

2 December 2025

8th Floor
10 South Colonnade
Canary Wharf
London
E14 4PU

REF: SHA/26659

**APPEAL AGAINST BUCKINGHAMSHIRE,
OXFORDSHIRE AND BERKSHIRE WEST ICB
DECISION TO GRANT AN APPLICATION BY MR A
HASSAN FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING
UNFORESEEN BENEFITS UNDER REGULATION
18 WITHIN 100 METRES OF 40 COWLEY ROAD,
LITTLEMORE, OXFORD, OX4 4LD (BEST
ESTIMATE)**

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1 Outcome

- 1.1 The Pharmacy Appeals Committee (“Committee”), appointed by NHS Resolution, quashes the decision of the Commissioner and redetermines the application.
- 1.2 The Committee determined that the application should be granted.

A copy of this decision is being sent to:

Temple Bright LLP, on behalf of Mr A Hassan
Pharmacy Sales & Consultancy, on behalf of Henley Avenue Healthcare Limited
PCSE, on behalf of Buckinghamshire, Oxfordshire and Berkshire West ICB

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- 1 A summary of the application, decision, appeal and representations and observations are attached at Annex A.
- 2 The Committee held an oral hearing to determine the application. The oral hearing was held remotely on Monday 18 November 2025. The Committee comprised of Mrs [XXX] (Chair), Mrs [XXX] (lay) and Mr [XXX] (pharmacy).
- 3 Mr Abdirahman Hassan was represented by Mr [XXX] of Temple Bright LLP, and accompanied by witnesses Councillor [XXX] and Councillor [XXX]. Also in attendance was Mr [XXX] of Pharmacy Sales & Consultancy, representing Henley Avenue Healthcare Ltd.
- 4 Ms [XXX], Pharmacy and Optometry Contract Manager, and [XXX], Pharmacy and Optometry Senior Commissioning Manager, Buckinghamshire, Oxfordshire and Berkshire West ICB, attended as observers.

5 Site Visit

- 5.1 The Committee members conducted site visits independently starting their visits at the Applicant's proposed site on Cowley Road, on various dates in late October/early November 2025.

Committee Member One:

- 5.2 Committee Member One reported that: 'I travelled from the M40 and A40 until branching on to the Oxford Eastern Ring Road A4142.
- 5.3 It is necessary to turn north at the roundabout on to Rose Hill then immediately right on Newman Road, right again on Cowley Road and pass under the Ring Road to reach the application site at OX4 4LD.
- 5.4 It is in a very modest row of some six shops including a Post Office, Mini Market, Polish Foods, Jamaican food and an empty unit marked Littlemore Pharmacy – Opening Soon.

- 5.5 There is limited on road parking with a high turnover of cars and the Post Office in particular was busy. The shops that I could see into clearly were very cluttered, with a vast variety of merchandise displayed somewhat randomly. The building is in poor repair and building works are in progress. I noted buses 5A & 3A at regular intervals of about 15 minutes. The 5A goes to Templars Square shopping centre from Oxford city centre by a roundabout route through residential areas.
- 5.6 I spent some time driving around Littlemore. The housing stock ranges from Victorian terraces through to some Edwardian housing to 1930's bow fronted semis, some local authority style and some modern developments. The Parish Church is Grade 2* listed and dates from the 1830's and a very modern Catholic Church is virtually adjacent. I saw one other 'corner shop'. I was eager to see if access by car/on foot to the former Lloyds Pharmacy in Sainsburys was easy. It was not apparently so, and by car, involved the Eastern Ring Road.
- 5.7 I noted also that the Eastern Ring Road did not impede access from the application site to the North since the location (Cowley Road) passes beneath the ring road with wide pavements on both sides.
- 5.8 The nearest pharmacy is Truwell, OX4 4JA, reached by returning to Rose Hill, turning right and the Pharmacy is on the left amongst a comprehensive row of shops including a Co-Op which occupies 4 units. The pharmacy (the fascia was still 'The Leys') is in a small single-story addition to a row of shops. Parking was chaotic, not aided by roadworks. The distance is half a mile, and the same route would be followed walking 15-20 minutes with reasonable pavements and crossing Rose Hill at a designated crossing.
- 5.9 I continued up Rose Hill to locate Allied Pharmacy / Donnington Health Centre, OX4 4DH which is down a narrow driveway. There is parking for about 12 cars and 3 disabled spaces. The pharmacy has a separate entrance and is very compact, about 4x4 metres of public space. It is clearly orientated to dispensing, but some retail items are available. It was busy and in 5 minutes 3 patients left with bags of medicines. It is 1.1 miles from the application site and walking would take the same route in about 30 minutes.
- 5.10 Returning south along Rose Hill I turned left along B4495, Church Cowley Road to Templars Square, OX4 3UZ. This is a very well-established shopping centre with many shops including Superdrug Pharmacy. There is some parking outside each shop and a multi-storey car park. It is 1.3 miles from the application site. A pedestrian shortcut could reduce this but would involve steps and local knowledge. The bus service 5A arrives here, as do several other bus routes.
- 5.11 I then visited Ahmeys Pharmacy, 150 Oxford Road OX4 2EA which was open but with many empty shelves, a miscellany of non-pharmacy merchandise and one customer. There was a consultation room. It is located just shy of 2 miles from application site. There are two off road parking bays outside the shop.
- 5.12 Finally, I visited Boots on the Retail Park OX4 6XJ. This is a very large Boots, open from 8.00 - 21.00 Mon – Sat and 10.30 – 4.30 on Sundays. The other shops include Tesco, M&S Simply Food, Next and Food Warehouse. Parking was very easy with many disabled spaces. The drive back to the application

site was 1.6 miles and the retail park appeared to be accessible only from the Ring Road. I was unable to identify a pedestrian access.”

Committee Member Two:

- 5.13 Committee Member Two who has a disability and uses mobility aids, undertook an inspection of pharmaceutical provision and proposed provision within Oxford, travelling by car.
- 5.14 The journey commenced from the Oxford Ring Road and progressed along the Iffley Road corridor, where traffic was heavy approaching Rose Hill with queues forming at junctions controlled by pedestrian phases and affected by bus priority activity.
- 5.15 The first location visited was the proposed pharmacy premises at Cowley Road, Littlemore, Oxford OX4 4LD. The Cowley Road at this point is narrow. The proposed pharmacy is on a bus route, and the buses were causing some congestion. Buses were seen at regular intervals whilst the site inspection was taking place.
- 5.16 Much of the Cowley Road is subject to double yellow lines at this point and the width of the road would not permit a blue badge user to park on double yellow lines, given the level and type of traffic. There was some parking in front of the retail area, but this was full at the time of the visit. Because all available spaces were occupied it was difficult to ascertain which were disabled bays. There appeared to be a single disabled parking bay in front of the parade of shops and a single disabled parking bay positioned under the flyover. At the time of the visit, the only possible parking area was partially on the pavement and partially on the road, further down the Cowley Road. The pavement was uneven in places and because cars were parked partially on the pavement, this posed some difficulty for a disabled person using a mobility aid.
- 5.17 The shopping parade surrounding the proposed site comprised of a Post Office, a minimart, a takeaway outlet, and a Polish grocery. Refurbishment works were apparent at the proposed pharmacy site, formerly occupied by a hairdresser, and multi-occupancy residential units were observed above and behind the proposed site.
- 5.18 The Committee member drove to the Allied Pharmacy, 1 Henley Avenue, Oxford OX4 4DH, this was co located with the Donnington Surgery. Parking was available as were disabled parking places. The pharmacy provided a range of pharmacy services, including Pharmacy First and emergency contraception services. It contained a small consultation room. Bus routes 3/3A, NX40 and 46 served this area.
- 5.19 The Committee member drove to the pharmacy 6A Courtland Road, Rose Hill, OX4 4JA. It appeared that there was wiring for a sign but no actual sign. The pharmacy was of a similar size to the proposed site. The Rose Hill pharmacy was located in the middle of what appeared to be two shopping parades. The shopping parade was very busy at the time of the visit but there was still some on street parking available. There was a wide range of shops which included fast food outlets, cafes, estate agents, convenience stores, a funeral directors, bookmakers and barbers.

- 5.20 The Committee member then attended Templars Square Shopping Centre, Cowley, Oxford OX4 3XH. This location comprised a dense commercial environment with national and local retail operators including B&M, Poundland, Greggs, Game, CEX, Vodafone, beauty and hair services, hearing services and NHS dental provision. The Superdrug was large and modern. A multistorey car park served the site and there was ample parking. There was also on road parking outside various outlets on the perimeters of the centre. This seemed to be a hub for local bus routes. It was noted that the service 5A stops on Cowley Road a few minutes' walk from the proposed site and has a direct service to and from Templars Square.
- 5.21 The Committee member drove to Ahmeys Late Night Pharmacy, 150 Oxford Road, Cowley, Oxford OX4 2EA. It was noted that service 5A also stops near to this pharmacy. The pharmacy is located within a busy mixed commercial and residential frontage containing independent grocers, specialist food shops, barbers, nail and beauty premises, mobile phone and money transfer services and several takeaway outlets. The pharmacy provided prescription services, multi compartment compliance aids, prescription collection and delivery, and substance misuse support. There was some parking outside the shop frontages and behind the shops.
- 5.22 The final location visited was Boots Pharmacy, Oxford Retail Park, Ambassador Avenue, Oxford OX4 6XJ. The retail park provided extensive parking, including disabled bays. The retail park had all the major national brands that are normally found in retail parks, including Next, a Marks and Spencer's food hall, Sports Direct, a Tesco superstore and a Tesco petrol station. Boots was a very large pharmacy near the front of the shop and had several consultation rooms. It also operated extended hours including late evenings and Sundays.

Committee Member Three

- 5.23 Committee Member Three's visit also began at the application site after turning off the Oxford Eastern Ring Road. The row of shops is rather tucked away and appears poorly maintained. The shops offered a range of supplies and some fresh food items but did not appear likely to be a destination for a large weekly shop. Parking spaces immediately outside the shops were full but some parking spaces were available further along the road on the opposite side. There was a sign at the side of the road saying 'Police Action Area'.
- 5.24 Continuing on foot, the walk from the application site to the nearest pharmacy (Truwell) at Rose Hill took 12 minutes at a fairly reasonable pace. The paths were well maintained and the road was easy to cross at the controlled crossing. There was a bus stop (No 3a) just beyond the ring road underpass and another outside the Rose Hill shops. A number of cyclists were seen in the area. A wide range of shops and businesses were available on Rose Hill and also a large number of roadside parking spaces although only a handful were free. There was also a car park behind the Co-op and this was not full. Truwell pharmacy was tucked away around a corner and was not easy to spot. There was no signage for the pharmacy but it looked as if this might be in the process of being installed.

- 5.25 The visit was then resumed by car to see the locations of the Allied Pharmacy (Henley Avenue), Superdrug (Templars Square), Ahmeys (Oxford Road), and Boots (Oxford Retail Park). The Superdrug pharmacy was on a big retail site next door to a large Sainsburys. Parking spaces for parents with children and disabled parking were available outside. The car park was busy but spaces were available and there were no parking charges.
- 5.26 From Boots the visit continued to the Leys Pharmacy, Blackbird Leys. This is the nearest pharmacy to the application site south of the ring road. The housing in this area appeared to be smaller and less well maintained. The pharmacy was in a small parade of shops with some limited parking outside. It was not possible to park and visit the pharmacy because of nearby significant roadworks and a road closure. The drive from the pharmacy back to the application site took about 7 minutes. The route went along Sandy Lane adjacent to the ring road and passed a building site where a significant housing development was underway. This appeared to be at an early stage.
- 6 A summary of the above observations was provided to those in attendance. They were invited to comment upon them or indicate if any of the observations appeared to be inaccurate.
- 6.1 No such comments or observations were made.

7 Oral Hearing Submissions

Mr [XXX]

- 7.1 Mr [XXX] reminded the Committee of the statutory test and the background to the application. He stated that Mr Hassan applied on 9 December 2024 for inclusion in the pharmaceutical list under Regulation 18 (unforeseen benefits) to open a new pharmacy within 100m of 40 Cowley Road, Littlemore, Oxford.
- 7.2 By way of context he stated that Littlemore is a suburb south of Oxford, divided by the A4142 bypass, which limits access to other parts of the city. Littlemore is physically separated from the rest of Oxford, with residents often describing a feeling of being isolated from Oxford and left out in terms of planning and service provision.
- 7.3 He stated that Littlemore was an area of deprivation, within the 20% most deprived in England, and around 25% of homes lack a car or van. New housing developments are underway, adding 424 homes and about 1,000 residents (a 20% population increase). The area includes shops, schools, and services but lost its only pharmacy (Lloyds inside Sainsbury's) in April 2023, leaving residents with poor access and limited choice.
- 7.4 Mr [XXX] said there were benefits to the community if the application were to be granted. The new pharmacy would restore the previous service level and improve local access to pharmaceutical services.
- 7.5 The Health and Wellbeing Board (HWB) noted there was no identified "gap" by the 20-minute rule but recognised the value of improved access and choice. The HWB had previously acknowledged that Littlemore's low car ownership and poor public transport could justify additional provision.

- 7.6 He said that those who knew the area very well, commented on the high level of footfall in the area, particularly within the small parade of shops where the best estimate address is located.
- 7.7 He noted that residents in the area had less access to vehicles and tended to access services on foot. The demographic information confirmed that 25% of the Littlemore ward had no cars or vans within the household.
- 7.8 He said that the access to Littlemore was more restricted than other areas of the city as the Eastern By-Pass Rd (A4142) which is a busy dual carriage way runs to the North and East. A railway line runs to the South and East, with the Rugby club and industrial building also preventing access to the East.
- 7.9 The Committee noted his observation that Littlemore is a known area of high deprivation and is one of the most deprived areas of the city with no access to primary medical care within the local area. Deprivation within the demographic information annex shows that there is high deprivation within the Littlemore area and to the East of Littlemore (Blackbird Leys).
- 7.10 Mr [XXX] said that the application had strong local support and he submitted that reopening a pharmacy in Littlemore would restore choice and convenience lost after Lloyds' closure.
- 7.11 By way of overview, Mr [XXX] said that the Buckinghamshire, Oxfordshire and Berkshire West ICB granted the application on 18 June 2025. The committee [of the ICB] had evaluated the case under Regulations 18 and 19 (unforeseen benefits).
- 7.12 That committee reviewed the Applicant's materials, objections, demographic and mapping data, and the 2022–25 Pharmaceutical Needs Assessment (PNA). Interested parties at that hearing included: Community Pharmacy Thames Valley, Oxfordshire Health and Wellbeing Board, Boots UK Ltd and Henley Avenue Healthcare Ltd (Allied Pharmacy) who had subsequently objected to the granting of the application.
- 7.13 The local committee had found that with regard to Regulation 31, there was no existing pharmacy at or adjacent to the proposed site and therefore, the application could proceed. With regard to Regulation 18 the closure of Lloyds was not foreseen in the PNA, so the improvement was "unforeseen".
- 7.14 The key reasons for granting was that there was no significant detriment and no evidence that granting the application would harm planning or existing pharmacy arrangements. That Committee had found that there was an unforeseen benefit and there was a lack of reasonable choice
- 7.15 Mr [XXX] said that Littlemore residents had no pharmacy in the area since Lloyds' closure. The area faces physical barriers (A4142, railway line) and social deprivation limiting access and about 25% of households lack cars, and residents often travel on foot.
- 7.16 That committee had concluded that as a result of these factors, there was not a reasonable choice of pharmaceutical services locally. He said that HWB recognised Littlemore as a highly deprived ward with poor transport and worse-

than-average health outcomes. A new pharmacy would therefore confer significant benefits by improving access and choice.

- 7.17 The witnesses for the Applicant gave evidence. Councillor [XXX] highlighted the 20-minute walk from Little More to Rose Hill, which is unlit and steep, making it inaccessible for wheelchair users. He mentioned the increased traffic and new traffic controls causing delays in reaching Boots or the pharmacy at Rose Hill. He also said that the residents of Littlemore had health problems and they would benefit from a pharmacy. He said that there was a high obesity rate of 35% among young children in Littlemore and this was evidence of poor self-healthcare generally. He felt that having a pharmacist to advise parents was essential.
- 7.18 Councillor [XXX] emphasised that residents feel socially isolated due to the bypass and the geography of the area. Although they felt a sense of belonging to the community of Littlemore, the lack of GP or dentist services, forcing residents to travel to other communities increased the resident's sense of being forgotten when it came to healthcare provision.
- 7.19 Councillor [XXX] expressed concern about the traffic bollards increasing traffic in the area and the lack of local GP or dentist services.
- 7.20 She said that bus routes have been changed, and the bus to the Donington health centre is no longer running, forcing people to take a taxi to see a GP.
- 7.21 Councillor [XXX] said the low traffic neighbourhood (LTN) bollards create detours, complicating bus routes and making it difficult to leave the Littlemore area.
- 7.22 Councillor [XXX] mentioned improvements in parking at the proposed location, including disabled bays and 1 hour time limited parking which are expected to be approved by January or February 2026. He had personally made the application so that the site would be far more accessible for the disabled.
- 7.23 Councillor [XXX] discussed complaints about the Donnington surgery pharmacy, where patients had to visit the pharmacy multiple times due to unavailability of medication. He provided examples of different areas of Littlemore where patients would need to take two buses to reach a pharmacy.
- 7.24 Mr [XXX] said that after the ICB's approval, Henley Avenue Healthcare Ltd (Allied Pharmacy) appealed the decision and his client had made a response as follows:
 - 7.24.1 There was historically a pharmacy in Littlemore on Cowley Road.
 - 7.24.2 The pharmacy was purchased by Sainsburys and relocated into the Sainsburys store. The Sainsburys pharmacy was then purchased by Lloyds Pharmacy. Lloyds closed the pharmacy in April 2023.
 - 7.24.3 Whilst the closure was now 2.5 years ago, there is clear evidence that local residents are still experiencing a gap in service provision.

