female drivers who can also benefit them with increasing access to their healthcare needs.
- 3.20 We fulfil Regulation 65, as our proposed hours is 70 hours per week with 52 hours as core hours.
- 3.21 We also fulfil Regulation 66, as we have proposed to offer all the Direct services if commissioned which include:
- 3.21.1 New medicine service (NMS)
 - 3.21.2 Community Pharmacy Seasonal Influenza Vaccination
 - 3.21.3 Community Pharmacist Consultation Service (CPCS)
 - 3.21.4 Appliance use reviews (AURs)
 - 3.21.5 Stoma appliance customisation
 - 3.21.6 Hepatitis C Antibody Testing Service

- 3.21.7 Hypertension Case Finding Service
- 3.21.8 Smoking Cessation
- 3.21.9 Anticoagulant Monitoring Service
- 3.21.10 Antiviral Collection Service
- 3.21.11 Care Home Service
- 3.21.12 Disease-Specific Medicines Management Service
- 3.21.13 Gluten-Free Food Supply Service
- 3.21.14 Minor Ailment Scheme
- 3.21.15 Independent Prescribing Service
- 3.21.16 Home Delivery Service
- 3.21.17 Language Access Service
- 3.21.18 Medicines Assessment and Compliance
- 3.21.19 Support Service
- 3.21.20 On-Demand Availability of Specialist Drugs Service
- 3.21.21 Out-of-hours service
- 3.21.22 Patient Group Direction Service
- 3.21.23 Prescriber Support Service
- 3.21.24 Schools Service
- 3.21.25 Screening Service
- 3.21.26 Stop Smoking Service
- 3.21.27 Supplementary Prescribing Service
- 3.21.28 Emergency Supply Service
- 3.22 We also are trained and provide phlebotomy services (privately) and can provide them if commissioned by NHS.
- 3.23 Our team consists of Independent Pharmacist Prescribers experienced in working with GP Practices, well-trained Pharmacy Technicians, and Pharmacy assistants running the pharmacy. Their knowledge and expertise have a positive impact on the community - as seen in the increasing number of people confident in coming to us for their health advice and needs.
- 3.24 The Superintendent Pharmacist has experience working with GP Practices and is well-trained as an Advanced Clinical Practitioner. His skills and experience are useful to relieve the increasing pressures on local healthcare services and prepare for the evolving proposed future services to be commissioned locally and nationally.

3.25 Innovative approaches would be taken concerning the delivery of the pharmaceutical services which would be person-centred, embracing technology such as video consultation and use of our robust Health App compatible with the NHS App in meeting patients' health care needs on time, promoting self-care, managing long-term condition appropriately and signposting where appropriate."

3.26 [Email of support from Councillor [A] dated 25 November 2024 provided – appendix B].

4 Summary of Representations

This is a summary of representations received on the appeal.

4.1 Pharmacy Sales and Consultancy on behalf of Royal Arsenal Pharmacy and Burrage Pharmacy

4.1.1 "We act for Burrage Limited, (trading as Royal Arsenal Pharmacy and Burrage Pharmacy) and have enclosed a letter of authorisation confirming our instructions in this matter.

4.1.2 Our client has passed us a copy of your letter dated 9th April enclosing the above appeal. On behalf of our client we confirm that Burrage Limited continues to object to this application and we wish to make the following representations in respect of this matter.

4.1.3 We note that some of the points made by the applicant repeat those made in its original application. As we have already replied to those points we have included a copy of our original response in order to avoid undue repetition. We therefore limit our comments here to new matters, but wish to emphasise that our client's original grounds for objection still stand and we ask the Primacy Care Appeals committee to bear these comments in mind.

4.1.4 We respond to the new matters raised as follows:

4.1.5 We note that the appellant refers to new residential developments discussed within the 2023 Greenwich PNA that it states are not relevant to its application. Whilst that might be the case, it is also noteworthy that the appellant acknowledges there are a "good number of pharmacies" in the Woolwich area, which is no more than a mile away.

4.1.6 In terms of the comment that new developments have been "fast-tracked with the influence of the Elizabeth line being launched" we re-iterate the point we have made previously that the opening of this new underground line serves to improve accessibility for local residents to amenities outside the immediate area, including pharmaceutical services.

4.1.7 If the appellant's case is that transport links will bring additional people to the area it proposes to serve, it must accept that these people travel from the wider area where there are numerous existing pharmacies.

4.1.8 South London is exceptionally well served by community pharmacies, with 19 existing pharmacies within a mile of the proposed location. Importantly the appellant has not provided any evidence whatsoever to support its assertion that local residents (or prospective residents), commuters, students and workers currently have any difficulties accessing pharmaceutical services.

4.1.9 In respect of the new developments listed by the appellant:

4.1.10 *Lombard Square*

- 4.1.11 The appellant acknowledges that this development will not be completed until some time in 2026. It is not possible to assess at this stage whether the future residents of this development will have any difficulties accessing pharmaceutical services. Furthermore, the appellant has provided no evidence to support its assertion that 1,933 flats could increase the population by up to 6,000-7,500 people. We would suggest that this calculation is optimistic to say the least, given that many of these flats are one-bedroom properties.
- 4.1.12 It is also noteworthy that Lombard Square is only approximately 500m from Alpharm Chemist and 600m from Whinchat Pharmacy. Given that this development is located more than 300m from the proposed site, the benefit for these future residents in terms of increased proximity to pharmaceutical services would be negligible.
- 4.1.13 *New London South East College Greenwich Campus*
- 4.1.14 The applicant states this is “only 5 minutes’ walk from the proposed premises” but fails to mention it is also only 10 minutes’ walk from Royal Arsenal Pharmacy. Again the relatively small reduction in walking time does not necessitate the opening of a new pharmacy.
- 4.1.15 Furthermore, no timescales have been provided for the construction of this development. The appellant has no information regarding the pharmaceutical needs of the people who may live there in the future.
- 4.1.16 *Villa Road*
- 4.1.17 The link provided by the appellant provides no information other than a location plan for this proposed development. The appellant has not confirmed how large it will be or when work will be completed. Without further information the committee will be unable to assess the relevance of this site.
- 4.1.18 Based on the location plan, however, we note the Villa Road development site is located 500m from the appellant’s site, whereas it is located only 250m away from Central Chemist on Brewery Road.
- 4.1.19 The appellant goes on to discuss the closure of Weston Pharmacy, SE18 3SH. That pharmacy was located more than a mile from the proposed location and there are several remaining pharmacies closer to that site than the one proposed by the appellant. It is not clear how this application would address any perceived gap arising from that closure.
- 4.1.20 The appellant then discusses various other matters to which we respond in brief as follows:
- 4.1.20.1 No evidence has been provided that patients who share a protected characteristic currently have any difficulties accessing pharmaceutical services that meet their needs.
- 4.1.20.2 People travel to the GIC from a wide area, where there is already excellent provision of pharmaceutical services.
- 4.1.20.3 Equally, students attending the London South East College travel from throughout the wider area, where they have access to numerous pharmacies. Furthermore, younger people are typically highly mobile, so will have no difficulties accessing existing pharmacies.

4.1.20.4 The relevance of the bus garage is not clear. No evidence has been provided that bus drivers have specific pharmaceutical needs that are not being met.

4.1.20.5 We note the services listed by the appellant, but we also note many of these are not pharmaceutical services in the context of the Regulations, and several other services listed are not currently commissioned.

4.1.20.6 Private phlebotomy services are not relevant to an application to provide NHS pharmaceutical services.

4.1.21 The other matters raised have been responded to previously on behalf of our client.

4.1.22 We have no other comments to make at this time other than to urge Primary Care Appeals to reach the same conclusion as the ICB and refuse this application accordingly.

4.1.23 Our clients would wish to attend an oral hearing should the committee decide to convene one."

Letter dated 10 December 2024 addressed to the Commissioner [see 2.100 to 2.144 above].

4.2 Boots UK Limited

4.2.1 "Thank you for your letter dated 9th April 2025 informing us of the above appeal. We agree with the decision of the ICB and their reasoning for refusing the application.

4.2.2 We stand by our comments in our initial response to the application and attach these for your information with this appeal response.

4.2.3 We do not agree that all housing developments were not reviewed when the current pharmaceutical needs assessment (PNA) was drafted. It is wrong to assume that the exclusion of information means that they were not considered as part of the process. If a pharmacy closes and gap is created, the PNA is updated, and supplementary statements produced. The fact the closure of Weston pharmacy has not been highlighted as creating a need for additional pharmaceutical provision in this area suggests that no need has been identified. The closure of a pharmacy does not automatically create a gap as the committee will be aware.

4.2.4 The appellant has highlighted the fact that they are proposing to offer 52 Core hours per week, but unless the extra core hours are directed should this application be approved, it is likely that they will be able to reduce these. The supplementary hours are irrelevant as these can be reduced with 5 weeks' notice. If there is a perceived gap in opening hours, the existing contractors are better placed to support with these.

4.2.5 We submit that this appeal should be dismissed, and the application be refused, due to the reasons as stated above.

4.2.6 We would be grateful if you would inform us of the outcome of this appeal in due course and we would attend any hearing that may be held in connection to this appeal."

Letter dated 16 December 2024 addressed to the Commissioner [see 2.91 to 2.99 above].

4.3 First Care and Whinchat Pharmacy

4.3.1 “I write on behalf of both First Care Pharmacy Ltd (T/A First Care Pharmacy SE28 0NY) and Bansal and Long Ltd (T/A Whinchat Pharmacy SE28 0DZ).

4.3.2 **We absolutely agree with the decision of the South East London ICB not to approve this application and the reasoning for its refusal.**

4.3.3 Please note within the pack provided by Dentistry, Optometry and Pharmacy Commissioning Hub:

4.3.4 Page 2 – Section: **Interested Parties notified of the application – Representations not submitted** -is incorrect - Whinchat Pharmacy, 1 Whinchat Road SE28 0DZ – did submit representations:

4.3.5 Our original comments submitted were on behalf of both First Care Pharmacy Ltd and Bansal and Long Ltd:

4.3.6 First Care Pharmacy Ltd – T/A First Care Pharmacy SE28 0NY

4.3.7 Bansal and Long Ltd – T/A Whinchat Pharmacy SE28 0DZ

4.3.8 Our comments submission dated 11/12/24 – states at the beginning:

4.3.9 “I write on behalf of both First Care Pharmacy Ltd and Bansal and Long Ltd.”

4.3.10 (Royal Arsenal Pharmacy SE18 7PS – also submitted representations under Burrage Ltd.)

4.3.11 **Our representations with respect to the Regulations:**

4.3.12 Matters to be considered.

4.3.13 In relation to Regulation 18(1) and (2), the applicant has not provided any evidence that granting the application would secure improvements, or better access, to Pharmaceutical services, in the Greenwich Health and Wellbeing Board area, that were unforeseen, i.e. that the improvements or better access that the applicant is offering were not already included in the Greenwich Pharmaceutical Needs Assessment (PNA).

4.3.14 The improvement or better access that the applicant has offered to provide were within the PNA and therefore not unforeseen, therefore the regulations in 18(2) have not been full filled.

4.3.15 Page 107 of the PNA states:

4.3.15.18.30: The results of the PNA conclude that there are no gaps in the future provision of essential services during normal working hours in the lifetime of this PNA. The anticipated population increase is likely to be met by the pharmacies in the area, as indicated by the low dispensing numbers, but future PNAs should continue to monitor the population changes closely.