- 7.24.4 Application by Hamilton Portman Limited was granted by NHS England. Unfortunately specific premises were named and were not available so couldn't open.
- 7.24.5 His client had therefore submitted an application.
- 7.24.6 It is fundamental to the consideration of this application to appreciate that Littlemore residents feel that their community is isolated from the rest of Oxford.
- 7.24.7 This isolation is both physical (A4142, poor public transport, low traffic neighbourhoods restricting access roads) and social (a general feeling of being "left out" and "forgotten").
- 7.24.8 The HWB minutes (June 2023) acknowledged Littlemore as an area that could benefit from additional provision.
- 7.24.9 Community data and surveys (including the "Littlemore Community Insight Profile") had indicated that 48% of respondents found it difficult to access a pharmacy.
- 7.24.10 New housing developments will increase demand for pharmacy services.
- 7.24.11 Clear local support in terms of the Littlemore community insight profile, the petition (obtained to support previous application). 135 signatories, speaking of need for a pharmacy and lack of service provision in Littlemore and letters and emails in support.
- 7.24.12 The new pharmacy would restore access and provide a reasonable choice for residents.
- 7.25 Mr [XXX] said that it was accepted that the current PNA does not identify a need for new pharmaceutical service provision. That is because the PNA approached accessibility by reference to average journey times. It failed to consider the specific social and physical isolation of the Littlemore community. For that reason, benefits that would be secured by the granting of this application are "unforeseen" in the context of the relevant PNA.
- 7.26 In response to questions the following information was provided:
- 7.26.1 The "opening soon" sign at the site was not made by the applicant, and the site was chosen because no other site was available.
- 7.26.2 Mr Hassan denied involvement in the previous application and stated he was not a director of the previous company.
- 7.26.3 135 people signed the petition, and according to the report itself, 106 people responded to the community insight, with 30 letters of support.
- 7.26.4 The bus fare to the city is three pounds, and to the pharmacy sites, it is two pounds, with senior citizens having a free pass.

- 7.26.5 There was a discussion about the availability of buses, and it was agreed that the bus from the application site to the Templar pharmacy takes seven or eight minutes.
- 7.26.6 The petition was gathered late March to early April, and it was made available in the post office unit, inviting comments before the previous application was considered.
- 7.26.7 It was confirmed that the area is not subject to the congestion charge, but due to the congestion charge and the LNT, the area has become more congested.
- 7.27 In closing remarks, Mr [XXX] emphasised that the determination was subjective, not objective.
- 7.28 He said that the Appellant seeks to dismiss local residents' views. Mr [XXX] highlighted the fact that the Appellant had no local input and had not spoken to anyone local when preparing its submissions. In contrast, the application was based on local knowledge, evidenced by the petition, letters of support, and local representatives who gave evidence.
- 7.29 Mr [XXX] stressed that oral evidence should carry significant weight and that the survey indicated 48% of people find it difficult to access a pharmacy. The new traffic regulations are blocking up roads and making them busier, exacerbating accessibility issues.
- 7.30 There is no medical support in Littlemore, making it difficult for patients who had to travel out of the area.
- 7.31 The proposed application site is useful because it is next to a very busy post office, offering a full range of services and providing significant local benefit.

Mr [XXX]

- 7.32 Mr [XXX] started by sharing a few observations from his site visit, that was carried out at the end of last month, *"Firstly, it's clear that the parade in which the applicant wishes to open cannot be described as a destination shopping location. It offers local convenience shopping only. NHSE described the area as high footfall in their decision report, but that wasn't my observation. Residents who need more than the most basic of goods need to travel further afield. It was also apparent that there were cars parked everywhere, often up on the pavement. They were parked outside the shops but also all the way along Cowley Road, including the underpass beneath the bypass.*
- 7.33 *Regardless of what the census data shows, this doesn't feel like an area with low car ownership. I visited on a weekday during working hours but there didn't appear to be any evidence that household members had taken their cars to work. Ironically, given the comments made about low car ownership, I found it quite difficult to park near the proposed location. The roads off Cowley Road are largely cul-de-sacs. The main route for cars in and out of the centre and south of Littlemore is Sandford Road / Oxford Road heading up to the roundabout on the dual carriageway. This road leads to Rose Hill where there is a large parade with many more shops, including a larger Co-Op supermarket*

and, of course, Truwell Pharmacy. Driving beyond that parade leads to other pharmacies. Most cars traveling in and out of Littlemore would not have a reason to drive past the proposed site.

- 7.34 *You've seen demographic data in the bundle but looking at the housing in the area immediately around the proposed site, the area didn't have the feel of a deprived area. There was a mix of housing styles and ages but along Cowley Road and Oxford Road in particular there were plenty of attractive and well maintained properties. There are also roads off Sandford Road heading towards the railway with modern and attractive properties. The area around St Nicholas Road has a less affluent feel, but I saw relatively few blocks of flats, and the majority of houses had gardens and driveways and again properties were well maintained. The area to the south of the railway has a completely different character, again with modern housing and several business parks. That's where the largest of the new developments discussed by the applicant is located [Littlemore Park]. So I think if we look the Littlemore area as a whole by reference to its ward boundaries, it seems to me that while there may be pockets of deprivation within the ward, it certainly didn't feel to me that it would be appropriate to describe the whole area as deprived. As discussed in my written representation, whilst parts of the ward might be considered deprived in comparison to Oxford is a whole [sic], this is not an area that would be considered as deprived compared to many other parts of the country. We're not talking about back-to-back terraces with multiple families crammed into small dilapidated properties.*
- 7.35 *I walked from proposed site to Truwell and it took my [sic] exactly 10 minutes at normal walking pace. I found the journey straightforward without any barriers to movement. On that journey I observed bus 5a stopping at the bus stop just on the other side of the underpass from the proposed parade, and I also observed several buses stopping at the large parade near Truwell Pharmacy, including bus 3a that travels through Littlemore. I will talk about the bus routes a little later. I then went back to my car and I won't spend time talking you through the routes I took but I went to Templars Shopping Square, where Superdrug is located, Oxford Retail Park where Boots and Tesco Pharmacies are, and the Blackbird Leys area. I had no problems at all parking in any of these areas for free although I couldn't park directly outside The Leys Pharmacy due to works being carried out around that parade but this appeared to be a temporary situation only. If I was a resident of Littlemore who wished to drive to a pharmacy I would be most likely use [sic] either Boots / Tesco at Oxford retail park or Superdrug depending on what other shops I might wish to access at the same time. There are all less than 10 mins drive away from the centre of Littlemore. The congestion charge was introduced on 29th October. During my site visit on 31st October I didn't experience any congestion leading up to the roundabout where Oxford Road meets the bypass."*
- 7.36 *Mr [XXX] then went on to discuss the PNA, "Next I would like to briefly talk about the 2025 Oxfordshire PNA. We were asked by NHS Resolution to submit comments on the contents of this new PNA prior to this hearing. Various parties commented on this and you will have seen these comments in the updated Annex A. The applicant provided comments on 29th October and stated: "the difficulty is that the PNA looks at population demographics and access by reference to large localities which tends to mask local needs and accessibility*

issues. When the PNA references statistics for the resident population and access to pharmacies, it therefore adopts a broadbrush approach.

- 7.37 *This broadbrush approach is particularly evident when consideration is given to other documents issued by Oxfordshire County Council which clearly reference the specific health and socio-economic needs of Littlemore and the lack of pharmaceutical service provision for the local community. The contents of the 2025 PNA are, therefore, not determinative of my client's application". So essentially, what the applicant is asking you to do is to ignore this PNA completely because it doesn't support its case for a new pharmacy. I'm pretty sure that if the PNA had made comments that supported the applicant's case he would have taken a very different position on its relevance.*
- 7.38 *To be clear I'm not making a case that this application fails on Regulation 18(1). I'm not saying that the PNA specifically discussed the applicant's proposed site and therefore this matter was not unforeseen. However, we can't just simply ignore the fact that a new PNA has been published which is less than two months old. Where the applicant's argument falls down, when he talks about the PNA taking a broad brush approach, is that the HWB were acutely aware of the applicant's proposal to open a pharmacy at this site because they had been asked to comment on this more than once. Also, the fact that the local authority has published a document which references the "specific health and socio-economic needs of Littlemore" means it's hard to believe it simply forgot about Littlemore when the PNA was drafted. [It may also be that the local councillors have submitted representations to the HWB making the case for this pharmacy].*
- 7.39 *As we discussed before in written representations, the HWB's position in respect of Littlemore could be summarised as saying 'it would be nice to have a pharmacy there, but the application submitted does not meet its criteria in respect of accessibility'. That is presumably why the new PNA did not identify a gap in Littlemore. So contrary to the applicant's assertion, this is not a case where the HWB simply haven't looked properly at Littlemore, and if they had done so they would have identified a need. They very clearly have looked at Littlemore on more than one occasion and have found that, in their opinion, the regulatory tests are not met by this application. The broader point I ask you to consider is 'what's the point of having a PNA at all if we pay absolutely no attention to what it says'. The applicant's argument that there were unforeseen benefits made more sense when they were made by reference to the 2022 PNA, because changes had taken place since that PNA was published, most notably the closure of the Lloyds pharmacy at Sainsbury's. However this argument doesn't make sense anymore because the situation on the ground today is exactly the same as it was when the PNA was published. Nothing is 'unforeseen'. In my opinion you should place significant weight on the fact that a brand new PNA has been published. To completely ignore this, as the applicant asks you to do, makes a complete mockery of the Market Entry system."*
- 7.40 *Mr [XXX] then went on to talk about the Applicant's case, "This application was submitted in response to the closure of the Lloyds Pharmacy in Sainsbury's at Heyford Hill Roundabout. The applicant has been very clear about that. The applicant's case was that this was the only pharmacy serving Littlemore*

residents, so its closure has resulted in a significant reduction in pharmaceutical services provision for these residents. Whilst the closure of a pharmacy may have some relevance, when considering an application for a new pharmacy (in that it gives us an idea of the historic demand for pharmaceutical services in an area), it doesn't diminish in any way the need for the applicant to prove that the tests set out in Reg 18 are met. It is our clients' position that they are not.

- 7.41 Give [sic] the assertion made by the applicant that this pharmacy served Littlemore residents, it's relevant to consider that Lloyds Pharmacy branch in Sainsbury's hardly ever dispensed more than 4,500 items per month and never more than 5,000 (data going back to April 2014). From February 2022 it did not dispense more than 3,000 items per month until its closure in April 2023 (that's the data that was circulated on Thursday). That's around 40% of the average items numbers for a pharmacy in England. And, of course, those items were spread across extended hours, 7 days a week, and many of the patients were customers of a supermarket whose catchment will reach well beyond Littlemore.
- 7.42 We've seen data from the applicant which suggests that there are 6,000 residents in Littlemore. The fact Lloyds in Sainsbury's dispensed such low number of prescriptions suggests that either: a) demand for pharmaceutical services from Littlemore residents is comparatively low or b) most Littlemore residents historically received their services from other pharmacies rather than Sainsbury's. If it's the latter, then it's important to note that no other pharmacies in the area have closed in recent years. Either way the relatively low usage of this pharmacy in the past does not support the applicant's case that there is a significant unmet need for pharmaceutical services in Littlemore based on historical demand. If we look at the demand for dispensing from other pharmacies in the area, none of the pharmacies listed within a mile of the proposed location dispenses an unusually high number of items. There is certainly no reason to believe capacity issues at local pharmacies is likely to be a relevant factor here. And again, given that these item numbers are not exceptional, this doesn't feel like an area with particularly high levels of demand for pharmaceutical services."
- 7.43 Mr [XXX] then went on to consider the location proposed by the Applicant to open a new pharmacy: "It's in a small parade which comprises a mini-mart, a small post office, a Polish deli, Jamaican restaurant and a gift / hardware shop. It's notable that the premises with the "pharmacy coming soon" sign used to be a hairdressers but that's closed down now. This is not a significant shopping area with high footfall. It's at the northern end of Littlemore, less than half a mile, or a walk of 10 minutes from a pharmacy.
- 7.44 It's in a location which is not deprived when we compare it with the national picture. Regardless of deprivation levels, demographic data from the last census shows: The age profile is much younger than the national average, with only 11.8% of the population being over the age of 65, compared to 18.1% nationally. The number of residents with bad or very bad health is in line with the national average, being 5.3% compared to 5.2% in England. It's important to remember that we often talk about deprivation because it is linked to levels of poor health, but the data doesn't support that. This is a young population

with very average levels of poor health. Levels of disability within the ward are slightly below the national average, with 16.7% of the population considered to be disabled under the Equality Act, compared with 17.3% nationally. Levels are car ownership are only slightly lower than the national average (25.1% vs 23.5%). The proposed site is within 100m of a bus stop which provides access to a number of pharmacies, including Superdrug at Templars Square. I'll talk more about buses shortly.

- 7.45 *The applicant tells us that it's wrong to consider access from the application site. He tells us that we should consider access from a more "central starting point" but doesn't explain where this point is so we can then consider accessibility from that point. It is presumably the applicant's case that residents can easily get to the site it proposes to open a pharmacy, so it seems entirely reasonable to consider how easy it is to access existing pharmacies from that site, rather than from a hypothetical location elsewhere in Littlemore. The amenities the applicant lists are spread across a wide area, so it's clear that residents are travelling throughout Littlemore to access them.*
- 7.46 *We note that the Littlemore Neighbourhood Plan, states that "Most residents in Littlemore are registered at Donnington Medical Partnership (in Cowley ward) at The Leys Health Centre (in Northfield Brook ward) or at Temple Cowley Health Centre (in Temple Cowley ward)." Clearly it's not for us to consider today whether or not there is currently adequate provision of medical services for Littlemore residents, but the reality is that residents are travelling to those three medical centres and each of them already has a community pharmacy located on the same site or very close by. If patients can get to these surgeries then they can get to a pharmacy. You may also wish to consider where people go for their larger grocery shops as it's hard to believe that many Littlemore residents are entirely dependent on the convenience stores located within the estate. Some might go to Sainsbury's but you've seen the data that shows that the demand for dispensing here was actually pretty low. Many will shop in Tesco at Oxford Retail Park where they can access a pharmacy in the store or at the nearby Boots. They might prefer to shop in Lidl to save money and there are Lidl supermarkets near Oxford Retail Park and also at the Templar Shopping Park near Superdrug. Wider area If we're considering the wider Littlemore area, the applicant has asked you to take into account ongoing residential developments.*
- 7.47 *In terms of the 3 sites raised by the applicant: The Dominions Oil site (90 homes) – now known as O X Place doesn't appear to have launched yet from what I can see. Littlemore Park (Newman Place) appears to be largely finished, but houses here appear to have been sold at a starting price of £400k, albeit with shared ownership options. The Northfield Hostel site still seems to be at an early stage. Putting aside the fact these developments are not all complete we know nothing about the demographic profile of the people who live there, or will live there in the future. It's also important to note that shared ownership homes are not necessarily cheap homes. Oxford one of least affordable places for housing in the UK. In areas with high land values it's the only option for some residents. The developers are promoting these properties to young professionals, who simply couldn't afford to buy their own homes otherwise. Socially rented houses in these developers are often occupied by key-workers. Accessibility of existing pharmacies*

- 7.48 So having considered the proposed location and the profile of Littlemore generally, your main consideration is likely to be the accessibility of existing pharmacies. As I discussed earlier, the HWB made it clear that their accessibility criteria for Littlemore residents are already met without the need for an additional pharmacy. So, let's think about accessibility mindful of the points I've raised previously [and the findings of your site visit]. Driving As we know, $\frac{3}{4}$ residents have a car in the household, and my observation is that many of these seem to be available during the day. Even for those that aren't, Tesco and Boots are both extended hours pharmacies, that could be accessed in the evenings if necessary when the car was available. For people that do have a car they have a choice of several pharmacies they can access within a 10 minute drive including Superdrug, Boots and Tesco all of which have large free car parks and are in places where residents will go to access a whole range of other shops.
- 7.49 There are also other pharmacies such as Truwell and the two Blackbird Leys pharmacies, which are a short drive away with parking nearby. I think it would be very difficult for anybody to make a convincing case that car owners do not have reasonable choice in respect of access to pharmaceutical services. Public Transport When considering public transport it is worth noting that Oxford has [sic] recently introduced a congestion charge around the city centre, but this doesn't cover Littlemore or Cowley. The council provides numerous reasons for introducing this which include: Making bus journeys faster and more reliable.
- 7.50 Allowing for new and improved bus routes So it's fair to say that the council are keen to improve public transport and encourage more people to use it. As things stand at the moment, the two most relevant services to this application are routes 5A and 3A. You can see these on the bus route map provided on page 355 of the bundle, although it can be tricky to work out exactly where these routes are so I will briefly talk you through them. 5A is shown in pale pink. It travels through the middle of the estate, with stops along Cowley Road and St Nicholas Road and it's this route that stops within 100m of the proposed location. It then goes on to Templars Square [Superdrug], Oxford Road [Ahmeys Pharmacy] then into the City Centre. The timetable on page 353 of the bundle showed this running every half an hour but that's actually been increased to every 20 minutes now (since 9th November). Unfortunately it was too late for me to submit an updated timetable to you, but the councillors may be aware of this. So people living throughout Littlemore can use this bus to access a range of pharmacies and can use stops within a short distance from their homes.
- 7.51 The maximum cost of a single fare is £3 or a day pass within the city is £4.50. Bus route 3A (turquoise) runs through Blackbird Leys, across the south of Littlemore then into Littlemore, up Sandford Road, which becomes Oxford Road, across the bypass then up to Rosehill [Truwell Pharmacy] then Henley Avenue [Allied Pharmacy]. This bus runs every [sic] along Sandford Road every 15 minutes, and the same ticket prices apply. So, to summarise, in respect of buses, there are two very frequent services running throughout different parts of Littlemore which travel to a number of different pharmacies, including in Blackbird Leys and to the north of the bypass. Councillor [XXX] referred to some areas that were less well connected by bus routes, such as Herschel Crescent, but these are to the north of the bypass. The walk from Herschel

Crescent to Truwell Pharmacy is 16 minutes compared to 10 minutes' walk to the proposed site, so only marginally further.