- 4.3.15.28.31: The results of the PNA conclude that there are no gaps in the future provision of essential services outside of normal working hours in the lifetime of this PNA.
- 4.3.16 In relation to Regulation 18, it is fairly obvious from the application that only a small number of people that visit the mosque “may” use the proposed pharmacy, and even then only occasionally as they will normally access services where they live or work, the proposed pharmacy is located in the mosque.
- 4.3.17 Therefore:
- 4.3.17.1(a) granting the application would cause significant detriment to -
 - 4.3.17.2(i) proper planning in respect of the provision of pharmaceutical services in the Health and Wellbeing Board area; and
 - 4.3.17.3(ii) the arrangements NHS England has in place for the provision of pharmaceutical services in the Health and Wellbeing Board area;
 - 4.3.17.4(b) the applicant has not offered to provide any improvements or better access were not included in the Pharmaceutical Needs Assessment, granting the application would NOT confer any significant benefits on persons in the area (which were not foreseen when the pharmaceutical needs assessment was published), having regard to the facts -
 - 4.3.17.5(i) there are already 23 pharmacies within 2 kms of the application site providing a reasonable choice with regard to obtaining Pharmaceutical services in the area of the Health and Wellbeing Board;
 - 4.3.17.6(ii) the applicant has provided no evidence that there are any difficulties in access to Pharmaceutical services for people who share a protected characteristic (as listed in section 149(7) of the Equality Act 2010 - age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity) that meet specific needs for Pharmaceutical services in the area of the Health and Wellbeing Board.
 - 4.3.17.7(iii) the applicant has not provided any innovative approaches with regard to delivery of Pharmaceutical services that are not already in place and being provided by existing Pharmacy network in the area.
- 4.3.18 NHS Resolution will be aware that the Regulations call for “significant benefits” over the current provision of services; there is no car parking in the vicinity of the proposed premises; on worship day(s) due to the significant numbers attending the area becomes challenging to access for anyone other than those wishing to pray. The actual premises located in the mosque is very, very small in comparison to existing pharmacies, only has one small consultation room and no provision for expansion of future services.
- 4.3.19 **Our representations with respect to the Applicants appeal submission**
- 4.3.20 1. The PNA “DID” take into consideration the developments of Lombard Square; London South East College Campus and Villa Road SE18 7DQ.
- 4.3.21 We do not agree with the appellant where he states that the PNA did not take into consideration the developments of Lombard Square; London South East College Campus and Villa Road SE18 7DQ.

- 4.3.22 The appellant selectively refers to pharmacies in Woolwich and conveniently makes no mention of Whinchat Pharmacy and First Care Pharmacy which are both opposite and within walking distance of Lombard Square (3 minutes walking time), indeed both pharmacies are at a shorter distance than his proposed premises. Furthermore, the appellant makes no mention of his current NHS Pharmacy which is in the middle of Lombard Square.
- 4.3.23 The appellant makes reference to various developments and states that they are not near his proposed premises at SE18 7DW, well, neither is Lombard Square. Lombard Square is nearer Whinchat Pharmacy and First Care Pharmacy and The Villa Road homes development are nearer Central Pharmacy than his proposed premises.
- 4.3.24 For the purposes of The Royal Borough of Greenwich PNA 2023 to 2026, the now West Thamesmead Ward and Thamesmead Moorings was left labelled as it was originally, as one, "Thamesmead Moorings".
- 4.3.25 The Lombard Square Development runs along Pettman Crescent A2016 and Western Way A2016; North, Griffin Manor Way SE28 0FJ and South, Nathan Way SE28 0FA and with respect to the PNA was in "Thamesmead Moorings".
- 4.3.26 Royal Borough of Greenwich Pharmaceutical Needs Assessment 2023 – 2026 includes the following:
- 4.3.26.1 Page 32
- 4.3.26.1.1 Table 4.3: Projected population changes by ward between 2022 - 2025
- 4.3.26.2 Glyndon Ward 2.2% in population
- 4.3.26.3 Thamesmead Moorings 6.4%
- 4.3.26.3.14.24 The Royal Borough of Greenwich is expected to deliver a large amount of housing over the plan period and has one of the highest housing targets in London (2824 units per year)
- 4.3.26.44.25 The largest developments are listed below:
- 4.3.26.4.1 Thamesmead Waterfront, Thamesmead Moorings– 2500 proposed development units
- 4.3.26.4.2 Thamesmead Town Centre, Thamesmead Moorings – 2500 proposed development units
- 4.3.26.5 Page 33
- 4.3.26.5.1 Table 4.4: Proposed number of housing developments in Greenwich by ward, 20/21 to 2024/25.
- 4.3.26.6 Glyndon 1200
- 4.3.26.7 Thamesmead Moorings 7022
- 4.3.27 As stated above Lombard Square falls within the Thamesmead Moorings PNA consideration and London South East College Campus and Villa Road SE18 7DQ fall within the Glyndon Ward PNA consideration. The Villa Road homes

are actually 2 minutes by walking from Central Pharmacy on Brewery Road SE18 which is significantly closer than the proposed pharmacy in the mosque.