- 7.52 *Walking I've already mentioned the journey from the proposed site on foot to Truwell Pharmacy so I don't intend to say too much more about that. Should residents wish to walk to pharmacies further afield there is a network of footpaths or roads they can use to get to Blackbird Leys, or Oxford Retail Park if they wish, or they could walk further north to Templars Shopping Park or to my client's pharmacy. But in reality, when people are walking to a pharmacy, they're more likely to walk to the nearest one and for most people that would be Truwell Pharmacy. It is worth noting, when considering whether patients would walk to this pharmacy, that levels of reduced mobility are no greater than the national average, so for about 83% of residents an incremental 10 minute walk is unlikely to cause them any difficulties at all. It's also a route that could be used without difficulty by mobility scooters, with a dedicated crossing place over Newman Road where the road narrows, and a light-controlled crossing over Oxford Road. So when we think about which residents might have difficulty accessing pharmaceutical services at present, we have to consider how many people genuinely find it very difficult (rather than perhaps inconvenient). For 75% of households that have access to a car, there are plenty of options. In reality, even for households without a car, they could choose to use a delivery service such as a DSP, or if they needed something urgently you would like to think a friend or neighbour might help out. They can also receive many other pharmacy services remotely such as NMS and Pharmacy First.*
- 7.53 *But let's assume 25% of the Littlemore population can't use a car to get to a pharmacy. As I've discussed, there is an excellent bus service in Littlemore, with routes along all the major roads, that provide access to numerous different pharmacies. Any resident who does not qualify for a concession will pay no more than £4.50 per day for bus travel throughout the city. We haven't seen any evidence that levels of deprivation are so high that this is a barrier for local residents, particularly as the shops in Littlemore are so limited, so they are likely to travel elsewhere for their grocery shopping. And, of course, there will be many residents who are perfectly able to walk to Truwell pharmacy and would choose to do so rather than drive or catch the bus. Let's remember this is a young population on the whole."*
- 7.54 *Mr [XXX] then addressed the Committee on the petition and letters, "Now, there clearly are some people who have experienced difficulties, and there are several letters in the bundle that reflect this.*
- 7.55 *There is also the petition which was submitted with the original application. Taking the petition first, there is a reason that Primary Care Appeals committees generally place relatively little weight on petitions. Remember this is not an independent assessment of whether residents are happy with the current level of provision or not. The petition asked people to sign who were "saddened" by the closure of the pharmacy in Sainsbury's and it has had a significant negative impact on them. People who were not impacted were not asked to comment. So there were 135 responses from a population of around 6,200 people i.e. about 2% of residents said they were impacted. People were asked to make comments, but many didn't really articulate the issues they faced, most simply said they supported the application because it was near*

where they lived or it was “needed”. I accept that there have been some more recent letters of support (29) and I don’t dispute for a minute that there are some residents in the area who have experienced some difficulties and would welcome a pharmacy. I wouldn’t want to diminish these views at all as they are clearly heartfelt but I’m not sure there’s a great deal here in the way of evidence that the regulatory tests are met.

- 7.56 *The Market Entry Regulations exist for a reason, and that's to ensure the stability of the existing pharmacy network. The sector has been in a huge amount of turmoil recently, and we need to be mindful that there is only so much funding to go around. The opening of a new pharmacy may have the unintended consequence of damaging the viability of existing pharmacies, and simply creating a problem elsewhere. So my client is in no way unsympathetic about the desire of some Littlemore residents to have a new pharmacy, but it also doesn't want to see its own pharmacy forced to close as a result. So, mindful of the fact it is for the applicant to prove its case, not for my clients to prove theirs.”*
- 7.57 *Mr [XXX] concluded by summarising his clients' position on whether this application met the relevant tests in Regulation 18, “Looking at 18(2)(a), the matter of detriment, whilst this is not the core of my clients' argument, we do ask the committee to be mindful of the potential destabilisation of the existing pharmacy provision in this part of Oxford if a new application is granted in the midst of a financially challenging time for the sector. Looking at 18(2)(b)(i) Whether there is a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB.*
- 7.58 *Our client's case is: Littlemore is an area where 75% of households have at least one car. The majority of people, can therefore drive to a pharmacy. There is an excellent public transport service that can be used by residents to access a choice of pharmacies. Many Littlemore residents of average mobility can walk to the pharmacy if they wish in less than 20 minutes, a measure used in the PNA to consider accessibility. There is [sic] a wide choice of pharmacies in the south of Oxford, operated by a range of contractors, a number of which open for extended hours. It is clear in our opinion that for these reasons patients do have reasonable choice already.*
- 7.59 *Moving on to 18(2)(b)(ii) Whether people who share a protected characteristic have access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access. The applicants [sic] have provided no meaningful evidence in respect of this test so we have nothing more to add other than to remind the committee of the relatively young age profile of residents and average levels of disability.*
- 7.60 *Finally, on to 18(2)(b)(iii), we note [sic] that the applicant has not advanced an innovation argument. As you are aware, for the committee to be persuaded that this application should be granted, you would need to be satisfied that doing so would confer significant benefits on persons in the area of the relevant HWB. It's not enough to conclude that it might be convenient for a residents to have a pharmacy closer to home. In the context of the existing level of provision and taking into account the nature of the city, the benefits proposed by the applicant are not significant.*

- 7.61 *In conclusion, it is my clients' opinion that the applicant has not provided you with evidence that will lead you to conclude that the tests in regulation 18 have been met. That being the case we respectfully request that you refuse the application."*
- 7.62 In response to questions, the following information was provided:
- 7.62.1 Mr [XXX] stated that neither he nor his client were local to the area and had not sought advice or information from local residents in reaching his conclusions.
- 7.62.2 He acknowledged that 25% of residents do not have a car and that the information regarding deprivation was accurate. His submissions were based on his impressions.
- 7.62.3 The PNA did not highlight Littlemore, and the views were based on a desktop-based exercise without local input.
- 7.63 In his concluding remarks, Mr [XXX] reiterated that he and his client were not local to the area, but his evidence was based on local people's input as they had regard to the most recent PNA. The authors of the PNA had an obligation to assess needs and has a clear process, including engaging with local people. It was open to local councillors to have made their views known in that process but had not. Those preparing the PNA had an absolute obligation to take into account local needs. No unmet need is identified relating to Littlemore anywhere in the most recent PNA, and that was a carefully researched document based on local knowledge and local input.

8 **Consideration**

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

Regulation 31

- 8.4 The Committee first considered Regulation 31 of the Regulations which states:

(1) A routine or excepted application, other than a consolidation application, must be refused where paragraph (2) applies.

(2) This paragraph applies where -

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

8.5 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. The Committee noted the Commissioner's decision report states that "*The Committee was satisfied that there is no pharmacy providing pharmaceutical services within the area of the best estimate. The application did not therefore need to be refused in accordance with Regulation 31*" and that there was no dispute on the matter from other parties. The Committee therefore determined that it was not required to refuse the application under the provisions of Regulation 31.

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

Regulation 18

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

"(1) If—

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

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

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

(2) Those matters are—

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

(i) proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB, or

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

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

(i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also NHS England's duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),

(ii) people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access (taking into account also NHS England's duties under section 13G of the 2006 Act (duty as to reducing inequalities)), or

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

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

(c) whether it is satisfied that it would be desirable to consider, at the same time as the applicant's application, applications from other persons offering to secure the improvements or better access that the applicant is offering to secure;

(d) whether it is satisfied that another application offering to secure the improvements or better access has been submitted to it, and

it would be desirable to consider, at the same time as the applicant's application, that other application;

- (e) whether it is satisfied that an appeal relating to another application offering to secure the improvements or better access is pending, and it would be desirable to await the outcome of that appeal before considering the applicant's application;*
 - (f) whether the application needs to be deferred or refused by virtue of any provision of Part 5 to 7.*
 - (g) whether it is satisfied that the application presupposes that a gap in pharmaceutical services provision has been or is to be created—*
 - (i) by the removal of chemist premises from a pharmaceutical list as a consequence of the grant of a consolidation application, and*
 - (ii) since the last revision of the relevant HWB's pharmaceutical needs assessment other than by way of a supplementary statement.*
- (3) NHS England need only consider whether it is satisfied in accordance with paragraphs (2)(c) to (e) if it has reached at least a preliminary view (although this may change) that it is satisfied in accordance with paragraph (2)(b)."*

- 8.8 The Committee considered that Regulation 18(1)(a) was satisfied in that it was required to determine whether it was satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB
- 8.9 The Committee went on to consider whether Regulation 18(1)(b) was satisfied, i.e. whether the improvements or better access that would be secured if the application was granted were or was included in the Pharmaceutical Needs Assessment ("the PNA") in accordance with paragraph 4 of Schedule 1 of the Regulations.
- 8.10 Paragraph 4 of Schedule 1 requires the PNA to include: "*a statement of the pharmaceutical services that the HWB had identified (if it has) as services that are not provided in the area of the HWB but which the HWB is satisfied (a) **would** if they were provided....secure improvements or better access, to pharmaceutical services... (b) **would** if in specified future circumstances they were provided...secure future improvements or better access to pharmaceutical services...*" (emphasis added).
- 8.11 The Committee was mindful of the PNA prepared by Oxfordshire 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 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 1 April 2022 and that three Supplementary Statements had been issued on 29 June 2023.

- 8.12 The Committee was also aware that a new PNA had recently been published – the Oxfordshire Pharmaceutical Needs Assessment 2025.

- 8.13 The Committee noted that Regulation 22 of the Regulations states:

“Refusal of routine applications that are based on neither a pharmaceutical needs assessment nor unforeseen benefits

(1) If NHS England receives a routine application to which regulation 19(6) does not apply, NHS England must refuse it unless granting it, or granting it in respect of some only of the services specified in it, would—

(a) meet a current or future need for pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB that has been included in the relevant pharmaceutical needs assessment in accordance with paragraph 2 of Schedule 1; or

(b) secure (including in the future) improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB that have or has been included in the relevant pharmaceutical needs assessment in accordance with paragraph 4 of Schedule 1.

(2) For the purposes of paragraph (1), the relevant pharmaceutical needs assessment is—

(a) the pharmaceutical needs assessment of the relevant HWB that is current at the time that NHS England takes its decision to grant or refuse the application, unless in the opinion of NHS England (or on appeal the Secretary of State) the only way to determine the application justly is with regard to an earlier pharmaceutical needs assessment, in which case the relevant pharmaceutical needs assessment is that earlier assessment; or

(b) if the relevant HWB has not published a pharmaceutical needs assessment, the pharmaceutical needs assessment of a Primary Care Trust (as extended by regulation 7(1)) that relates to the locality in which the location or premises to which the application relates is or are situated.”

- 8.14 The Committee considered that the starting point is that the relevant PNA is the PNA of the relevant HWB that is current at the time that the decision is taken. The Committee noted that there is no dispute that the 2025 PNA is the current PNA.

- 8.15 The Committee therefore considered the 2025 PNA prepared by Oxfordshire HWB, conscious that the document provides an analysis of the situation as it was assessed at the date of publication. The Committee bears in mind that, under Regulation 6(2), the body responsible for the PNA must make a revised assessment as soon as reasonably practicable 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.
- 8.16 The Committee noted that the Applicant seeks to provide unforeseen benefits to the patients of Littlemore.
- 8.17 Henley Avenue Healthcare Ltd submitted that the recently published PNA (2025) had not identified a need in Littlemore, and that the Health and Wellbeing Board was under a duty to address such issues. They suggested that the lack of any reference to Littlemore indicated that no concern existed.
- 8.18 The Committee considered this carefully. It noted that the PNA assessed access using general travel-time measures and aggregated geographical units. The Committee accepted that this approach did not necessarily identify localised access issues arising within distinct community boundaries, such as those affecting Littlemore. The PNA contained no express assessment of Littlemore and no discussion of the matters raised in the evidence before the Committee. It therefore could not be inferred that the PNA had considered and rejected the issues described; rather, they were not addressed. The Committee did not regard the PNA as inconsistent with the evidence before it nor as preventing a different conclusion based on the community-specific evidence presented in this appeal.
- 8.19 The Committee noted that the improvements or better access that the Applicant was claiming would be secured by its application were not included in the relevant PNA in accordance with paragraph 4 of Schedule 1.
- 8.20 In order to be satisfied in accordance with Regulation 18(1), regard is to be had to those matters set out at 18(2). The Committee's consideration of the issues is set out below.

Regulation 18(2)(a)(i)

- 8.21 The Committee had regard to
- “(a) *whether it is satisfied that granting the application would cause significant detriment to—*
- (i) *proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB*”
- 8.22 The Committee noted that the decision report states “*The Committee was not aware of any plans that would be affected and concluded that granting the application would not have an adverse effect on any future plans. None of the submissions included any comment or evidence in regard to this matter. Therefore, the Committee concluded that granting the application would not*

cause significant detriment in this regard." The Committee noted that there was no dispute on the matter from other parties.

- 8.23 On the basis of the information available, the Committee was not satisfied that, if the application were to be granted and the pharmacy to open, the ability of the Commissioner thereafter to plan for the provision of services would be affected in a significant way.
- 8.24 The Committee was therefore not satisfied that significant detriment to the proper planning of pharmaceutical services would result from a grant of the application.

Regulation 18(2)(a)(ii)

- 8.25 The Committee had regard to

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

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

- 8.26 The Committee noted that the decision report states *"None of the submissions included any evidence on this question and the Committee found no proof to support the suggestion that if the application was to be granted, it would cause significant detriment to the arrangements in place for pharmaceutical services in the area."* The Committee noted that there was no dispute on the matter from other parties.
- 8.27 The Committee was therefore not satisfied that significant detriment to the arrangements currently in place for the provision of pharmaceutical services would result from a grant of the application.
- 8.28 In the absence of any significant detriment as described in Regulation 18(2)(a), the Committee was not obliged to refuse the application and went on to consider Regulation 18(2)(b).

Regulation 18(2)(b)

- 8.29 The Committee had regard to

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

(i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also NHS England's duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),

(ii) people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services

that, in the area of the relevant HWB, are difficult for them to access (taking into account also NHS England's duties under section 13G of the 2006 Act (duty as to reducing inequalities)), or

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

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

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

- 8.30 The Committee first considered the locality from which it should assess whether residents had a reasonable choice of obtaining pharmaceutical services. Having reviewed the mapping material, ward and parish boundaries, the Littlemore Community Insight Profile and the oral evidence of councillors, the Committee concluded that the relevant area was that broadly bounded by the A4142 Eastern Bypass to the north and west and the railway line to the south. The Committee considered that this area reflected the community within which residents accessed day-to-day services and which they themselves identified as "Littlemore". Although this differed slightly from administrative definitions, it represented the geographical area relevant to the Committee's assessment of access and choice.
- 8.31 The Committee noted that Littlemore had historically been served by a pharmacy on Cowley Road. That pharmacy was acquired by Sainsbury's and relocated to the Sainsbury's Heyford Hill store, subsequently operated by Lloyds until its closure in April 2023. The Committee accepted that, despite the relocation, residents continued to view that pharmacy as serving the Littlemore community. Its closure left Littlemore with no pharmacy provision within the community itself.
- 8.32 The Committee reviewed the location of other pharmacies in the wider area, including Rose Hill, Henley Avenue, Templars Square, Oxford Retail Park and Blackbird Leys. Henley Avenue Healthcare Ltd submitted that these providers were situated within a short geographical radius and collectively offered a wide choice. The Committee accepted that these pharmacies could be accessed by some residents, particularly those with access to a car and that 75% of residents did have access to a car.
- 8.33 However, the Committee considered whether these pharmacies provided a reasonable choice for residents of Littlemore as a community, taking into account the specific configuration of the area and the patterns of movement of local residents. The A4142 dual carriageway formed a significant physical barrier between Littlemore and surrounding areas, restricted crossing points and impeding natural movement. During its site visit, the Committee observed that the principal route to pharmacies outside Littlemore required residents to leave their community and take journeys outside of Littlemore. The Committee had received evidence that for those making the journey on foot this could

prove difficult as access routes included an underpass and other poorly lit and potentially intimidating areas. The Committee considered that this environment could reasonably deter some residents, particularly during darker hours or for those with mobility or safety concerns.

- 8.34 The Committee also attached weight to the absence of a GP surgery within Littlemore. Residents were required to travel outside their community, the Donnington surgery being the most accessible. Several residents reported difficulties with appointments, and dispensing issues at the associated pharmacy. Although the Committee accepted that such difficulties may occur in many settings, it considered this evidence relevant to assessing the practicality of accessing pharmaceutical services beyond the immediate community.
- 8.35 The Committee heard that a bus service which previously linked Littlemore directly to the Donnington surgery and pharmacy had been withdrawn. Due to the removal of the bus service, the Committee heard evidence that residents without a car had to rely on taxis to visit the surgery or the pharmacy at that site. This surgery was not easily accessible on foot for many Littlemore residents.
- 8.36 Although the Rosehill pharmacy, the nearest pharmacy, was accessible on foot, as previously noted this could be an unappealing journey, particularly on darker nights and was not accessible for those using a wheelchair or a rollator due to the slope on the underpass and other obstacles including the areas where parking spaces were limited and vehicles parked on the pavement.
- 8.37 Whilst some residents of Littlemore could access a pharmacy with one bus, which was relatively low priced (being a cost of £2 to £3), and a journey time of 6 to 8 minutes, the Committee received evidence that other residents of Littlemore would need to take two buses to access a pharmacy.
- 8.38 Although other bus services existed, councillors reported that recent Low Traffic Neighbourhood (LTN) measures had resulted in increased congestion on surrounding roads and re-routing, affecting reliability. This had also lengthened car journeys and anecdotally, the councillors said this increased congestion had increased people's reluctance to travel outside of Littlemore.
- 8.39 Approximately 25% of households in Littlemore did not have access to a car. The Committee considered that, for these residents, the need to travel outside their community, combined with the withdrawal of the direct bus route, was significant.
- 8.40 The Committee considered the letters of support and the earlier petition. Many letters lacked detailed accounts, but they were handwritten, personal, and consistent in describing difficulties experienced when accessing pharmacies outside Littlemore, concerns about the underpass, reliance on taxis or extended travel, and a desire for access within their community. The Committee regarded these letters as genuine and gave weight to the fact that they were composed independently rather than in response to a coordinated campaign. The petition, while limited in evidential detail, demonstrated collective concern following the pharmacy closure.

- 8.41 The Committee placed considerable weight on the oral evidence of the two local councillors. As elected representatives, the Committee accepted that they were regularly approached by residents to express concerns about local service provision. Their accounts of the feedback they had received from constituents, including difficulties in accessing healthcare outside the community, concerns about traffic displacement caused by LTN measures, lengthening car and bus journeys and the sense among residents of being “cut off”, carried particular weight.
- 8.42 The Committee also reviewed the Littlemore Community Insight Profile (December 2023). It noted that 34% of respondents stated that access to healthcare was a barrier to looking after themselves; 48% reported difficulty accessing a pharmacy; and 40% cited transport as a barrier to maintaining their health. The Committee considered these findings significant and consistent with the other evidence before it.
- 8.43 The Committee also considered the demographic evidence presented through the Littlemore Community Insight Profile and the public health data referenced at the hearing. Although the population of Littlemore was noted to be slightly younger on average than the national population, the area nevertheless demonstrated indicators of increased deprivation and poorer health outcomes. The Committee noted that Littlemore fell within the 20% most deprived areas nationally, and that rates of limiting long-term illness, mental health concerns and other adverse health indicators were higher than would ordinarily be expected for a comparatively young population. The Committee considered that this combination of relative youth and heightened deprivation was consistent with the survey findings indicating that a significant proportion of residents experienced difficulty accessing healthcare and pharmacy services.
- 8.44 The Committee also took into account that the Applicant intended to provide the full range of core services, including Pharmacy First, which would give residents access to clinical advice and treatment within their own community, thereby reducing dependence on external primary care services. The Committee noted the local councillors had already begun the process to improve disabled access at the proposed site, and considered that enhancing accessibility within the community was a further relevant benefit.
- 8.45 Having weighed all the evidence, the Committee concluded that, although several pharmacies were located within a short geographical distance, residents of Littlemore did not have a reasonable community-based choice of pharmaceutical services which was exacerbated by no medical services. The Committee was satisfied that the cumulative effect of the physical boundaries of the estate, the absence of a GP surgery within Littlemore, the withdrawal of the direct bus link, the difficulties reported at the Donnington surgery and pharmacy, the impact of traffic management measures, the survey results and the evidence of residents and councillors demonstrated that access to existing pharmacies outside the community was materially constrained for a significant proportion of residents.
- 8.46 Therefore the Committee was satisfied that, having regard to there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits by way of physical access on persons.

- 8.47 The Committee determined that granting the application would secure improvements and better access to pharmaceutical services and therefore concluded that Regulation 18(2)(b)(i) was met.
- 8.48 In considering Regulation 18(2)(b)(ii) the Committee reminded itself that it was required to address itself to people who share a protected characteristic under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) having access to services that meet specific needs for pharmaceutical services that, in the relevant area, are difficult for them to access.
- 8.49 The Committee considered that individual comments had been received either from persons with certain protected characteristics or that referenced persons with protected characteristics and which made comments about issues with access to the existing pharmaceutical services. The Committee had regard to these comments but noted that these comments applied equally to those who may not have those protected characteristics. The Committee considered that there was not a robust body of evidence that enabled it to be satisfied that a pharmacy at the proposed site would convey significant benefits pursuant to Regulation 18(2)(b)(ii).
- 8.50 The Committee was therefore not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons.
- 8.51 In considering Regulation 18(2)(b)(iii) the Committee had regard to the desirability of innovative approaches to the delivery of pharmaceutical services. In doing so, the Committee would consider whether there was something more over and above the usual delivery of pharmaceutical services that might be expected from all pharmacies, some 'added value' on offer at the location.
- 8.52 The Committee noted that no submissions were made under Regulation 18(2)(b)(iii).
- 8.53 The Committee was not satisfied that, having regard to the desirability of there being innovative approaches taken with regard to the deliverability of pharmaceutical services, granting the application would confer significant benefits on persons

Regulation 18(2)(b) generally

- 8.54 The Committee noted the Applicant was proposing to provide core hours 9am to 5pm Monday to Thursday and 9am to 1pm and 4pm to 6pm on Friday. The Committee noted that supplementary hours were being offered 5pm to 6.30pm Monday to Thursday, 6pm to 6.30pm on Friday and 9am to 2pm on Saturday. The Committee also had regard to the opening hours offered by existing pharmacies.
- 8.55 The Committee was of the view that no evidence or information had been provided to support a finding that pharmaceutical services were not currently

provided at such times as required. It was therefore not satisfied that granting the application would confer significant benefits (in relation to opening hours) on persons.

- 8.56 The Committee has considered whether there are any other factors that would confer significant benefits on persons including patients who share protected characteristics. The Committee had regard to the need to eliminate discrimination and advance equality of opportunity and foster good relations between these patients and those who do not share their protected characteristics. No evidence was provided indicating that existing pharmaceutical services failed to meet the needs of such individuals, and the Committee made no separate findings on this matter.
- 8.57 The Committee was of the view that in accordance with Regulation 18(2)(b) the granting of this application would confer significant benefits on persons in the area of the HWB which were not foreseen when the PNA was published.

Other considerations

- 8.58 Having determined that Regulation 18(2)(b) had been satisfied, the Committee needed to have regard to Regulation 18(2)(c) to (e) and found that there were no other applications from other persons to consider, nor were there any appeals against applications pending.
- 8.59 No deferral or refusal under Regulation 18(2)(f) was required in this case.
- 8.60 The Committee had regard to Regulation 18(2)(g) and found that it did not apply in this case.
- 8.61 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.
- 8.62 The Committee was satisfied that the information provided demonstrates that there is difficulty in accessing current pharmaceutical services such that a pharmacy at the proposed site would provide better access to pharmaceutical services.
- 8.63 The Committee had regard to Regulation 19(6) which states:
- (6) If NHS England is satisfied as mentioned in regulation 18(2)(b), it may grant the application notwithstanding that the improvements or better access were or was not included in the relevant pharmaceutical needs assessment.*
- 8.64 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
- 8.64.1 confirm the Commissioner's decision;
 - 8.64.2 quash the Commissioner's decision and redetermine the application;
 - 8.64.3 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.

- 8.65 The Committee had heard additional evidence not available to the Commissioner and the Committee's reasoning was centred on additional factors not considered by the Commissioner. In those circumstances the Committee determined that the decision of the Commissioner must be quashed.
- 8.66 The Committee went on to consider whether there should be a further notification to the parties detailed at paragraph 19 of Schedule 2 of the Regulations to allow them to make representations if they so wished (in which case it would be appropriate to remit the matter to the Commissioner) or whether it was preferable for the Committee to redetermine the application.
- 8.67 The Committee noted that representations on Regulation 18 had been sought from parties by the Commissioner and representations had already been made by parties to the Commissioner in response. These had been circulated and seen by all parties as part of the processing of the application by the Commissioner. The Committee further noted that when the appeal was circulated representations had been sought from parties on Regulation 18.
- 8.68 The Committee concluded that further notification under paragraph 19 of Schedule 2 would not be helpful in this case.

9 DECISION

- 9.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, quashes the decision of the Commissioner, for the reasons given above, and redetermines the application.
- 9.2 The Committee has considered whether the granting of the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area covered by the HWB, or the arrangements in place for the provision of pharmaceutical services in that area and is not satisfied that it would;
- 9.3 The Committee determined that the application should be granted on the following basis:
- 9.3.1 In considering whether the granting of the application would confer significant benefits, the Committee determined that –
- 9.3.1.1 there is not already a reasonable choice with regard to obtaining pharmaceutical services;
- 9.3.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and
- 9.3.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services;
- 9.3.2 Having taken these matters into account, the Committee is satisfied that granting the application would confer significant benefits as outlined above that would secure improvements or better access to pharmaceutical services.

Chair

REF: SHA/26659

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E14 4PU

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**APPEAL AGAINST BUCKINGHAMSHIRE,
OXFORDSHIRE AND BERKSHIRE WEST ICB
DECISION TO GRANT AN APPLICATION BY MR A
HASSAN FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING
UNFORESEEN BENEFITS UNDER REGULATION
18 WITHIN 100 METRES OF 40 COWLEY ROAD,
LITTLEMORE, OXFORD, OX4 4LD (BEST
ESTIMATE)**

1 The Application

By application dated 9 December 2024, Mr A Hassan (“the Applicant”) applied to Buckinghamshire, Oxfordshire and Berkshire West ICB (“the Commissioner”) for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 within 100 metres of 40 Cowley Road, Littlemore, Oxford, OX4 4LD (best estimate). In support of the application it was stated:

- 1.1 In response to section 5 ‘Applications in relation to premises that are in close proximity to other listed chemist premises’, the Applicant left the section blank.
- 1.2 Information in support of the application:
- 1.3 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.
- 1.4 “Littlemore is a suburb at the southern end of Oxford, and to the south of the A4142, a major dual carriageway which is also known as the Oxford bypass.
- 1.5 The Littlemore estate contains mostly local authority or ex-local authority housing. According to the 2011 census, it contains approximately 6,000 residents and is among the 20% most deprived areas in England. Over a quarter of homes do not have a car or van.
- 1.6 Whilst the Littlemore estate has been established for many years, there are some housing developments taking place in Littlemore:
 - 1.6.1 90 homes are being constructed at the former Dominion Oils site in Railway Lane.
 - 1.6.2 273 homes are being constructed at Littlemore Park.

- 1.6.3 61 new homes are being built at the Northfield Hostel site of Sandy Lane.
- 1.7 Once completed, these new developments will bring an additional 424 homes to Littlemore, adding almost 20% to the current housing stock and increasing the resident population by around 1,000.
- 1.8 Littlemore has a range of shops and other services which meet the daily needs of residents, including a Post Office, convenience stores, takeaways, pubs and restaurants, schools and a large Sainsburys. Littlemore had a pharmacy until it closed in April 2023. Closure of the Lloyds Pharmacy within the Sainsburys store has resulted in a lack of reasonable choice for the local population because existing pharmacies are difficult to access due to barriers that exist, both mental and physical.
- 1.9 The nearest pharmacies to Littlemore are either to the north of the A4142 (which is a very busy dual carriage road which acts as a bypass for Oxford) and presents a barrier to north/south movement or will be at least a mile to the east (which is a significant journey).
- 1.10 Our pharmacy will offer unforeseen benefits because the latest PNA 2022 did not foresee [sic] the closure of the Lloyds Pharmacy inside Sainsburys in Littlemore.”
- 1.11 Please explain how you intend to secure the unforeseen benefit(s):
- 1.12 “Granting this application would therefore restore the service provision that was available within Littlemore before the Lloyds Pharmacy closed. In particular, granting this application would ensure that Littlemore residents continue to have the choice to access pharmaceutical services within their own community. Having a pharmacy in Littlemore and, more particularly, on Cowley Road, would confer significant benefits on the local population.
- 1.13 The HWB noted that “when the 20 minute (by foot or public transport) rule is applied to this area we have not identified a gap in provision. However, the HWB notes the increased choice and ease of access that an additional pharmacy in this area offers, could result in benefit to local residents.”
- 1.14 The HWB’s support is underpinned by the minutes of a meeting of the HWB held on 29th June 2023 (Agenda for Oxfordshire Health & Wellbeing Board on Thursday, 29 June 2023, 2.00pm (Oxfordshire County Council) [sic]. At section 26 of the minutes of that meeting, it is reported that a report was presented by [XXX], who noted relevantly as follows:
- 1.15 “The third recorded the closure of the Lloyds Pharmacy in Sainsbury’s store, Heyford Hill, Littlemore, Oxford, The reason for the supplementary statement was that Littlemore was one of the ten wards that experienced the greatest health inequality in the county and whilst there was access to pharmacy provision within the twenty minute rule, some of the public transport access for the community was not ideal and car ownership was lower than average. It was considered to be an area which could potentially benefit from additional provision in the future should the market apply to NHS England to open new pharmacy premises.”

- 1.16 It is in relation to the above that the HWB appears to accept that whilst there are pharmacies within a 20-minute walk of the proposed location, granting new application would increase choice and ease of access in this area.
- 1.17 This application for a new pharmacy also has widespread local support. We conducted a survey that demonstrated the level of support for a new pharmacy and some of the issues experienced by local residents in relation to the remaining pharmacy network following the closure of the only pharmacy in Littlemore.
- 1.18 In conclusion, therefore, we believe that its [sic] application would secure improvements in, and better access to, pharmaceutical services. We assert that the closure of the Lloyds Pharmacy has resulted in a loss of service provision for the residents of Littlemore, such that they no longer have a reasonable choice of service provision. This application would secure significant benefits, because it would give patients the choice to access pharmaceutical services within Littlemore. Granting the application would restore the previous level of service provision and would improve access for residents of the estate.”

2 The Decision

The Commissioner considered and decided to grant the application. The decision letter dated 18 June 2025 states:

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

- 2.1 “Buckinghamshire, Oxfordshire and Berkshire West ICB has considered the above application and I am writing to confirm that it has been granted. Please see the enclosed report for the full reasoning.
- 2.2 The applicant is required to notify the address of the premises from which they will provide pharmaceutical services to us within six months of the date of this letter or six months from the date of determination of any appeal to the Secretary of State.
- 2.3 You have a right of appeal to the Secretary of State against Buckinghamshire, Oxfordshire and Berkshire West ICB’s decision.
- 2.4 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:
- 2.5 Primary Care Appeals
NHS Resolution
8th Floor
10 South Colonnade
Canary Wharf
London
E14 4PU”

Decision report

2.6 “Introduction and background

2.7 An unforeseen benefits application had been received from Abdirahman Hassan, on 12 December 2024. The Committee was now required to consider the application in accordance with Regulations 18 and 19 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended.

2.8 Full details of the applicant’s proposal had been notified to the various interested parties in accordance with the regulations. Comments had been received from the following parties: Community Pharmacy Thames Valley, Oxfordshire Health and Wellbeing Board, Boots (UK) Ltd, and Henley Avenue Healthcare Ltd. There were also follow up comments from the applicant.

2.9 Consideration by the Committee

2.10 The Committee had before it:

2.10.1 The NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended.

2.10.2 Department of Health guidelines on market entry by means of pharmaceutical needs assessment – Chapter 8 – Unforeseen Benefits.

2.10.3 The Report which included:

2.10.3.1 the application form and information provided by the Applicant

2.10.3.2 letters from interested parties and a response to those comments from the Applicant,

2.10.3.3 maps of the location,

2.10.3.4 opening times and distances to surrounding pharmacies and GP Practices,

2.10.3.5 a site visit report,

2.10.3.6 Oxfordshire PNA extracts and a link to the full PNA,

2.10.3.7 demographic information including population density,

2.10.3.8 public transport information,

2.10.3.9 prescription information,

2.10.3.10 the relevant Regulations (18, 19, 31, 66).

2.10.4 In relation to the application, the Committee noted the following:

2.10.4.1 the applicant’s fitness information was approved on 27 January 2025.

- 2.10.4.2 The Committee noted that the applicant was proposing to provide essential, enhanced and advanced services, if commissioned.
- 2.10.4.3 The applicant also proposed core opening of 40 hours per week and total proposed opening of 51.5 hours per week.
- 2.11 The Committee considered information from a virtual site visit of the Littlemore area that had been undertaken by a Pharmacy Commissioning Hub representative.
- 2.12 Littlemore is a district and civil parish in Oxford, England. The proposed premises is within a small parade of six shops which is situated in a residential area. The shops are located on the Cowley Road with the ring road/road/dual carriageway running overhead. Oxford town centre is north to Littlemore and approximately 3.3 miles from the proposed site.
- 2.13 The Committee considered the representations made by Thames Valley LPC, Oxfordshire HWB, Boots UK Ltd, Allied Pharmacy Henley Avenue and noted the comments made by the interested parties. The Committee noted that Allied Pharmacy Henley Avenue opposed the application.
- 2.14 The applicant's response to the representations received during the consultation period was also considered.
- 2.15 **Regulation 31 – Refusal: same or adjacent premises**
- 2.16 The Committee first considered Regulation 31(2)(a)(i) and was of the view that Regulation 31(2)(a)(i) is not met as there is currently no person on the pharmaceutical list at the premises to which the application relates.
- 2.17 The Committee went on to consider paragraph (a)(ii) of Regulation 31(2); whether there is a person on the pharmaceutical list providing pharmaceutical services from adjacent premises.
- 2.18 The Committee was satisfied that there is no pharmacy providing pharmaceutical services within the area of the best estimate. The application did not therefore need to be refused in accordance with Regulation 31.
- 2.19 **Regulations 40,41 and 44**
- 2.20 The Committee noted that the proposed pharmacy location was not in a controlled locality, and therefore Part 7 of the Regulations (in particular Regulations 40, 41 and 44) did not have to be considered.
- 2.21 **Regulations [sic] 50**
- 2.22 There are no dispensing patients living within 1.6km radius of the proposed best estimate address, therefore the Committee noted that if the application was approved it would not be required to consider the discontinuation of arrangements for the provision of pharmaceutical services by doctors to the affected patients under Regulation 50.

2.23 **Oral Hearing**

- 2.24 The Committee decided that it was not necessary to hold an oral hearing before determining the application.

2.25 **Regulation 18 – Unforeseen benefits application**

- 2.26 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) the NHSCB 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), the NHSCB must have regard to the matters set out in paragraph (2).

- 2.27 The Committee considered that **Regulation 18(1)(a)** was satisfied in that it was required to determine whether it was satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB.

- 2.28 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 (the ‘PNA’) in accordance with paragraph 4 of Schedule 1 of the Regulations.

- 2.29 The Committee had regard to the Oxfordshire PNA 2022-2025 (issue date 1st April 2022) (the ‘PNA’) and noted that supplementary statements had been issued on 29th June 2023. The Supplementary statement stated:

“The following pharmacy has now closed:

Lloyds Pharmacy in Sainsbury’s store, Heyford Hill, Littlemore, Oxford OX4 4XR

With effect from 22nd April 2023.”