- 4.3.28 In summary, contrary to what the appellant states all three developments mentioned by the appellant, Lombard Square, London South East College Campus and Villa Road SE18 7DQ, have been taken into consideration by the PNA.
- 4.3.29 Pages 104 to page 109 of the PNA concluded that there are no current or future gaps in access or choice of Pharmaceutical, essential, advanced or enhanced services.
- 4.3.30 Page 106; 8.29 states:
- 4.3.31 *"8.29 The analysis has considered these developments, **and other causes of population increases**. Greenwich pharmacies have very low dispensing numbers compared to the rest of the nation (5,021 items per month compared to 6,675 for the national average). This indicates that the pharmacies, including those around the new developments, have ample capacity to cater to the additional pharmaceutical provision demands created by this expected population increase. It is therefore concluded that pharmacy provision within Greenwich is well placed to support these during the lifetime of the PNA."*
- 4.3.32 (Please see most up to date prescription data under (2) below).
- 4.3.33 Page 107; 8.30 states:
- 4.3.34 *"8.30 The results of the PNA conclude that there are no gaps in the future provision of essential services during normal working hours in the lifetime of this PNA. The anticipated population increase is likely to be met by the pharmacies in the area, as indicated by the low dispensing numbers, but future PNAs should continue to monitor the population changes closely."*
- 4.3.35 NHS Resolution will be well aware that promises of any other services including Advanced and Enhanced are the choice of the provider and can be stopped at any time. The only Regulatory enforceable services are "Essential Services".
- 4.3.36 2. There is no gap created with the closure of Weston Pharmacy
- 4.3.37 We do not agree with the appellants comment that the PNA failed to anticipate the closure of pharmacies and that this now creates any gaps in provision of Pharmaceutical services. Indeed, the fact that pharmacies have closed nationally only serves to emphasise the over provision of pharmacies in certain areas both now and in the future. This over provision has been highlighted in the PNA on page 106; 8.29 which states that pharmacies in Greenwich dispense less prescriptions than their national average.
- 4.3.38 The closed pharmacy that the appellant refers to - Weston Pharmacy - is not in the same ward as the proposed premises, served an entirely different population to the alleged population that the appellant is stating he will serve. There are seventeen (17) pharmacies for choice from where Westons Pharmacy was and the proposed premises. Why will the population located around the previous Weston Pharmacy intentionally avoid 17 pharmacies and attend this new pharmacy. The population around the area of Weston Pharmacy has nothing to do with proposed new pharmacy location, it has its own provision of Pharmaceutical, Medical, Dental and Eye Care services.

- 4.3.39 Rather selectively, the appellant has failed to mention that next to Westons Pharmacy is the large well established Herbert Pharmacy. Weston Pharmacy closed because there was no need for it with respect to Pharmaceutical Services.
- 4.3.40 NHS Resolution will be aware that the majority of pharmacy closures have in fact been Supermarket Pharmacies. These were originally opened under the 100 hour opening Regulations, they were never going to be viable. Supermarkets were happy to open and happy to run them at a loss because this is what their customers wanted, they also wished to benefit from any increase in footfall due to these pharmacies on site.
- 4.3.41 The clustering of pharmacies and over provision of Pharmaceutical services in some areas has specifically been recognised and identified as not desirable (not acceptable), especially as Pharmaceutical services are paid for by the “public purse”. This is exactly why Regulation 26A Consolidations Applications was introduced in 2016.
- 4.3.42 The most up to data with regards to NHS prescriptions is as follows:

	Number of Pharmacies	Average number of Items dispensed
National	10,605	9,523
London	1,460	7,953
Greenwich	56	7,170

- 4.3.43 The above current data from NHSBSA, clearly shows that not only do Greenwich pharmacies have low dispensing numbers compared to the rest of the nation, but also lower than London. This is even after taking into account the “closures” the appellant refers to.
- 4.3.44 3. Our response to additional comments made by appellant in the Appeal.
- 4.3.45 The appellant states:
- 4.3.45.1 *“Our goal is to bring quality healthcare closer to the evolving local community which is a diverse population, and our team is well-trained to be able to further help reduce the burden on the local GP Practices / healthcare services if given an NHS contract.*
- 4.3.45.2 *Our application is not a business-oriented application, but an application designed to meet a need”*
- 4.3.46 Is this not what all Primary Care Contractors, GP’s, Pharmacies, Opticians and Dentists do.
- 4.3.47 The appellant refers to an evolving diverse population, yet nowhere in his application or appeal is there any evidence that there is not provision already in place, or any lack of Pharmaceutical services provision. The application centres on two main themes the Lombard Square Development and worshippers that visit the mosque.

- 4.3.48 **Lombard Square:** The applicant has provided no evidence of any Pharmaceutical services needs in the future” if any” for this population.
- 4.3.49 What will this population be - age, ethnicity, morbidity, disability, or anything else, what will be their health and social care needs, the fact is that the applicant does not know.
- 4.3.50 What the PNA has confirmed (and indeed data from NHSBSA) is that whatever their needs there is already ample capacity within the current network of pharmacies available to this small population.
- 4.3.51 The applicant repeatedly refers to the Elizabeth line and commuters. What is fact is that the people that live in these types of developments shop and access services, including health and leisure, where they spend the majority of their time, in other words where they work and socialise. Furthermore, with the Electronic Prescription Service patients can have their prescriptions downloaded and dispensed anywhere in England and not necessarily where they live.
- 4.3.52 **Worshippers that visit the mosque:** these people access Pharmaceutical, health and social care services from where they live. They come to the mosque to worship, not for Pharmaceutical services. With respect to opportunistic services, with respect to Pharmaceutical services they already have a choice of 56 Pharmacies in Greenwich.
- 4.3.53 What “need” exactly will the granting of this application satisfy that is not already being provided by the existing network of pharmacies now and in the future.
- 4.3.54 NHS Resolution will be aware that to grant the application, Commissioners, and the Appeal Panel will require the applicant to provide evidence that granting the application would confer “significant benefits” on persons in the area. The applicant has failed to do this both in his application and appeal.
- 4.3.55 The applicant states:
- 4.3.55.1 *“Our local councillor, Cllr also supports our application and has seen the benefit our involvement locally further helping reduce the health inequality that is prevalent in the area.”*
- 4.3.56 Firstly, one would question why this “unsolicited” support should be taken into account, there is a Legal/Regulatory process that needs to be followed to determine applications, “Market Entry”, not Councillors trying to influence the Regulatory process and using their position to lever decisions.
- 4.3.57 Secondly, one would be forgiven for questioning the motives behind the support from this “particular” councillor, is he not elected to serve all members of the community, or just those that visit the mosque. Has he had permission from the Council Leader and made a declaration to the Council of his support.
- 4.3.58 What evidence is there that the Councillor has seen, what benefits has the Councillor seen that “further helped reduce the health inequality that is prevalent in the area”. The Councillor provides no evidence or reasoning for the statements he has made and how the services he mentions provide significant benefits over the existing provision of Pharmaceutical services in place now and in the future.