- 2.30 The Committee noted that the Health and Wellbeing Board (‘HWB’) had commissioned an assessment of the current capacity of pharmacies in the areas of known housing growth within Oxfordshire and had reached the conclusion that *“New build plans suggest that most new housing areas in*

Oxfordshire in the period up to 2025 would meet the criteria of general access.”
[Page 73, Oxfordshire PNA, 2022-25]

- 2.31 The Committee also noted that, having considered the entire Littlemore locality including the area of Oxford, the HWB had reached the conclusion that *“To summarise, in terms of general access no parts of Oxfordshire are expected to have gap status in the lifetime of the present PNA, but there is a possibility of future need for the western development area of the Didcot conurbation beyond the lifetime of this PNA”* [Page 12, Oxfordshire PNA, 2022-25].
- 2.32 The Committee noted that the HWB had considered access (distance, travelling times and opening hours') to assess how current service provisions will meet the needs of the population within the lifetime of the PNA.
- 2.33 The Committee noted that the Applicant had stated: *“Our Pharmacy will offer unforeseen benefits because the latest PNA 2022 did not foresee the closure of the Lloyds Pharmacy inside Sainsburys in Littlemore”*.
- 2.34 The Committee noted that the improvements or better access that the Applicant was claiming would be secured by its application were not included in the relevant pharmaceutical needs' assessment in accordance with paragraph 4 of Schedule 1.
- 2.35 The Committee was satisfied that the unforeseen benefits claimed in the application were not identified in the PNA.
- 2.36 In order to be satisfied in accordance with Regulation 18(1), the Committee went on to consider those matters set out at Regulation 18(2).
- 2.37 **Regulation 18(2)(a)(i)** - *whether or not granting the application would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services.*
- 2.38 The Committee was not aware of any plans that would be affected and concluded that granting the application would not have an adverse effect on any future plans. None of the submissions included any comment or evidence in regard to this matter. Therefore, the Committee concluded that granting the application would not cause significant detriment in this regard.
- 2.39 **Regulation 18(2)(a)(ii)** - *whether or not granting the application would cause significant detriment to the arrangements in place for the provision of pharmaceutical services.*
- 2.40 None of the submissions included any evidence on this question and the Committee found no proof to support the suggestion that if the application was to be granted, it would cause significant detriment to the arrangements in place for pharmaceutical services in the area.
- 2.41 The Committee did not find any significant detriment to proper planning or to the arrangements in place for the provision of pharmaceutical services and therefore was not obliged to refuse the application under Regulation 18(2)(a).

- 2.42 **Regulation 18(2)(b)(i)** – *whether notwithstanding that the improvements or better access were not included in the relevant PNA, it is satisfied that, having regard in particular to the desirability of – there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB – granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant PNA was published.*
- 2.43 On this point the Applicant has said:
- 2.44 *“The Littlemore estate contains mostly local authority r [sic] ex-local authority housing. According to the 2011 census, it contains approximately 6,000 residents and is among the 20% most deprived areas in England. Over a quarter of homes do not have a car.”*
- 2.45 *“Littlemore had a pharmacy until it closed in April 2023. Closure of the Lloyds Pharmacy within the Sainsburys Store has resulted in a lack of reasonable choice for the local population because existing pharmacies are difficult to access due to barriers that exist, both mental and physical. The nearest pharmacies to Littlemore are either to the north of the A4142 (which is a very busy dual carriage road which acts as a bypass for Oxford) and prevents a barrier north/south movement or will be at least a mile to the east (which is a significant journey)”.*
- 2.46 The Committee noted the Boots (UK) Ltd representations that stated, *“We note that this application is for premises very close to the unforeseen benefits application by Hamilton Portman Ltd that was granted last year (ME2704-CAS-228182-L7R1W2) which may still be valid.”*
- 2.47 The Committee noted the Oxfordshire Health and Wellbeing Board representations that stated, *“We agree with the applicant that the proposed site for this application falls within an area of Oxfordshire among the most socioeconomically deprived in England and an area where we see significantly worse health outcomes than county averages. The applicant also notes the Oxon PNA 2022 did not foresee the closure of the Lloyds pharmacy in the local Sainsbury store. This is correct, and because of this - and our local insight of the health outcomes of this part of the county - the HWB Board did issue a supplementary statement in June 2023 regarding this closure which can be viewed at [Oxfordshire Data Hub – Health and Social Care – Pharmaceutical Needs Assessment](#). The HWB has previously noted that the increased choice and ease of access that an additional pharmacy in this area offers, could result in benefit to local residents”*
- 2.48 The Committee noted that the representation from PSC on behalf of Allied Pharmacy Henley Avenue stated *“Not only has a significant amount of time elapsed since that pharmacy closed (during which time patients have been receiving pharmaceutical services without difficulty as our client is aware), it is also relevant that this supermarket is located at the far western edge of Littlemore (and of the city). It was not a location where local residents travelled to access pharmaceutical services unless they happened to be shopping in the supermarket. It is also noteworthy that contrary to the comments made by the*

applicant there are 7 pharmacies within a one-mile radius of the site identified (source NHS.uk)."

- 2.49 In order to determine if patients in the area already had a reasonable choice, the Committee considered access (distance, travelling times and opening hours) as an important factor in determining the extent to which the current pharmaceutical service provision meets the needs of the population in the Littlemore area.
- 2.50 The Committee noted the list of facilities and amenities outlined in the site visit report which include Post Office, Grocery Store, hairdressers, Polish delicatessen, Jamaican restaurant, and hardware shop.
- 2.51 The Committee had regard to the current service provision in the immediate area of Littlemore and noted that there are 7 pharmacies within 1-mile radius of the best estimate address. This includes a mix of independent and multiple pharmacies.
- 2.52 The opening hours of the 7 pharmacies range from 08:00 to 21:00 Monday to Friday, from 09:00 to 17:30 on Saturdays and from 10:30-16:30 Sundays. The Committee noted that the Applicant had offered to open from 09:00 to 18:30 on Monday to Friday, 09:00 to 14:00 on Saturdays and closed on Sundays.
- 2.53 The Committee noted that the proposed core hours are 09:00-17:00 Monday to Friday. The Applicant also proposes supplementary opening hours of 17:00-18:30 Monday to Friday and 09:00-14:00 on Saturdays. The Committee noted that these hours can be removed by giving 5 weeks' notice and that therefore the core hours were the only hours that should be taken into consideration.
- 2.54 Members of the Committee who knew the area very well, commented on the high level of footfall in the area, particularly within the small parade of shops where the best estimate address is located.
- 2.55 The Committee noted that residents in the area had less access to vehicles and tended to access services on foot. The demographic information confirmed that 25% of the Littlemore ward had no cars or vans within the household.
- 2.56 The Committee noted that the access to Littlemore is more restricted than other areas of the city as the Eastern By-Pass Rd (A4142) which is a busy dual carriage way runs to the North and East. A railway line runs to the South and East, with the Rugby club and industrial building also preventing access to the East.
- 2.57 The Committee noted that Littlemore is a known area of high deprivation and is one of the most deprived areas of the city with no access to primary medical care within the local area. Deprivation within the demographic information annex shows that there is high deprivation within the Littlemore area [sic] and to the East of Littlemore (Blackbird Leys).
- 2.58 The Committee noted that there is a Bus route that has a bus stop at 100 yards from proposed best estimate address and then goes into Oxford city centre.

- 2.59 The Committee noted its previous determination, dated 24th January 2023, to grant an Unforeseen Benefits application by Hamilton Portman Ltd who's [sic] proposed premises was Littlemore Mini Market 38 Cowley Road, Littlemore, Oxford OX4 4LD. The application lapsed on 21st May 2025. The Committee noted that there had been no increase to pharmaceutical provision since the determination was made in January 2023.
- 2.60 Having considered the factors above, the Committee was not satisfied that residents of Littlemore already have reasonable choice with regard to obtaining pharmaceutical services.
- 2.61 **Regulation 18(2)(b)(ii)** - *whether notwithstanding that the improvements or better access were not included in the relevant PNA, it is satisfied that, having regard in particular to the desirability of – 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 - granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant PNA was published.*
- 2.62 The Committee reminded itself that it was required to address itself to people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access. The Committee was also aware of its duties under the Equality Act 2010 which include considering the elimination of discrimination and advancement of equality between patients who share protected characteristics and those within such characteristics.
- 2.63 The Applicant did not mention anything regarding people who share a protected characteristic in their application.
- 2.64 The Committee agreed that whilst it was clear that there is an elderly population in the area, the Applicant did not any provide information about how elderly patients access services, or any specific needs for pharmaceutical services that were difficult for them to access.
- 2.65 The representations from Oxfordshire Health and Wellbeing Board, Community Pharmacy Thames Valley LPC, and Boots (UK) Ltd, and Allied Pharmacy Henley Avenue did not include comments relating to groups of patients having difficulty accessing pharmaceutical services.
- 2.66 The Committee therefore concluded that the application did not satisfy the test in this part of the Regulation.
- 2.67 **Regulation 18(2)(b)(iii)** - *whether notwithstanding that the improvements or better access were not included in the relevant PNA, it is satisfied that, having regard in particular to the desirability of – there being innovative approaches taken with regard to the delivery of pharmaceutical services - granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant PNA was published.*

- 2.68 The Committee agreed that the applicant had not provided evidence that an innovative approach would be taken with regard to the delivery of pharmaceutical services.
- 2.69 Therefore, the Committee concluded that there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services.
- 2.70 The Committee was of the view that in accordance with Regulation 18(2)(b) the granting of this application would confer significant benefits on persons in the relevant area of the HWB which were not foreseen when the PNA was published.
- 2.71 **Other Considerations**
- 2.72 **Regulation 18(2)(c)-(f)** - The Committee had previously determined that there was no need to defer the application under Regulation 18(2)(c) to (f).
- 2.73 **Decision**
- 2.74 The Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.
- 2.75 The Committee had considered whether the granting of the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area covered by the HWB, or the arrangements in place for the provision of pharmaceutical services in that area and was not satisfied that it would.
- 2.76 The Committee determined that the application should be granted on the following basis:
- 2.76.1 In considering whether the granting of the application would confer significant benefits, the Committee determined that –
- 2.76.1.1 there is not a reasonable choice with regard to obtaining pharmaceutical services;
- 2.76.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and
- 2.76.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services.
- 2.77 Having taken these matters into account, the Committee is satisfied that granting the application would confer significant benefits as outlined above that would secure improvements or better access to pharmaceutical services.
- 2.78 **Rights of appeal**
- 2.79 The application is granted so the applicant does not have appeal rights.

- 2.80 The Committee decided that the following parties that should have third party rights of appeal as they had expressed their grounds for opposing the application adequately in their representations.

2.80.1 Henley Avenue Healthcare Ltd t/a Allied Pharmacy Henley Avenue (FRV71) 1 Henley Avenue, Oxford, Oxfordshire, OX4 4DH”.

3 The Appeal

In a letter dated 9 July 2025 addressed to NHS Resolution, Henley Avenue Healthcare Ltd (“the Appellant”), through its representative Pharmacy Sales & Consultancy, appealed against the Commissioner’s decision. The grounds of appeal are:

- 3.1 “We act for Henley Avenue Healthcare Limited and have enclosed a letter of authorisation confirming our instructions in this matter.
- 3.2 Our client has been notified by Buckinghamshire, Oxfordshire and Berkshire West ICB that the above application, made pursuant to Regulation 18 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“The Regulations”), has been approved. I have enclosed a copy of their decision letter and report for your information.
- 3.3 Preliminary matter
- 3.4 We note reference by various parties, including the ICB, to the previous approval of an application by Hamilton Portman Limited (ME2704-CAS-228182-L7R1W2) at a nearby location.
- 3.5 Neither we nor our client have access to a copy of that application. Furthermore, as far as we can see there was no appeal against that approval as we are unable to find any reference to the application on the Primary Care Appeals website.
- 3.6 It appears from the decision report that the ICB may have taken into account this previous approval when determining this application. If the Primary Care Appeals committee (“The Committee”) intends to request a copy of the previous decision from the ICB may we ask that this application and decision report are circulated to interested parties to comment upon please?
- 3.7 Grounds for Appeal
- 3.8 Our client’s key grounds for appeal are summarised as follows:
- 3.8.1 The ICB failed to properly consider the accessibility of existing pharmacies for residents of the proposed area.
- 3.8.2 The ICB failed to place sufficient weight on the findings of the Health and Wellbeing Board (“HWB”) that there were no gaps in provision of pharmaceutical services, despite the closure of the pharmacy in Sainsbury’s.
- 3.8.3 The ICB did not objectively consider all of the demographic information provided.

- 3.8.4 The ICB appear to have placed significant weight on knowledge of committee members who “knew the area well” in respect of footfall without any data to objectively assess this matter, and without considering how this equates to a need for pharmaceutical services provision.
- 3.8.5 The ICB appear to have no regard to the fact the applicant provided no information whatsoever from local residents as evidence to support the view that they do not have reasonable choice in respect of pharmaceutical services provision.
- 3.9 We discuss each of these matters further below.
- 3.10 We have also included a copy of our client’s original letter of objection so will not repeat the matters raised in the letter in any detail but ask that the Committee takes these comments into account when determining this application.
- 3.11 **The ICB failed to properly consider the accessibility of existing pharmacies for residents of the area.**
- 3.12 The applicant placed significant weight within its application on the closure of the Lloyds pharmacy that was located within the Sainsbury’s supermarket on the western side of Littlemore until 2023.
- 3.13 The map below shows the location of the Sainsbury’s store in relation to the location proposed within this application: [map provided]
- 3.14 As this map shows, the Sainsbury’s store is located at the very western edge of the city. It is bounded by open space to the west, the railway line immediately to the south and the Eastern Bypass to the north. The distance from the proposed site to this supermarket on foot is 1.1km, a walk of 15 minutes for a person of average mobility, although it should be noted that this shortest route requires walking through a recreation ground using an unlit footpath. The shortest alternative route is 1.2km.
- 3.15 It is the applicant’s position that the pharmacy formerly located in Sainsbury’s previously secured pharmaceutical services provision for the residents of this part of Littlemore. For the avoidance of doubt, there has never been a pharmacy located at the site proposed by the applicant.
- 3.16 The nearest existing pharmacy to the proposed location is Truwell Pharmacy at 6a Courtland Road, Rose Hill, OX4 4JA. This pharmacy opens from 9am to 6.30pm, well beyond the core hours proposed by the applicant. The distance from the proposed location to this pharmacy is shown on the map on the next page.
- 3.17 The shortest route on foot (marked with the dotted line) is 750m, a walk of 11 minutes. The terrain is essentially flat and the route benefits from wide pavements, street-lighting throughout and the only significant road to cross is the A4158 (Oxford Road).

- 3.18 There are pedestrian islands situated at regular intervals along Oxford Road and there is also a light-controlled crossing approximately half-way along the Oxford Road stretch of the route as shown on the second image below. As shown in our client's original objection letter, Cowley Road passes underneath the Eastern Bypass so the bypass does not constitute a barrier to movement.
- 3.19 [Map and photograph provided]
- 3.20 This is a very straightforward route for pedestrians.
- 3.21 For any residents who prefer to use public transport, buses route 3A runs along Oxford Road through the middle of Littlemore (including the stretch of Oxford Road south of the bypass) every 15 minutes and stops within 50m of Truwell Pharmacy. Whilst there is no reason that patients would start their journey at the proposed site, the Oxford Road bus stop is 400m away (a walk of 5 minutes) from the proposed site. In reality residents would walk from their homes to the bus stop, not from the proposed site.
- 3.22 For the 75% of residents who do have access to a car or van, the drive time from the proposed site to this pharmacy is approximately 3 minutes and there is free on-road parking provided immediately outside the pharmacy.
- 3.23 *Other pharmacies*
- 3.24 As acknowledged by the ICB in paragraph 7.24 of their decision report, there are 6 further pharmacies within a 1-mile radius (7 in total including Truwell). These are summarised briefly as follows:

Pharmacy	Distance from proposed site	Access by car	Public transport*
Superdrug, Templars Square, OX4 3UZ	0.6 miles straight line. 0.7 miles (16 mins on foot)	5-minute drive. Shopping centre location with shoppers' car park	Bus route 5a. Direct service every 30 mins. Bus stop within 100m at each end
Ahmeys, 150 Oxford Road, OX4 2EA	0.8 miles straight line. 0.9 miles (20 mins on foot)	7-minute drive. Free patient parking on forecourt outside	As above bus route 5a. Direct Service which stops within 180m of Ahmeys.
Leys Pharmacy – 100 Blackbird Leys Road OX4 6HS	0.8 miles straight line. 1 mile (23 mins on foot)	6-minute drive. Free on-road parking outside	No direct bus route

Boots Oxford Retail Park, OX4 6XJ	0.8 miles straight line. 1 mile (23 mins on foot)	7-minute drive. Retail Park with free shopper parking	No direct bus route
Allied Pharmacy, 1 Henley Avenue, OX4 4DH	0.9 miles straight line. 1.1 miles (24 mins on foot)	4-minute drive. Health Centre with patient car park.	Buses every 7 minutes along Oxford Road. Stop within 0.4 miles of proposed site & 100m from Allied.
Allied Pharmacy, 17 Ivy Close, Cowley, OX4 2NB	1 mile straight line. 1.2 miles (28 mins on foot)	7-minute drive. Health Centre with patient car park.	Accessible via route 5a (discussed above). Stop within 0.3 miles of Allied.