- 4.3.59 With respect to helping people who share a protected characteristic, the application again focuses on the worshipers that visit the mosque. The applicant and the Councillor have provided no evidence that these persons Pharmaceutical services needs are not being met where they live, where they work or where they commute.
- 4.3.60 What health inequality is it that granting this application will reduce that existing network of pharmacies do not and cannot provide. Neither the appellant nor the Councillor have been able to provide an answer to this question.
- 4.3.61 With respect to the Islamic Centre, as has already been stated in previous submission. The mosque has been in the same location since 1985; it is not new. Indeed, the location for the mosque was acquired and reserved for this purpose well before in the 70's however, due to disputes between various denominations with respect to funding and direction the building was not opened until 1985 as the current mosque. The mosque has always had a transient population of worshippers, which has reflected the transient migrant and immigrant population of Greenwich. In the 80's there was a significant number of Pakistani residents in Greenwich, and they ran and worshipped at the mosque. As the Pakistani population ventured to pastures beyond Greenwich, newcomers from Bangladesh worshipped at the mosque. Following the Bangladesh Community, around 2010 -2013 there was an influx of Somali residents in Greenwich, and they then took over the running and worship at the mosque. Following the Somali population, there was an influx of residents of Afghanistan origin in Greenwich, and this again was reciprocated with an increase of that group worshipping at the mosque. Currently there is a significant population in Greenwich of West African origin, particularly Nigerian and this again is reflected in the congregation that currently worships at the mosque.
- 4.3.62 The worshippers at the mosque, as described above, have always been transient and reflect the transient population of immigrant and migrant population in Greenwich, in fact, so have the Imams in place, as different communities became a majority in the mosque this was also reciprocated with the Imam being in place that is from that community.
- 4.3.63 The one thing that has been consistent since the opening of the mosque, and through the various transient communities, is that worshippers access Pharmaceutical services and health and care services where they live, work and commute and this has not changed. The applicant and Councillor have not provided any evidence of any change in the above and any need for services to now be commissioned at the mosque.
- 4.3.64 We note that the applicant states that the proposed premises is near the mosque. This is incorrect, the premises is already in possession, and registered with the GPhC, and is in the mosque, not near it.
- 4.3.65 The appellant repeatedly states that Greenwich Islamic Centre, is the largest in London, and serves about 5,000 worshippers, however, provides no evidence of actual numbers. There are 1,318,755 million Muslims in London, (2021 census), even going by the figure of 5,000 provided by the applicant this equals 0.03% of the Muslim population in London. We are not aware of any complaints or requests that these worshippers are not able to access Pharmaceutical services from the current network of pharmacies. Furthermore, The Greenwich Islamic Centre is a "Sunni" mosque and therefore does not cater for other sects of Islam such as "Shia" and indeed other faiths.

- 4.3.66 The London South East College formerly known as Woolwich College, like the mosque above is not new, it has been in the same location since 1964. Woolwich College merged with Greenwich Community College in 1998, and eventually became part of London South East Colleges in 2016. With respect the services for young persons in the area such as increased health awareness, sexual services, and smoking cessation that the appellant alleges he will provide, - these have already been provided by the existing network of pharmacies since 1964.
- 4.3.67 Plumstead Bus garage has been at the same site since 1981, again like the above mosque and College, the Pharmaceutical services needs of all three were thus considered in the PNA. There are no unforeseen benefits in granting this application. Indeed, there are now more women bus drivers than 10 years ago. The bus garage is located opposite Whinchat Pharmacy, why is an additional Pharmacy contract required for just “men” at the bus garage.
- 4.3.68 With respect to Regulation 66 and Directed Services, the appellant provides no evidence that the existing network of pharmacies do not / or are not able to provide the services where commissioned, or there is any evidenced need of any of these services not already being provided. Furthermore, the applicant can pull out of any of these services as and when he wishes.
- 4.3.69 Phlebotomy is already been provided by First Care Pharmacy and Whinchat Pharmacy both located nearest and opposite the Lombard Square Development.
- 4.3.70 With respect to the training and experience of the Pharmacy team, as NHS Resolution is aware pharmacies and pharmacists are regulated by the GPhC and commissioned by NHS England and hence trained and experienced teams have to be in place to provide services. The appellant has failed to provide any evidence as to how the staff he describes are any different to the ones already in place in the existing network of pharmacies.
- 4.3.71 From September 2026 all newly qualified pharmacists will be independent prescribers on the day of registration. Furthermore, all Foundation Trainee Pharmacists are required to complete experience of working in GP practices.
- 4.3.72 With respect to innovative approaches, - video consultations, Apps to order prescriptions and book services these are now the norm for all pharmacies. There is nothing new or innovative with respect to what the appellant is offering.
- 4.3.73 In closing, we absolutely agree with the decision of the South East London ICB not to approve this application and the reasoning for its refusal.”
- 4.4 The Commissioner
- 4.4.1 “I am writing in response to the above appeal.
- 4.4.2 Please read this response in conjunction with our application decision report.
- 4.4.3 The appeal that has been made regarding the decision to refuse the application surrounds whether or not the development was taken into account when the PNA was written. If the development was in the PNA then an application for unforeseen benefits cannot be made as it was not unforeseen.
- 4.4.4 The applicant has provided a link to the website for Berkley group, the website has a map of the development and clearly on this map are Nathan Way and Western Way. These two roads surround the development, and both of these

are listed in the Thamesmead Moorings ward. This ward being one that denotes a high number of developments being build [sic]. The nearest landmark to this site is Plumstead Station, therefore in numerous documents this has been referred to as a Plumstead development, but in effect this is situated within Thamesmead Moorings ward and therefore has been noted in the PNA as a development.

- 4.4.5 The other development is the Thamesmead Moorings Waterfront development and this is located by the River Thames a little further North of this site.
- 4.4.6 The other site noted by the applicant is of a relatively smaller site of approx 294 dwellings, which could have been included by the PNA but is not large enough to warrant a new pharmacy being granted.
- 4.4.7 The applicant also mentions the closure of a pharmacy in this area, The HWB have not issued a supplementary statement regarding this closure and therefore have not considered that this closure has warranted a newly drafted PNA or effects the pharmaceutical needs in this area.
- 4.4.8 Therefore, London Region PSRC are of the opinion that the development was included in the PNA and therefore is not unforeseen.”

5 Observations

No observations were received by NHS Resolution in response to the representations received on appeal.

6 Consideration

- 6.1 The Pharmacy Appeals Committee (“the Committee”), appointed by NHS Resolution, 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.
- 6.2 It also had before it the responses to NHS Resolution’s own statutory consultations.
- 6.3 On the basis of this information, the Committee considered it was not necessary to hold an Oral Hearing.
- 6.4 The Committee had regard to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”).
- 6.5 As a preliminary matter, the Committee noted the comment from First Care and Whinchat Pharmacy that section 2 of the Commissioner’s decision report is incorrect as Whinchat Pharmacy did make representations. The Committee noted that the Commissioner had not responded to this point. The Committee noted that the first line of ‘45 days comments’ submitted to the Commissioner states that *“I write on behalf of both First Care Pharmacy Ltd and Bansal and Long Ltd”*. The Committee noted that First Care Pharmacy Ltd trades as First Care Pharmacy and Bansal Long Ltd trades as Whinchat Pharmacy. Therefore the Committee agreed that the decision report was not accurate as it made representations in accordance with paragraph 19(4) of Schedule 2 and is why Whinchat Pharmacy were invited to make representations on the appeal in accordance with paragraph 30(3)(c)(ii) of Schedule 2 of the Regulations.

Regulation 31

- 6.6 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).

- 6.7 The Committee noted that the Applicant had not provided any information in the application form on this point but the Committee noted that the wording of the application form only required the Applicant to include information in the relevant section if the proposed premises were adjacent to, or in close proximity to, another pharmacy or dispensing appliance contractor premises. The Committee considered it reasonable to determine that the lack of information in the application form on this point when read with the wording of the application form allowed it to be reasonably satisfied that the Applicant considered that the proposed premises were not adjacent to, or in close proximity to, another pharmacy or dispensing appliance contractor premises.
- 6.8 In the decision letter, the Commissioner stated that *"There are no pharmacies in the immediate vicinity of this application so regulation 31 is not engaged"*. The Committee noted this had not been disputed by any party. However, the Committee noted the comment from Pharmacy Sales and Consultancy in its representations to the Commissioner that *"We note that the application is for premises that are currently registered with the GPhC. As the premises are not included in the NHS pharmaceutical list this is essentially a 'private pharmacy'. We also note that the applicant has a Facebook page for this private pharmacy. We provide a 'screen print' from this page below"*. The Committee noted the Applicant's response that *"The misconception that the proposed application site was advertised on Facebook for both private and NHS services. This is not the case. The Facebook page was initially set up for the DSP which was advertised as initially stated. This has since been changed. Currently, the application site is a collection point for medicines dispensed at our distance selling branch on Unit 3, 119 -121 Nathan Way, London SE28 0AQ if the patient prefers this option or signposted to local pharmacies. We have not breached the NHS regulation as stated. Our updated website www.oasispharmacy.co.uk clearly differentiates the two premises and the type of services available in each. Patients are also made aware of this when they contact us. Feedback from patients prompted us to apply for the NHS contract at the proposed site to help bridge the health inequality locally..."*. The Committee noted that the Commissioner had not commented on this point. From the information provided and looking at the Applicant's website along with the GPhC website, it appeared to the Committee that the Applicant has a distance selling pharmacy at a separate location to the proposed site and the pharmacy operating at the proposed site is a non-NHS pharmacy.
- 6.9 The Committee noted that Regulation 10(1) states that *"In respect of the area of each HWB, NHS England must prepare, maintain and publish 2 lists of persons (if there are any), other than medical practitioners or dental practitioners, who undertake to provide pharmaceutical services from premises situated in that area. Regulation 10(2) states that "Those lists (which are pharmaceutical lists) are –*

- 6.9.1 (a) *a list of persons who undertake to provide pharmaceutical services in particular by way of the provision of drugs; and*
- 6.9.2 (b) *a list of persons who undertake to provide pharmaceutical services only by way of the provision of appliances.*
- 6.10 The Committee noted under Regulation 2 of Part 1 that “NHS pharmacist” means a person included in a pharmaceutical list of the type referred to in Regulation 10(2)(a). Noting that the Commissioner had concluded that Regulation 31 was not engaged and the information available to it, the Committee considered that the pharmacy at the proposed site is not included in the Pharmaceutical List for the purposes of Regulation 31. The Committee therefore determined that it was not required to refuse the application under the provisions of Regulation 31.

Regulation 18

- 6.11 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)."*

6.12 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 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.

6.13 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.