- 3.25 *It is also noteworthy, as per paragraph 7.31 [2.58 above] of the ICB decision report, that buses stop within 100m of the proposed site and travel to the City Centre, where patients have access to further pharmacies as well as a wide range of other amenities.
- 3.26 As a more general point, Oxford has a very extensive public transport network that has been introduced to reduce the number of cars accessing the city centre. It also has an 'Active Travel Strategy' that has been implemented to increase the uptake of cycling, as well as promoting walking where possible.
- 3.27 We submit that residents of the area highlighted by the applicant have good access to a choice of pharmacies within a relatively short distance of a proposed site. These can be accessed on foot, by car, by bicycle or by public transport without difficulty.
- 3.28 As the committee will be aware, the burden of proof in respect of making a case that patients do not have 'reasonable choice' rests with the applicant yet it has provided very little evidence in this respect. In our opinion the ICB committee erred in making the assumption that existing pharmacies are difficult to access without any evidence of this being provided by the applicant.
- 3.29 **The ICB failed to place sufficient weight on the findings of the Health and Wellbeing Board ("HWB") that there were no gaps in provision of pharmaceutical services, despite the closure of the pharmacy in Sainsbury's.**
- 3.30 Both the applicant and the ICB referred to the comments made by the HWB, which they claim support the case for a pharmacy at the proposed location. However, this claim does not stand up to scrutiny.
- 3.31 For the avoidance of doubt it is accepted by all parties that the current Oxfordshire PNA did not identify a gap in provision at the proposed location. It

is also accepted that a supplementary statement was published in June 2023, notifying [sic] the closure of Lloyds Pharmacy in Sainsburys. We have enclosed a copy of that supplementary statement with this appeal.

- 3.32 The supplementary statement simply acknowledges the closure of the Lloyds pharmacy without providing any commentary on the effects of this closure.
- 3.33 Within its representations responding to the application, the comments made by the HWB were as follows (emphasis added):
- 3.34 *We agree with the applicant that the proposed site for this application falls within an area of Oxfordshire among the most socioeconomically deprived in England and an area where we see significantly worse health outcomes than county averages. The applicant also notes the Oxon PNA 2022 did not foresee the closure of the Lloyds pharmacy in the local Sainsbury store. This is correct, and because of this- and our local insight of the health outcomes of this part of the county- the HWB Board did issue a supplementary statement in June 2023 regarding this closure which can be viewed at Oxfordshire Data Hub – Health and Social Care – Pharmaceutical Needs Assessment. **The HWB has previously noted that the increased choice and ease of access that an additional pharmacy in this area offers, could result in benefit to local residents.***
- 3.35 *When the 20 minute (by foot or public transport) rule is applied to this area **we have not identified a gap in service provision.** We are also aware of the successful application of an alternative provider, Hamilton Portman Ltd, at this site.*
- 3.36 The HWB start by discussing levels of deprivation. We discuss the demographic data later in this appeal.
- 3.37 They go on to mention the publication of the supplementary statement, but do not add any further commentary that would suggest this statement was intended to show an identified need. They make a broad statement about “increased choice and ease of access” and go on to say this “could result in benefit” but they stop short of discussing the regulatory tests. [Appellant’s emphasis]
- 3.38 In fact, they go on to specifically say that they **have not** identified a gap in service provision. [Appellant’s emphasis]
- 3.39 Our interpretation of the comments made by the HWB are that, whilst they may believe that a new pharmacy would be ‘nice to have’, they do not believe that the regulatory tests in respect of an application for inclusion in the pharmaceutical list have been met.
- 3.40 We believe that the ICB committee should have placed more weight on the HWB’s opinions in this respect.
- 3.41 **The ICB did not objectively consider all of the demographic information provided.**

- 3.42 We note that the applicant provided minimal demographic information to support its case, referring only to data from the 2011 census.
- 3.43 It appears to be undisputed that the percentage of households in the Littlemore ward (using 2021 census data) that have no car or van is 25.1%. This compares to the national average of 23.5%.
- 3.44 Given that Littlemore is a suburb of a large city, the fact car ownership is marginally lower than the national average is not surprising in any way. High levels of car ownership tend to be weighted towards rural areas whereas city environments typically have lower levels of car ownership because residents are more able to access amenities on foot or using the public transport network. Suburban areas tend to be somewhere in between.
- 3.45 In our opinion, therefore, car ownership is exactly as would be expected and is only very marginally lower than the national average. The levels of car ownership are significantly higher than would be expected in an area that was considered to be significantly deprived. Whether or not car ownership is linked to deprivation, it is a matter of fact that 75% of the population are able to use a car to access pharmaceutical services should they wish.
- 3.46 Various parties refer repeatedly to the area being deprived, but we are mindful that they are comparing the levels of deprivation to the rest of Oxford City, which is far more affluent than most areas in England.
- 3.47 In order to consider deprivation levels objectively we have examined data from the Index of Multiple Deprivation, published by the Ministry of Housing, Communities and Local Government in 2019 (the latest data available).
- 3.48 This data shows that the Lower Super Output Area (LSOA) Oxford 16A, in which the best estimate area is located, was ranked 6,262 out of 32,844 areas in England on the Index of Multiple Deprivation, where 1 is the most deprived i.e. it is only just in the top 20% of areas for deprivation (19.1% to be precise). In other words, almost one in five LSOAs in England are more deprived than this one. So whilst it is fair to say that the area is less affluent than Oxford as a whole, we submit that levels of deprivation are not such that these significantly impact on the need for pharmaceutical services provision or the ability of residents to access such provision.
- 3.49 It is also noteworthy that, drilling down into the index of multiple deprivation, this LSOA is ranked 7,613 in respect of health deprivation, so it is only just in the top 25% most deprived areas on this measure.
- 3.50 We also note the comment made on page 102 of the 2022 Oxfordshire PNA as follows:
- 3.51 *Small Areas amongst the 20% Most Deprived in England: these are in Rose Hill, Littlemore, Blackbird Leys, Barton/Sandhills and the area around Speedwell Street in central Oxford. NHS SHAPE indicates that these areas are served by convenient pharmacies. There are two pharmacies in the Rose Hill area, two in the Blackbird Leys area, and one in the Barton/Sandhills area, with another one on the edge of the area, and a large pharmacy in central Oxford.*

For the deprived section of Littlemore pharmacies are located within 15 minutes' travel by public transport.

- 3.52 The situation in respect of public transport availability for residents of Littlemore has not changed.
- 3.53 **The ICB appear to have placed significant weight on knowledge of committee members who “knew the area well” in respect of footfall without any data to objectively assess this matter, and without considering how this equates to a need for pharmaceutical services provision.**
- 3.54 We note the comments made in paragraph 7.27 [2.54 above] in the decision report.
- 3.55 Whilst it is entirely reasonable the committee members would use their own knowledge to help inform their decision, we submit that reference to a “high level footfall in the area” is not an objective measure by which to consider demand for pharmaceutical need. We note that ICB’s representative carried out a ‘virtual site visit’, so was presumably unable to gather any data in this respect.
- 3.56 No indication is given in respect of what constitutes a ‘high level’ of footfall and how this might compare to other areas of the city or beyond. In paragraph 7.23 [2.50 above] the report lists the amenities provided at the applicant’s site. It is clear from this list that these are similar to facilities that will be found in small local parades throughout the country. There is nothing here that would be expected to attract an exceptionally high number of shoppers.
- 3.57 Furthermore, there is no link between any of these amenities and demand for pharmaceutical services. If there was a GP surgery nearby there might be a stronger case for the provision of pharmaceutical services because clearly the two are connected. However none of the shops listed are naturally associated with healthcare provision.
- 3.58 It may be, for example, that the presence of a Polish delicatessen indicates a high proportion of residents of Eastern European origin who would gravitate to the shopping parade to access the shop. However, no information is provided to suggest that, if this is the case, this community has a particular requirement for pharmaceutical services provision that would be met by the applicant.
- 3.59 It might be considered that the presence of a post office would be a benefit for the older population so we have considered demographic data in respect of the age profile of Littlemore ward.
- 3.60 At the time of the 2021 census, the population of the ward over the age of 65 was 11.8% compared to the national average of 18.1%. It is clear, therefore, that there is not a significant elderly population within the ward whose requirements for pharmaceutical services might be higher than average. The local population is much younger than the national average.
- 3.61 We remind the Committee that it is for the applicant to provide information to support its case, not for objectors to provide evidence that there is not a need

for a new pharmacy. The ICB committee appears to have been comfortable to make assumptions that influenced its decision without having evidence to back up those assumptions.

3.62 **The ICB appeared to have no regard to the fact the applicant provided no information whatsoever from local residents as evidence to support the view that they do not have reasonable choice in respect of pharmaceutical services provision.**

3.63 The glaring omission from this application is that no evidence has been provided by the applicant to demonstrate that *any* residents of the area it proposes to serve currently have difficulties accessing pharmaceutical services. [Appellant's emphasis]

3.64 Again, the ICB appear to have been comfortable to make a decision based on broad assumptions without supporting evidence, but it cannot be correct that an application for inclusion in the pharmaceutical list would be granted without a single patient having identified any difficulties they might have experienced.

3.65 We submit that the level of information provided by the applicant falls a long way short of that that would ordinarily be required to convince the Committee that, on the balance of probabilities, the test set out in Regulation 18(2)(b)(i) has been met.

3.66 **Other tests in Regulation 18**

3.67 We note the ICB committee's finding in respect of Regulations 18(2)(b)(ii) & (iii) and we agree with these, so have no further comments to add.

3.68 We believe there is enough evidence within our client's appeal for the Primary Care Appeals Committee to grant [sic] the application based on the written evidence. However, should the committee wish to convene a hearing our client would wish to attend."

3.69 [Supporting information at Appendix A for Committee]

4 **Summary of Representations**

In the interests of transparency and fairness, NHS Resolution sought to rely on the discretion afforded in paragraph 7 of Schedule 3 of the Regulations to vary the normal procedures and to circulate a copy of the site visit report relied upon by the Commissioner to make its determination, the Applicant's '14 day comments' received in response to the representations made to the Commissioner and a copy of the previous application by Hamilton Portman Ltd and Commissioner's decision report, as these had not been seen by parties prior to the decision being made by the Commissioner.

This is a summary of representations received on the appeal.

4.1 Pharmacy Sales & Consultancy, on behalf of the Appellant

4.1.1 "Thank you for your letter dated 23rd July inviting further representations on various matters on behalf of our client, Henley

Avenue Healthcare Limited. We note that you are seeking further comments on the following:

4.1.1.1 Commissioner's site visit, information regarding nearby pharmacies and GPs, demographic information and public transport information

4.1.1.2 14 day comments from the Applicant dated 11 March 2025

4.1.1.3 Hamilton Portman application form dated 14 March 2023 and decision report

4.1.2 On behalf of our client we wish to make brief additional comments as follows.

(a) Commissioner's site visit etc.

4.1.3 We note that the commissioner identified 15 existing pharmacies within a 2.5 mile radius of the proposed site. We also note that, almost without exception, these pharmacies provide core opening hours that are more extensive than those being offered by the applicant.

4.1.4 The report lists medical centres within the wider area and notes that the nearest of these is 0.8 miles away in a straight line. There are no medical centres close to the site identified by the applicant.

4.1.5 In its virtual site visit summary, the commissioner notes that:

4.1.5.1 There are several subways / crossing points for pedestrians to travel underneath or over the A4142.

4.1.5.2 The proposed site is within a "small" parade of 6 shops. It goes on to list of facilities available at the parade which are clearly very limited.

4.1.5.3 Roads and pavements around the surrounding area allow for good access to, and crucially **from**, the proposed location.

4.1.5.4 The new developments listed by the applicant are in various stages of completion.

4.1.5.5 The distance from the proposed location to the nearest existing pharmacy (The Leys) is only 0.2 miles, a walk of 10 minutes. There is nothing within the report that suggests this journey is difficult.

4.1.5.6 The report notes that the journey to the nearest medical centre is a walk of more than 20 minutes. It is noteworthy that, when reviewing the contents of this report, the ICB do not appear to have considered that if patients are required to travel this distance to access medical services it is not unreasonable to suggest that they can access pharmaceutical services which are located much closer.

- 4.1.6 The demographic data provided shows that car ownership within the Littlemore ward is higher than within the Oxford Local Authority generally.
- 4.1.7 It is also noteworthy that the areas which are more deprived are largely located to the southeast of the proposed location where there are already existing pharmacies.

(b) 14 day comments from the Applicant dated 11 March 2025

4.1.8 We comment in the same order as the applicant as follows:

4.1.9 *Oxfordshire HWB*

- 4.1.10 The applicant discusses the supplementary statement issued by the HWB in June 2023. It essentially dismisses the importance of this stating that it was merely an acknowledgement of the closure and did not constitute an assessment of the impact of that closure. We agree with this comment and discuss it further below.
- 4.1.11 Whilst the HWB may have made a comment about increased choice and ease of access, importantly they made it clear that the gap in the provision of pharmaceutical services has not arisen.

Henley Avenue Healthcare Limited (HAHL)

- 4.1.12 It is true that our client's pharmacy is located more than a mile away from the application site but it is also true that there are other pharmacies located closer to that site. The decision maker is required to take into account the provision of existing pharmaceutical services across the area.
- 4.1.13 We disagree with the assertion that Eastern bypass constitutes a significant barrier to movement. It is noteworthy, as discussed above, that the commissioner identified several crossing points within its report.
- 4.1.14 In terms of the shops within the parade, the Primary Care Appeals committee will form its own view based on the information and photographs provided as to whether local residents are able to meet their daily needs at this parade. We also remind the applicant that it is not for objectors to provide evidence that there is **not** a need for additional pharmaceutical services provision, it is for the applicant to provide evidence that there **is**.
- 4.1.15 The applicant goes on to refer to the previous approval, but for reasons we have set out previously, we believe the ICB failed to properly apply the regulatory tests when approving that application. NHS Resolution will consider this matter afresh so that previous approval does not carry any significant weight.
- 4.1.16 The applicant discusses the 'Littlemore estate' without defining exactly where this is but list a range of amenities provided within the area including the Sainsbury's store referred to previously. If it is the

applicant's case that residents of Littlemore are able to access this Sainsbury's supermarket without difficulty (1.2 miles away), it is hard to understand why the same residents or would find it impossible to access a pharmacy located only 0.2 miles away.

4.1.17 In terms of the comments made about the underpass, whilst it might be the case that residents are only able to cross the Eastern bypass at certain points, it is entirely relevant that one of these crossing points is only a few metres away from the applicant's proposed site. The applicant claims local residents can easily access its site so they can also easily access the underpass and can travel without difficulty to pharmacies located to the north of the bypass.

4.1.18 Lastly the applicant states that the HWB supports its application. It is clear that that support does not go as far as stating there is a need for a pharmacy. The HWB are uniquely placed to identify a gap in pharmaceutical services provision and can address that through the publication of either a supplementary statement identifying a gap or a new PNA. They have not done either.

(c) Hamilton Portman application form dated 14 March 2023 and decision report

4.1.19 As this application and decision was almost identical to the current application and decision report we have addressed most of the points made already.

4.1.20 The only additional point we have to make is in respect of the supplementary statement from the HWB. It is clear from the ICB's decision report that it placed significant weight on the supplementary statement which discussed the closure of the pharmacy in the Sainsbury's supermarket. The ICB incorrectly concluded that the publication of that document was evidence that the HWB identified that this left a gap.

4.1.21 It is clear from later correspondence that the HWB did not consider that this closure left a gap and even the applicants have subsequently acknowledged that no analysis was carried out by the HWB to demonstrate that a gap had arisen.

4.1.22 Despite the fact that the HWB's position has subsequently become clear, in making his latest decision to approve the application the ICB appears to have been influenced by its previous approval rather than looking objectively at the evidence presented to it.

4.1.23 We have nothing further to add at this stage and look forward to receiving further comments in due course."

4.2 Temple Bright LLP, on behalf of the Applicant

4.2.1 "I act for Mr Abdirahman Hassan. On behalf of my client, I write to submit representations on an appeal by Henley Avenue Healthcare Limited against a decision of NHS England to grant my client's

application for inclusion in the pharmaceutical list offering unforeseen benefits for the best estimate location of within 100 metres of 40 Cowley Road, Littlemore, Oxford, OX4 4LD.

Background

- 4.2.2 By way of background, my client first applied for inclusion in the pharmaceutical list (through Hamilton Portman Limited) for premises at 38 Cowley Road by an application dated 26th June 2023.
- 4.2.3 That application was granted by NHS England on the grounds that there was not a reasonable choice of pharmaceutical service provision in the HWB's area by a decision dated 24th January 2024. The grant was appealed, but the appeal was invalid and dismissed summarily by NHS Resolution.
- 4.2.4 Upon the grant of its application, Hamilton Portman Ltd then sought to take steps to secure the premises at 38 Cowley Road. Unfortunately, negotiations with the landlord of those premises were unsuccessful, and due to the length of time that the negotiations took before it became apparent that the company would not be in a position to commence services at the originally specified premises, the grant lapsed.
- 4.2.5 My client therefore reapplied for inclusion in the pharmaceutical list for a best estimate location. My client is confident that, should his application be granted, he will be in a position to commence services within that best estimate location.
- 4.2.6 In support of his application, my client noted that:
 - 4.2.6.1 Littlemore is a suburb at the southern end of Oxford and to the south of the A4142 (the Oxford bypass)
 - 4.2.6.2 The Littlemore estate contains mostly local authority and ex-local authority housing
 - 4.2.6.3 According to the 2011 census, it contains approximately 6,000 residents and is among the 20% most deprived areas in England
 - 4.2.6.4 Over a quarter of homes do not have a car or van
 - 4.2.6.5 Housing developments are taking place in Littlemore, which, once completed, will add an additional 424 new homes (or 1,000 new residents)
 - 4.2.6.6 Littlemore has a range of shops and other services to meet the daily needs of residents, including a Post Office, convenience stores, takeaways, pubs and restaurants, schools and a large Sainsburys
 - 4.2.6.7 Littlemore has no pharmacy, with the Lloyds Pharmacy in the Sainsburys store having closed in 2023

- 4.2.6.8 There is a lack of reasonable choice of service provision with barriers (both physical and mental) to accessing pharmacies.
- 4.2.7 My client therefore asserted that granting his application would confer significant benefits by securing a reasonable choice of service provision. That assertion was, of course, consistent with the reasons given by NHS England in granting the first application by Hamilton Portman Limited.
- 4.2.8 NHS England considered, and granted, my client's application by a decision letter dated 18th June 2025, again pointing to the lack of reasonable choice of service provision for residents of Littlemore.
- 4.2.9 That decision has been appealed by Henley Avenue Healthcare Limited, which is included in the pharmaceutical list trading as Allied Pharmacy Henley Avenue, a pharmacy which is approximately 1.1 miles from my client's proposed location.

Regulatory test

- 4.2.10 My client's application is submitted pursuant to regulation 18 of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013. NHS Resolution, on appeal, must therefore determine whether granting my client's application would secure improvements in, and better access to, pharmaceutical service provision in the HWB's area which are not contained within the relevant PNA.
- 4.2.11 In particular, NHS Resolution must have regard to the matters contained within regulation 18(2)(b) and whether it is satisfied that the application would confer significant benefits. having regard to the desirability of:
- 4.2.11.1 There being a reasonable choice of service provision in the HWB's area, and
- 4.2.11.2 Patients who share a relevant protected characteristic and who require access to pharmaceutical services but who currently find access difficult
- 4.2.11.3 Any innovation in service delivery offered by the applicant
- 4.2.12 On behalf of my client, it is asserted that granting the application would secure improvements in, and better access to, pharmaceutical services in the HWB's area.

Relevant factual matters

- 4.2.13 As summarised in my client's application form, this application is submitted to open a pharmacy in Littlemore, Oxford. Littlemore is a suburb located approximately 3 miles south of Oxford City Centre. Its

location relative to Oxford is shown in the Google Maps satellite image below:

4.2.14 [Image provided]

4.2.15 In terms of local characteristics, the proposed pharmacy would be located in the Littlemore ward. The ward boundaries for Littlemore are shown in the map below:

4.2.16 [Map provided]

4.2.17 According to 2021 census data for the Littlemore ward:

4.2.17.1 The resident population is 6,230

4.2.17.2 25.3% homes are social rented properties (compared to 17% for England) and 27.2% of homes are privately rented (compared to 20.6% for England). The Littlemore estate comprises of mostly social rented, or former social rented, housing

4.2.17.3 In terms of car ownership

4.2.17.3.1 25.1% of homes have no car or van, compared to 23.5% for England

4.2.17.3.2 49.1% of homes have only one car or van, compared to 41.3% nationally

4.2.17.3.3 20.6% of homes have two cars or vans, compared to 26.1% nationally

4.2.17.3.4 5.3% of homes have 3 or more cars, compared to 9.1% nationally

4.2.17.4 There are a relatively large number of flats in Littlemore (26.2% of homes are in purpose-built blocks of flats compared to 17.1% nationally)

4.2.17.5 Health and disability indicators are broadly in line with English averages

4.2.17.6 There are a larger than average proportion of families with children

4.2.18 As stated in my client's application, Littlemore has a range of shops and other services which service the local community's needs. In particular:

4.2.18.1 In the immediate vicinity of the central point of my client's best estimate location is a parade of shops which contains a Post Office, two convenience stores, takeaway and general household store

- 4.2.18.2 Travelling further south along Cowley Road there are two pubs – The Golden Ball and the George Inn
- 4.2.18.3 There is a village hall at the junction of Sandford Road and Railway Lane and recreational sports facilities to the west of Oxford Road
- 4.2.18.4 There is a Nisa convenience store and takeaway restaurant at the junction of St Nicolas Road and Giles Road
- 4.2.18.5 There is a large Sainsburys supermarket and petrol station to the western side of the estate
- 4.2.18.6 There is a primary school (the John Newman Academy) to the southern side of the estate which has approximately 366 pupils on the role (at the time of the last Ofsted inspection in 2024)
- 4.2.18.7 There is a large secondary school with sixth form (the Oxford Academy with 1,174 pupils as at October 2023) to the eastern side of the estate.
- 4.2.18.8 There is a large business park to the southern end of the estate which houses a range of mainly technology and healthcare company offices.
- 4.2.18.9 The Oxford City football stadium is located at the southeastern corner of the estate.
- 4.2.19 As stated in my client's application form, there are also ongoing housing developments in Littlemore:
 - 4.2.19.1 90 homes are under construction at the former Dominion Oils site on Railway Lane. This is located just to the south of the Sainsbury store. All of these homes are designated as affordable housing and are a mix of flats and houses. The development started in summer 2023, with the first phase completed at the end of 2024.
 - 4.2.19.2 270 new homes have been constructed at Littlemore Park (towards the south of the Littlemore estate). These are all affordable homes, with a mix of social rented and shared ownership accommodation.
 - 4.2.19.3 61 affordable homes are being constructed at the former Northfield Hostel site (to the eastern end of the Littlemore estate). The old Hostel building has been demolished and work has started on construction on the new homes.
- 4.2.20 In December 2023, Oxfordshire Council published a "Littlemore Community Insight Profile ([Littlemore CommunityProfile Summary](#)). A copy of the profile is **attached** to this letter. On behalf of my client, I will not repeat the contents of the Profile, since NHS Resolution will no

doubt carefully consider the contents when it determines this appeal. However, NHS Resolution will note that the document confirms the census data summarised above and notes that:

- 4.2.20.1 Littlemore contains a higher proportion of adults receiving drugs or alcohol treatment compared to Oxfordshire (and has done so since 2019)
- 4.2.20.2 Littlemore has the 3rd highest rates of childhood obesity in Oxfordshire
- 4.2.20.3 Littlemore has proportionately more residents who work in lower paid jobs and a higher proportion of non-workers (whether because they stay at home to look after the home or family or as a result of long term sickness or disability)
- 4.2.20.4 Deprivation rates are higher than Oxford and Oxfordshire averages
- 4.2.20.5 Crime rates are well above Oxfordshire averages

Pharmaceutical service provision

- 4.2.21 It is against the above factual background that NHS Resolution is invited to consider the provision of pharmaceutical services and, in particular, whether my client's application would secure improvements in, and better access to, service provision, in particular for the Littlemore community.
- 4.2.22 As a starting point, there is no pharmaceutical service provision within the Littlemore estate itself. There was a Lloyds Pharmacy in the Sainsbury's store, but that pharmacy closed in June 2023 (so after the publication of the most recent PNA).
- 4.2.23 That closure has left a gap in service provision in the estate. This is best evidenced by the google maps satellite image below, which shows the location of the remaining pharmacy network in southern Oxford, and with an obvious physical absence of pharmaceutical service provision in Littlemore itself.
- 4.2.24 [Map provided]
- 4.2.25 In terms of distances to existing pharmacies, the appellant provides distances from 40 Cowley Road. However, this is something of an artificial exercise, because this address is towards the northern end of the Littlemore estate and, therefore, measuring distances from this point does not accurately reflect the journey distances or travel times that are likely to be experienced by most local residents.
- 4.2.26 Using a central starting point in Littlemore, the distances to the nearest pharmacies are far more significant than those set out in the letter of appeal and represent journeys in excess of 1km even to the nearest pharmacies. Whilst, in the context of most localities, NHS Resolution

may consider that these are not distances which, of themselves, would represent a barrier to accessing pharmacies, the fact is that there is a significant amount of evidence that these distances do represent a barrier for Littlemore residents.

4.2.27 As stated above, census data demonstrates that many households either do not have a car or van at all, or only have one car or van which, of course, may not be available when there is a need to access pharmaceutical services (for example, because it is in use by other members of the household). Public transport connectivity for the Littlemore estate is poor, as detailed further below.

4.2.28 The absence of pharmaceutical service provision, and the difficulties that this creates for the local population, has been well-documented.

4.2.29 When the Lloyds Pharmacy closed, the HWB issued a supplementary statement in June 2023. Whilst the supplementary statement itself simply noted the closure of the Lloyds Pharmacy, the meeting of the Oxfordshire Health and Wellbeing Board of 29th June 2023 where the closure was discussed noted relevantly as follows ([Agenda item - Pharmaceutical Needs Assessment Update | Oxfordshire County Council](#)):

“The third [supplementary statement] recorded the closure of the Lloyds Pharmacy in Sainsbury’s store, Heyford Hill, Littlemore, Oxford. The reason for the supplementary statement was that Littlemore was one of the ten wards that experienced the greatest health inequality in the county and whilst there was access to pharmacy provision within the twenty minute rule, some of the public transport access for the community was not ideal and car ownership was lower than average. It was considered to be an area which could potentially benefit from additional provision in the future should the market apply to NHS England to open new pharmacy premises.”

4.2.30 The absence of pharmacy service provision was also noted in the Littlemore Community Profile (which is referred to above and is attached). For example, at page 11, the Profile states relevantly as follows:

“Access to health care services

There was much concern noted about a lack of access to health care services in the community insight.

- *34% of survey respondents noted that access to healthcare was a barrier to looking after themselves.*

- *Almost half of survey respondents (49%) found it difficult to access the John Radcliffe or Headington hospitals and **48% found it difficult to access a pharmacy.** [emphasis added]*

- *46% of survey respondents found it difficult to access dental practice/services.”*

4.2.31 In relation to public transport, the Profile report notes relevantly as follows:

“Roads and transport

Public transport was a key theme in discussions and an identified barrier for respondents to the online survey. According to data relating to access to employment, education, healthcare and basic services, two areas in Littlemore are ranked as having ‘higher risk’ of transport - related social exclusion compared to similar areas across England and above Oxford average as indicated in figure 7 below. From the results of the community insight;

- 40% of survey respondents reported transport as a barrier to looking after oneself.*
- Only 9% of survey respondents use the bus daily and 34% found it ‘not at all easy’ to get from Littlemore to other parts of the City.*
- Interviews and focus group attendees provided a sense that the community is poorly served by public transport, has a lack of safe walking connections and that the Low Traffic Neighbourhood has had a negative effect on access beyond the parish.”*

4.2.32 The gap in pharmacy provision for Littlemore was further considered in the Littlemore Neighbourhood Plan, which was published in September 2024 ([Draft Neighbourhood plan 301222 DRaft 2](#)). The Plan notes relevantly (at page 36) as follows:

“HWS1 Primary health care facilities

For all age groups, primary healthcare provision is essential to maintaining good physical and mental health. Littlemore lacks essential health infrastructure, and currently has no dentist, pharmacy, or doctor’s surgery, nor any outreach health clinics. Access to NHS primary healthcare from Littlemore is almost certainly worse in terms of distance and accessibility than from any other part of Oxford, as indicated in Community Insight Report and the Map on page 8. The nearest dental practices and pharmacies are in Rose Hill and Temple Cowley, each a significant distance away from most of Littlemore. Most residents in Littlemore are registered at Donnington Medical Partnership (in Cowley ward) at The Leys Health Centre (in Northfield Brook ward) or at Temple Cowley Health Centre (in Temple Cowley ward). Each is a significant distance away from most of Littlemore. Attendance at satellite clinics such as Health Visitor appointments requires patients to travel a considerable distance. In addition to the inpatient psychiatric unit the Littlemore Mental Health Centre houses some Oxford Health NHS Foundation Trust community-based services, but no facilities or clinics that are targeted specifically at Littlemore residents. Working in partnership with other agencies, especially Local Authorities and those who plan NHS services, to reduce health inequalities, and improve access to primary health care provision, is

therefore a significant priority, recognizing that these must be operationally and financially viable."

4.2.33 When the previous application was submitted by Hamilton Portman Limited, it was supported by a petition from local residents. For the sake of completeness, a copy of that petition is **attached** to this letter of appeal. NHS Resolution will note that the petition has been completed by 135 local residents. The petition did not just ask for signatures but also invited signatories to comment on why the application was supported. NHS Resolution will note the comments, which include, for example:

4.2.33.1 A pharmacy is an essential service for this area – we have no local GP in the village and advice as well as supplies from a pharmacy would be a great help.

4.2.33.2 It is essential to have a pharmacy at Littlemore. It is a growing community.

4.2.33.3 It is essential to get a pharmacy in Littlemore.

4.2.33.4 Much needed.

4.2.33.5 All others are too far away. Want walking distance.

4.2.33.6 Needed/Urgently needed/needed very badly

4.2.33.7 We need a pharmacy as it is difficult to go to Cowley Road because of traffic and we miss the prescriptions.

4.2.33.8 No pharmacies nearby, needed when unwell and unable to travel.

4.2.33.9 We need this as too far to go to Cowley/Rose Hill. Access very difficult.

4.2.33.10 Very difficult to get to.

4.2.33.11 We need pharmacy in our area as in this area Littlemore not have one too many children and families are suffering yes we need. [sic]

4.2.33.12 Disabled struggle to get meds.

4.2.33.13 Pharmacy at Sainsburys closed down, and now have to travel a long distance to Cowley Road, Headington or City Centre to get prescriptions.

4.2.33.14 Donnington overwhelmed

4.2.33.15 With LTNs + bus gates poor bus connectivity we have no access to a pharmacy without our cars. We need to be able to walk to a pharmacy.

- 4.2.34 In addition, since the appeal was submitted, my client has been in contact with local groups and representatives and has received several letters in support for its application. Please find, **attached**, the following:
- 4.2.34.1 Letter from Rev [MA] of St Mary and St Nicholas
 - 4.2.34.2 Email from Councillor [DH]
 - 4.2.34.3 Letters from local residents
 - 4.2.34.4 Letter from Anneliese Dodds, MP
- 4.2.35 On behalf of the applicant, it is therefore asserted that NHS England was correct to conclude that there is a lack of reasonable choice such that granting my client's application would confer significant benefits for the reliant population. This is supported by a wealth of evidence, both in terms of the information given above, but also in documents that have been prepared entirely independently of my client's application and which specifically detail local needs and the absence of healthcare service provision, including pharmaceutical service provision.
- 4.2.36 Finally and for the sake of completeness, in terms of the grounds of appeal raised in the appeal letter, my client comments specifically as follows.
- 4.2.37 **The ICB failed to properly consider the accessibility of existing pharmacies for residents of the area.**
- 4.2.38 As a starting point, it is clear that the ICB did identify and consider the location and accessibility to existing pharmacies, as summarised in the site visit report and decision report.
- 4.2.39 However, the appellant's approach to accessibility is flawed for the reasons given above. In particular:
- 4.2.39.1 NHS Resolution is invited to consider the specific characteristics which apply to the Littlemore area as detailed above.
 - 4.2.39.2 In terms of distances, for the reasons given above, measuring walking routes from the proposed location gives an entirely misleading picture of the journey that most residents would have to take to access a pharmacy. Census data demonstrates low car ownership, and there is evidence that public transport connectivity is poor. This leaves the residents of Littlemore estate isolated and without access to healthcare services.
 - 4.2.39.3 There is ample evidence that residents of Littlemore have particular health and other needs (for example, evidence of drug misuse and high rates of obesity) but have insufficient access to healthcare provision generally, including pharmaceutical service provision.

- 4.2.39.4 The overriding factor identified by the ICB (and the other reports referred to above), is that Littlemore is an area which has specific health needs, and there is an absence of healthcare provision (including pharmaceutical services provision) within the community, meaning an absence of a reasonable choice of service provision.
- 4.2.40 **The ICB failed to place sufficient weight on the findings of the Health and Wellbeing Board (“HWB”) that there were no gaps in provision of pharmaceutical services, despite the closure of the pharmacy in Sainsbury’s.**
- 4.2.41 As detailed above, that is not an accurate summary of the “findings of the Health and Wellbeing Board”. The supplementary statement cannot (as a matter of law) identify a gap in service provision, so it is unsurprising that the supplementary statement did not identify a gap. However, the HWB clearly identified the benefits that would be secured by the granting of this application both in its response to the application and in the June 2023 meeting where the supplementary statement was discussed.
- 4.2.42 **The ICB did not objectively consider all of the demographic information provided.**
- 4.2.43 With respect, it is not understood what is meant by the assertion that demographic information was not “objectively” considered. The ICB had regard to the relevant demographic information and considered the application against that background. Simply because the ICB reached a different opinion to the opinion expressed by the appellant’s representative does not mean that the information was not objectively considered.
- 4.2.44 **The ICB appear to have placed significant weight on knowledge of committee members who “knew the area well” in respect of footfall without any data to objectively assess this matter, and without considering how this equates to a need for pharmaceutical services provision.**
- 4.2.45 Again with respect to the appellant’s representative, local knowledge is important in the determination of this particular application, because using simple data about walking routes and journey times (as the appellant does) fails to tell the whole story.
- 4.2.46 It is, of course, the position that information from people and organisations who “know the area well” (as summarised above) demonstrates a clearly identified need for healthcare provision (including pharmaceutical service provision) in the local area, for example by reference to:
- 4.2.46.1 The Littlemore area profile published by Oxfordshire County Council

- 4.2.46.2 The Littlemore Neighbourhood Plan published by Oxfordshire County Council
 - 4.2.46.3 The HWB's comments, including at its June 2023 meeting
 - 4.2.46.4 The petition
 - 4.2.46.5 Letters in support from local representatives and local residents
 - 4.2.46.6 The ICB's decision
- 4.2.47 The appellant's representative states that "there is no link between any of these amenities and demand for pharmaceutical services". As a general principle, it is correct that there is no direct link, in that those who use a Post Office, for example, do not – as a matter of necessity – then need to use a pharmacy. However, the fact that there is a range of shops, services, employment, schools, leisure facilities, etc. in Littlemore does indicate a large resident population which looks to its own community for a range of day-to-day services. That is a relevant factor for NHS Resolution to take into account.
- 4.2.48 In relation to GP surgeries in Littlemore, my client's first observation is that the absence of a GP surgery is a reason to grant this application, not a reason to refuse it. The absence of any healthcare services in Littlemore means that there is no local community access to such services which results in the community being isolated from any healthcare service provision. With pharmacies increasingly providing more clinical (non-dispensing) services, having a local pharmacy in Littlemore which can provide services such as Pharmacy First (to treat minor ailments), vaccinations, blood pressure testing and monitoring, contraception services, drug [sic] misuse services, support for self-care, general lifestyle advice, etc. will be invaluable, particularly because there is no GP surgery. [Temple Bright's emphasis]
- 4.2.49 Additionally, of course, most patients do not have to attend at a GP surgery in order to require dispensing services because the majority of prescriptions are repeat prescriptions and they are sent electronically to pharmacies.
- 4.2.50 **The ICB appeared to have no regard to the fact the applicant provided no information whatsoever from local residents as evidence to support the view that they do not have reasonable choice in respect of pharmaceutical services provision.**
- 4.2.51 NHS Resolution is referred to the various sources of evidence referred to in, and documents attached to, this letter of appeal which provides information "from local residents" and those who represent local residents.
- 4.2.52 **Conclusion**

4.2.53 In conclusion, on behalf of my client it is respectfully submitted that NHS England was correct to conclude that there is not a reasonable choice of service provision in the HWB's area, and that granting my client's application would confer significant benefits in that regard.