- 6.14 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).
- 6.15 The Committee considered the PNA prepared by Royal Borough of Greenwich Health and Wellbeing Board, 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 2023 to 2026 and that no supplementary statements had been issued.
- 6.16 The Committee noted that the Applicant seeks to provide unforeseen benefits to the patients of London within the Royal Borough of Greenwich.
- 6.17 The Committee noted the Applicant's comments in its appeal that:
- 6.17.1 *"We would like to appeal the decision reached by the Greenwich HWBB as the Pharmaceutical needs assessment (PNA) published in 2023 which is the basis on which they felt our application did not satisfy regulations 18(1) & 18 (2) does not reflect the current situation in the Plumstead and Thamesmead area.*
- 6.17.2 *The PNA only considered the proposed new housing developments in Greenwich, particularly the larger developments, namely: Greenwich Peninsula (Knight Dragon), Charlton Riverside Central, Thamesmead Waterfront, Thamesmead Town Centre, Greenwich Peninsula Gasholder, and The Warren/Royal Arsenal Masterplan developments.*
- 6.17.3 *These developments are not near the proposed premise at SE18 7DW with only the Royal Arsenal and Thamesmead developments being about 1 mile away. The above developments have a good number of pharmacies (concentrated in the Woolwich area) which can support them. "The PNA failed to mention the following developments"... Lombard Square... New London South East College Greenwich Campus...Villa [sic] road SE18 7DQ".*
- 6.18 The Committee noted that the Applicant had made similar arguments in its application. The Committee had regard to the comments from the parties in response to these points.
- 6.19 First Care and Whinchat Pharmacy state that:
- 6.19.1 *"The PNA "DID" take into consideration the developments of Lombard Square; London South East College Campus and Villa Road SE18 7DQ..."*
- 6.19.2 *... For the purposes of The Royal Borough of Greenwich PNA 2023 to 2026, the now West Thamesmead Ward and Thamesmead Moorings was left labelled as its was originally, as one, "Thamesmead Moorings".*

- 6.19.3 *The Lombard Square Development runs along Pettman Crescent A2016 and Western Way A2016; North, Griffin Manor Way SE28 0FJ and South, Nathan Way SE28 0FA and with respect to the PNA was in “Thamesmead Moorings”.*
- 6.19.4 *Royal Borough of Greenwich Pharmaceutical Needs Assessment 2023 – 2026 includes the following:*
- 6.19.4.1 *Page 32*
- 6.19.4.1.1 *Table 4.3: Projected population changes by ward between 2022 - 2025*
- 6.19.4.2 *Glyndon Ward 2.2% in population*
- 6.19.4.3 *Thamesmead Moorings 6.4%*
- 6.19.4.3.14.24 *The Royal Borough of Greenwich is expected to deliver a large amount of housing over the plan period and has one of the highest housing targets in London (2824 units per year)*
- 6.19.4.4.25 *The largest developments are listed below:*
- 6.19.4.4.1 *Thamesmead Waterfront, Thamesmead Moorings– 2500 proposed development units*
- 6.19.4.4.2 *Thamesmead Town Centre, Thamesmead Moorings – 2500 proposed development units*
- 6.19.4.5 *Page 33*
- 6.19.4.5.1 *Table 4.4: Proposed number of housing developments in Greenwich by ward, 20/21 to 2024/25.*
- 6.19.4.6 *Glyndon 1200*
- 6.19.4.7 *Thamesmead Moorings 7022*
- 6.19.5 *As stated above Lombard Square falls within the Thamesmead Moorings PNA consideration and London South East College Campus and Villa Road SE18 7DQ fall within the Glyndon Ward PNA consideration. The Villa Road homes are actually 2 minutes by walking from Central Pharmacy on Brewery Road SE18 which is significantly closer than the proposed pharmacy in the mosque.*
- 6.19.6 *In summary, contrary to what the appellant states all three developments mentioned by the appellant, Lombard Square, London South East College Campus and Villa Road SE18 7DQ, have been taken into consideration by the PNA.”*
- 6.20 *In its '45 day comments' to the Commissioner, First Care and Whinchat Pharmacy states that:*
- 6.20.1 *“Unfortunately, and not accurately, Berkley Homes on some of its advertisings have referred to the development as Lombard Square, Plumstead, Royal Borough of Greenwich, this is because the closest railway station is Plumstead.*
- 6.20.2 *Lombard Square is actually situated in Thamesmead, specifically in the Ward of West Thamesmead, which was originally part of the larger entire Thamesmead Moorings Ward. The West Thamesmead ward was first used in*

the 2022 elections, as stated above prior to that it was part of Thamesmead Moorings.

- 6.20.3 [https://en.wikipedia.org/wiki/West_Thamesmead_\(ward\)#:~:text=West%20Thamesmead%20is%20an%20electoral,to%20Greenwich%20London%20Borough%20Council.](https://en.wikipedia.org/wiki/West_Thamesmead_(ward)#:~:text=West%20Thamesmead%20is%20an%20electoral,to%20Greenwich%20London%20Borough%20Council.)
- 6.20.4 https://www.royalgreenwich.gov.uk/info/200155/councillors_and_elected_officials/105/wards
- 6.20.5 *For the purposes of The Royal Borough of Greenwich PNA 2023 to 2026, the now West Thamesmead Ward and Thamesmead Moorings was left labelled as its origin, as one, "Thamesmead Moorings".*
- 6.20.6 *The Lombard Square Development runs along Pettman Crescent A2016 and Western Way A2016; North, Griffin Manor Way SE28 0FJ and South, Nathan Way SE28 0FA and with respect to the PNA is in Thamesmead Moorings.*
- 6.20.7 *So, for the purposes of the PNA, Lombard Square SE28 is located in the Thamesmead Moorings Ward and the site of this application is in Glyndon Ward..."*
- 6.21 *Pharmacy Sales and Consultancy state that "We note that the appellant refers to new residential developments discussed within the 2023 Greenwich PNA that it states are not relevant to its application. Whilst that might be the case..."*
- 6.22 *Boots state that "We do not agree that all housing developments were not reviewed when the current pharmaceutical needs assessment (PNA) was drafted. It is wrong to assume that the exclusion of information means that they were not considered as part of the process".*
- 6.23 *The Commissioner states that:*
 - 6.23.1 *"The appeal that has been made regarding the decision to refuse the application surrounds whether or not the development was taken into account when the PNA was written. If the development was in the PNA then an application for unforeseen benefits cannot be made as it was not unforeseen.*
 - 6.23.2 *The applicant has provided a link to the website for Berkley group, the website has a map of the development and clearly on this map are Nathan Way and Western Way. These two roads surround the development, and both of these are listed in the Thamesmead Moorings ward. This ward being one that denotes a high number of developments being build [sic]. The nearest landmark to this site is Plumstead Station, therefore in numerous documents this has been referred to as a Plumstead development, but in effect this is situated within Thamesmead Moorings ward and therefore has been noted in the PNA as a development.*
 - 6.23.3 *The other development is the Thamesmead Moorings Waterfront development and this is located by the River Thames a little further North of this site.*
 - 6.23.4 *The other site noted by the applicant is of a relatively smaller site of approx 294 dwellings, which could have been included by the PNA but is not large enough to warrant a new pharmacy being granted...*
 - 6.23.5 *... Therefore, London Region PSRC are of the opinion that the development was included in the PNA and therefore is not unforeseen."*