4.2.54 NHS Resolution is therefore invited to conclude that granting my client's application would secure improvements in, and better access to, pharmaceutical services and to grant its application."

4.2.55 [Supporting information at Appendix B for Committee]

5 Observations

5.1 Pharmacy Sales & Consultancy, on behalf of the Appellant

5.1.1 "Thank you for your letter dated 29th August inviting final observations in respect of this appeal. We continue to act for the appellant, Henley Avenue Healthcare Limited, and wish to make the following final observations accordingly.

5.1.2 We note that the only response submitted to our client's appeal is that from Temple Bright on behalf of the applicant. We respond to that letter using the same headings used by the applicant's representative.

Background

5.1.3 We note the background to this application. This confirms our client's assumption that Primary Care Appeals have not previously considered the need for pharmaceutical services at the proposed location.

5.1.4 We also note the summary of the information provided earlier by the applicant, and have commented on this previously.

5.1.5 Relevant factual matters

5.1.6 We note the satellite image provided by the applicant. It is clear from this image, and from other information provided previously, that Littlemore is a suburb of Oxford and forms part of the Oxford city conurbation. It is not physically isolated from the rest of the city.

5.1.7 We note the ward boundary map provided by the applicant and the fact the ward includes some people who live to the north of Eastern Bypass Road, in an area which the applicant has previously asserted is not easy for Littlemore residents to access. It is also noteworthy that the north-western boundary of the ward is located less than 50m away from Truwell Pharmacy, as can be seen in the image below where the ward is shaded blue and this pharmacy is marked with a red star.

5.1.8 [Map provided]

5.1.9 In respect of the 2021 census data provided, we note that the applicant discusses the proportion of properties that are social or privately rented. Whilst we do not dispute the data provided, it is not clear how whether

properties are rented or otherwise is relevant in respect of the extent to which these residents require pharmaceutical services. Equally this has no bearing on the accessibility of pharmaceutical services for these residents. The same applies to the statistics provided in respect of people living in flats.

- 5.1.10 We note the data provided in respect of car ownership. As we have commented previously, the number of homes without a car or van is only marginally higher than the national average, an unsurprising statistic within an urban environment.
- 5.1.11 The applicant acknowledges that health and disability indicators are broadly in line with the national averages.
- 5.1.12 In respect of families with children, census data shows that 23.0% of residents in Littlemore ward were under the age of 18 in 2021 compared to the national average of 20.7%. When considering the age profile of residents, as we have discussed previously the picture is much more pronounced when considering residents over the age of 65. At the time of the last census 11.8% of residents were 65 or over compared to the national average of 18.1%.
- 5.1.13 It is fair to say, therefore, that the Littlemore population is relatively young. This is backed up by the Littlemore Community Insight Profile discussed later.
- 5.1.14 The applicant goes on to discuss the “range of shops and other services which service the local community’s needs”. Whilst it is correct to say that the amenities listed are located within the Littlemore ward, it is also worth noting that very few of them are in the immediate vicinity of the proposed location.
- 5.1.15 The walking distance on foot from the proposed location to these facilities is provided below:
 - 5.1.15.1 Travelling further south along Cowley Road there are two pubs – The Golden Ball **(230m)** and the George Inn **(500m)**.
 - 5.1.15.2 There is a village hall at the junction of Sandford Road and Railway Lane **(550m)** and recreational sports facilities to the west of Oxford Road **(550m)**
 - 5.1.15.3 There is a Nisa convenience store and takeaway restaurant at the junction of St Nicolas Road and Giles Road **(500m)**
 - 5.1.15.4 There is a large Sainsburys supermarket and petrol station to the western side of the Estate **(1,100m)**
 - 5.1.15.5 There is a primary school (the John Newman Academy) to the southern side of the estate which has approximately 366 pupils on the role (at the time of the last Ofsted inspection in 2024) **(700m)**

- 5.1.15.6 There is a large secondary school with sixth form (the Oxford Academy with 1,174 pupils as at October 2023) to the eastern side of the estate (**600m**)
- 5.1.15.7 There is a large business park to the southern end of the estate which houses a range of mainly technology and healthcare company offices. (**1,600m**)
- 5.1.15.8 The Oxford City football stadium is located at the southeastern corner of the estate (**1,300m**).
- 5.1.16 In this context it is worth noting that the distance from the proposed site to the nearest pharmacy (Truwell Pharmacy) is **750m**.
- 5.1.17 It is clear that residents of the Littlemore estate travel throughout the area to access a range of amenities. The distance they currently have to travel to access the nearest pharmacy is not excessive when considered in the context of these other amenities.
- 5.1.18 In respect of the housing developments listed, we note the reference made by the applicant to homes being “under construction” or “being constructed”. It is clear from the information provided that there is no certainty in respect of when these homes will be completed and how many additional residents this will constitute.
- 5.1.19 It will be for the committee to decide how much weight it places on these new developments given the limited information provided by the applicant.
- 5.1.20 We have reviewed the Littlemore Community Insight Profile and note the comments made by the applicant. We respond to these as follows:
- 5.1.20.1 The report refers to adults **receiving** drugs or alcohol treatment. There is no mention in the report of patients seeking treatment for drug or alcohol addiction that are unable to access these services already. [PSC’s emphasis]
- 5.1.20.2 We note the comments in respect of childhood obesity, but see no information from the applicant in respect of services that will be provided at the proposed pharmacy specifically to tackle this issue.
- 5.1.20.3 The extent to which residents have lower paid jobs or are not working is not relevant to the accessibility of pharmaceutical services. The applicant acknowledges that sickness and disability rates are no higher than the national average.
- 5.1.20.4 We have commented on deprivation rates previously.
- 5.1.20.5 Crime rates have no relevance in the context of an application for inclusion in the pharmaceutical list.

Pharmaceutical service provision

- 5.1.21 Whilst it is correct that there is no pharmaceutical services provision within the Littlemore estate itself, it is important to note that this estate is not an 'island'. As we have mentioned previously Littlemore is part of the southern Oxford conurbation and is contiguous with the areas to the north of the Eastern Bypass Road and to Blackbird Leys to the east. In fact, as discussed earlier, the Littlemore ward includes an area to the north of the Eastern bypass.
- 5.1.22 The applicant persists with the case that Lloyds pharmacy within the Sainsbury's store was located within the estate, but this is a 'stretch' to say the least, as can be seen from the image below. This clearly shows that the supermarket is located at the very western edge of the city.
- 5.1.23 [Map provided]
- 5.1.24 As the applicant's map shows, not only are there several pharmacies to the north of the bypass there are also two other pharmacies to the east of Littlemore in the Blackbird Leys area, as well as a branch of Boots in a retail park to the north east.
- 5.1.25 The applicant comments that providing distances from 40 Cowley Road is "something of an artificial exercise". We strongly disagree. This is the location the applicant intends to open its pharmacy. It assumes, therefore, that patients are able to travel to that site. It is entirely appropriate, therefore, to consider the locations of alternative provision in relation to that site.
- 5.1.26 If the applicant is of the view it is more appropriate to consider accessibility from the middle of the Littlemore estate, perhaps it should have made its application at a more centrally located site.
- 5.1.27 The applicant refers to a "central starting point" but does not define where this is. It is clear that where residents go to access amenities, including pharmaceutical services, will be determined by where they live and where they go about their daily lives. For example residents living to the east of the estate are more likely to access pharmacies in Blackbird Leys. Those who travel out of the area to work, or for more than convenience shopping, are likely to access pharmaceutical services from locations that are convenient when they are going about their lives.
- 5.1.28 In respect of households which have "only one car or van", it is often stated that this may not be available at certain times because it is in use by other members of the household. The most likely reason a car will be away from the home for any significant amount of time during the day is because one of the occupants has taken it to work but the car will be brought home at some point.
- 5.1.29 As we have noted previously, there are several extended hours pharmacies located within a few minutes' drive from the proposed location including Boots at Oxford Retail Park which opens from 8am to 9pm Monday to Saturday and 10.30am to 4.30pm on Sunday and is only a mile away. It is highly unlikely that a person who requires

pharmaceutical services would be unable to wait until the car became available.

5.1.30 We note the further comments made by the applicant regarding the supplementary statement and the views of the HWB. We have discussed the supplementary statement previously and we note that the applicant refers to board minutes from a meeting in June 2023.

5.1.31 In order to consider the current position of the HWB in respect of any gaps in provision, we have reviewed the draft 2025 Oxfordshire PNA, and provide a copy of that document with this letter.

5.1.32 [Draft PNA provided]

5.1.33 Given that the new PNA is due to be published by October 2025, it may be that a final version of the document has been published by the time the committee determines this application. If that is the case then the contents of the document will take on additional significance. At this point in time however, as the document is only in draft form, we refer to it in the context of providing an indication of the HWB's position in respect of any gaps in provision.

5.1.34 We ask the committee to note the comment on page 12 from the Executive Summary as follows:

*NHS pharmaceutical services are well distributed across Oxfordshire, serving all the main population centres. There is adequate access to a range of NHS services commissioned from pharmaceutical service providers. As part of this assessment **no gaps have been identified in provision either now or in the next three years** for pharmaceutical services deemed necessary by the Oxfordshire HWB. [PSC's emphasis]*

5.1.35 We also note pages 95 to 98 of the draft PNA, which deals specifically with Oxford City (within which the proposed site is located) which concludes by stating:

No gaps in the provision of Necessary Services have been identified for Oxford City district.

5.1.36 It is clear that the current position of the HWB is that there is no gap anywhere in Oxford, including Littlemore, regardless of what comments may have been made back in 2023.

5.1.37 The applicant refers further to the Littlemore Community Profile and provides various extracts from this document.

5.1.38 Whilst it is noted that 48% of respondents stated that they "found it difficult to access a pharmacy", we note (from page 8 of the report under the heading Research methodology and sample) that the sample size was 186 responses. The number of responses to the online survey specifically was 106. It is not clear whether this sample was truly representative of the views of the whole community.

- 5.1.39 We also note that page 5 of the report states “*There are also currently no pharmacies located within the ward but there are some pharmacies within a 20 –minute walking distance from most parts of the ward.*” and page 6 notes that 83.3% of residents are not disabled under the Equality Act, so would presumably have little difficulty walking up to 20 minutes to access a pharmacy.
- 5.1.40 In respect of public transport, whilst it may be the view of a proportion of the 106 respondents to the online survey that transport is a barrier, we have provided evidence previously which shows that there is good provision for residents who wish to access pharmaceutical services by bus.
- 5.1.41 We note the further comments from the 2024 neighbourhood plan, but reiterate that the draft PNA, which is due to come into force imminently, was satisfied there is no gap in provision.
- 5.1.42 In respect of the petition provided, it is not clear when the petition was completed and what methodology was used to secure support. As the committee will be aware, one of the issues with petitions is that they are not intended to canvass the objection opinions of residents i.e. they do not ask residents whether they do or do not have any issues accessing pharmaceutical services. The petition is worded in such a way that only those residents who support the proposal will sign the petition.
- 5.1.43 We note that the petition was signed by 135 residents out of a population of more than 6,000 people.
- 5.1.44 We also note the letters of support provided and the committee will, no doubt, consider the comments made carefully.
- 5.1.45 We note, in particular, the comments from Councillor [XXX], as these are not reflected in the position taken by the Health and Wellbeing Board which sits within Oxfordshire County Council. It is also noteworthy that the services referred to by Councillor [XXX] (dispensing, OTC medicines and consultations) are all provided by Distance Selling pharmacies. Furthermore, delivery services to the Littlemore area are provided by many local ‘bricks and mortar’ pharmacies.
- 5.1.46 In respect of the letters submitted by individual patients, no information is provided in respect of the methodology used to canvass this support.
- 5.1.47 In respect of the further points raised by the applicant, these are all matters our client has addressed already, so in the interests of avoiding unnecessary repetition we do not intend to comment further on these.
- 5.1.48 We have nothing further to add at this stage and look forward to hearing the outcome of this appeal in due course.”
- 5.1.49 [Supporting information at Appendix C for Committee]

6 Regulation 22

Regulation 22 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ("the Regulations") states that the relevant Pharmaceutical Needs Assessment ("PNA") for the purpose of determining a pharmacy application is the PNA that is current at the time NHS Resolution makes the determination unless the only way to determine the application justly is with regard to an earlier PNA. Regulations 5 and 6 envisage there will be a revised PNA published by each Health and Wellbeing Board regularly. NHS Resolution noted that the 2025 PNA had been published, and that the original decision of the Commissioner in this matter was taken in relation to an earlier PNA. In the interests of transparency and fairness, NHS Resolution sought to rely on the discretion afforded in paragraph 7 of Schedule 3 of the Regulations to vary the normal procedures and to add an additional round of observations on this matter. The following comments were received.

6.1 Pharmacy Sales and Consultancy, on behalf of the Appellant

6.1.1 "Thank you for your letter of today's date inviting comments in respect of the recent publication of a new PNA for Oxfordshire.

6.1.2 We note the following statements in the PNA (highlighted in blue, with our comments in black):

6.1.3 **Page 12 - Executive Summary referring to the entire county.**

"Access is considered adequate, with nearly 100% being able to get to a community pharmacy by private transport within 10 minutes. Travel times are longer for those who walk or use public transport.

Conclusions

NHS pharmaceutical services are well distributed across Oxfordshire, serving all the main population centres. There is adequate access to a range of National Health Service (NHS) services commissioned from pharmaceutical service providers. As part of this assessment, no gaps have been identified in provision, either now or in the next three years, for pharmaceutical services deemed necessary by the Oxfordshire HWB."

6.1.4 **Page 95 to 98 - relating to Oxford City locality**

"Essential services must be provided by all community pharmacies. There are 25 community pharmacies in Oxford City. The estimated average number of community pharmacies per 100,000 population is 15.1, higher than the Oxfordshire average of 13.2. There has been a reduction of two community pharmacy since the previous PNA.

Of the 25 community pharmacies:

Oxfordshire 2025 PNA

- *Four pharmacies (16%) are open after 6:30 pm on weekdays.*
- *18 pharmacies (72%) are open on Saturdays.*

- *Five pharmacies (20%) are open on Sundays.*

There are also a number of accessible providers open in the neighbouring districts of Cherwell, Vale of White Horse and South Oxfordshire.”

- 6.1.5 It is noteworthy that the PNA specifically discusses [sic] the previous closures, one of which is relied on by the applicant to support its case. It goes on to conclude (as discussed below) that no gaps have arisen as a result.

6.1.6 **“6.2.2.2 Necessary Services: gaps in provision**

*Based on the spread of community pharmacies across the district, **there is very good pharmaceutical service provision across the whole district.** The current community pharmacy network is adequate to meet the predicted population increase of 2.9% by 2030 and expected housing growth of 4,632 housing developments. **The current community pharmacy network is adequate to meet the current and predicted population.***

*With projected increases in number of dwellings, (although reduction of the projected population) pharmacies, particularly those operating as sole providers, may experience increased footfall and service pressures. However, **the current assessment concludes that the community pharmacy network is currently able to accommodate this growth, supported by pharmacies’ ability to adjust staffing levels and service delivery models where necessary.** Measures such as internal system reviews, workforce development, digital solutions, workflow improvements and innovations like automation and hub-and-spoke dispensing models will help maintain service quality and resilience.*

No gaps in the provision of Necessary Services have been identified for Oxford City district.

*Advanced Services look to ease the burden on primary care services by providing access to a healthcare professional in a high street setting, however the absence of a service, due to a community pharmacy not signing up, does not result in a gap due to availability of services similar from other healthcare providers. **Based on the information available, there is very good or good access to the other relevant services across Oxford City through the existing community pharmacy network.***

No gaps in the provision of Relevant Services have been identified for Oxford City district.

Improvements and better access: gaps in provision

No gaps have been identified in either the necessary services or any other relevant services that if provided either now or in the future (next three years) would secure improvements or better

access to the essential or specified advanced and enhanced services across Oxford City.”

- 6.1.7 These statements are clear and unequivocal. There is no need for additional provision in Oxford City, or anywhere else in the county.
- 6.1.8 In summary, given that the PNA has just been published, it is clearly a very current reflection of the HWB’s position in respect of the existing levels of pharmaceutical services provision. That being the case there is simply no evidence that there is any need for a pharmacy at the proposed location.”

6.2 Community Pharmacy Thames Valley

- 6.2.1 “Further to the 2025 PNA being considered. The LPC would like to remind the board that the new PNA has STILL not identified any gaps in the provision of pharmacy services in Oxfordshire.”

7 Observations on the Regulation 22 comments

The following observations were received by NHS Resolution in response to the Regulation 22 comments:

7.1 Pharmacy Sales and Consultancy, on behalf of the Appellant

- 7.1.1 “I can confirm on behalf of Henley Avenue Healthcare Limited that we have no additional comments to make at this time.”

7.2 Temple Bright LLP, on behalf of the Applicant

- 7.2.1 “I write further to your letter of 22nd October. My client acknowledges that the newly published PNA does not identify a need for additional pharmaceutical service provision in the HWB’s area. However, the difficulty is that the PNA looks at population demographics and access by reference to large localities which tends to mask local needs and accessibility issues. When the PNA references statistics for the resident population and access to pharmacies, it therefore adopts a broadbrush approach.
- 7.2.2 In relation to Littlemore, pharmaceutical service provision is assessed in the PNA by reference to Oxford City as a whole. This means that the PNA fails to consider, specifically, the health and access issues which exist for the Littlemore community as identified in my client’s letter of 21st August 2025. This broadbrush approach is particularly evident when consideration is given to other documents issued by Oxfordshire County Council which clearly reference the specific health and socio-economic needs of Littlemore and the lack of pharmaceutical service provision for the local community.
- 7.2.3 My client’s application has been submitted pursuant to regulation 18, since it would secure improvements and better access to pharmaceutical services which are not contained within the relevant Pharmaceutical Needs Assessment. These improvements and better

access are fully referenced in my client's application form and subsequent correspondence. The contents of the 2025 PNA are, therefore, not determinative of my client's application."