- 6.24 The Committee noted that the Applicant had not responded to the representations received on its appeal.
- 6.25 The Committee had regard to the PNA and noted “figure 4.4” on page 30 which depicts the wards in Greenwich. In particular, the Committee noted the location of Thamesmead Moorings and Glyndon ward. Comparing figure 4.4 with the map provided by the Commissioner, the maps and locations contained within the links provided by the Applicant and the links to the maps provided by First Care and Whinchat Pharmacy, the Committee was of the view that the Lombard Square development is located within the Thamesmead Moorings ward and the New London South East College Greenwich Campus and Villas Road developments are located within the Glyndon Ward. The Committee noted that developments within these wards are considered under the heading of “Population growth” on pages 30 to 33. The Committee was therefore of the view that the developments outlined by the Applicant were considered in the PNA.
- 6.26 The Committee was mindful of the Commissioner’s comment that *“If the development was in the PNA then an application for unforeseen benefits cannot be made as it was not unforeseen”*. The Committee proceeded to consider Paragraph 4 of Schedule 1 as outlined above.
- 6.27 The Committee noted the following from the conclusion section of the PNA:
- 6.27.1 *“The results of the PNA conclude that there are no current gaps in the provision of essential services inside normal working hours in the lifetime of this PNA...”*
 - 6.27.2 *...The results of the PNA conclude that there are no current gaps in the provision of essential services outside normal working hours in the lifetime of this PNA...*
 - 6.27.3 *... The results of the PNA conclude that there are no current gaps in the provision of advanced services for the lifetime of this PNA...*
 - 6.27.4 *... The results of the PNA conclude that there are no gaps in the provision of enhanced pharmacy services for the lifetime of this PNA...*
 - 6.27.5 *... The results of the PNA conclude that there are no current gaps in the provision of other NHS pharmacy services in the lifetime of this PNA...*
 - 6.27.6 *... The results of the PNA conclude that there are no gaps in the future provision of essential services during normal working hours in the lifetime of this PNA. The anticipated population increase is likely to be met by the pharmacies in the area, as indicated by the low dispensing numbers, but future PNAs should continue to monitor the population changes closely...*
 - 6.27.7 *... The results of the PNA conclude that there are no gaps in the future provision of essential services outside of normal working hours in the lifetime of this PNA...*
 - 6.27.8 *... The results of the PNA conclude that there are no gaps in the future provision of advanced services in the lifetime of this PNA...*
 - 6.27.9 *... The results of the PNA conclude that there are no gaps in the future provision of enhanced services in the lifetime of this PNA...*
 - 6.27.10 *... The results of the PNA conclude no gaps in the future provision of locally commissioned Other NHS services in the lifetime of this PNA...*

- 6.27.11 ... *The results of the PNA conclude are no unmet pharmaceutical needs in essential services, that if provided, either now or in the future, would secure improvements or better access to essential services, in the lifetime of this PNA...*
- 6.27.12 ... *The results of the PNA conclude that there is no additional need in the provision of advanced services at present or in the future, that would secure improvements or better access to advanced services in the lifetime of this PNA...*
- 6.27.13 ... *The results of the PNA conclude that there are no gaps, either now or in the future, that if provided would secure improvements or better access to Enhanced Pharmacy Services in the area...*
- 6.27.14 ... *The results of the PNA conclude that there is no additional need, either now or in the future, that if provided would secure improvements or better access to other locally commissioned services in the area in the lifetime of this PNA..."*
- 6.28 The Committee carefully considered the matter and noted that the PNA did not include a statement of the type referred to in Paragraph 4 of Schedule 1. The Committee was therefore of the view 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 and therefore Regulation 18(1)(b) was not satisfied.
- 6.29 The Committee noted the conclusion of the Commissioner in relation to Regulation 18(1)(b) that *"the PSRC determined that the application would NOT need to be assessed in accordance with the regulations under 18(2), as this is not unforeseen"* and that the Commissioner had not proceeded to consider the provisions of Regulation 18(2).
- 6.30 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
- 6.30.1 confirm the Commissioner's decision;
- 6.30.2 quash the Commissioner's decision and redetermine the application;
- 6.30.3 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.
- 6.31 Given the Committee's determination in relation to Regulation 18(1)(b) differed to that of the Commissioner, the Committee determined that the decision of the Commissioner must be quashed.
- 6.32 The Committee next considered whether there should be a further notification to the parties, as 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. As the Commissioner had not made a finding on Regulation 18(2), the Committee considered that parties may have limited their comments to the provisions of Regulation 18(1) and it would not be appropriate for the Committee to essentially make a first-line determination in relation to Regulation 18(2). The Committee considered therefore that there should be a further notification under paragraph 19 of Schedule 2 to enable parties to make comments if they so wished.
- 6.33 The Committee therefore directs the Commissioner to:

6.33.1 Carry out a further notification under paragraph 19 of Schedule 2 of the Regulations to enable parties to make comments on the application in light of this determination and provide this determination to those parties; and

6.33.2 Re-determine the application taking into account the Committee's determination of Regulation 18(1)(b).

7 DECISION

7.1 The Pharmacy Appeals Committee ("Committee") appointed by NHS Resolution quashes the decision of the Commissioner and remits the matter to the Commissioner, for it to redetermine the application subject to the directions set out in this determination.

Case Manager
Primary Care Appeals