

22 December 2025

REF: SHA/26689

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**APPEAL AGAINST LEICESTER, LEICESTERSHIRE
AND RUTLAND ICB DECISION TO REFUSE AN
APPLICATION BY SUNNY PHARMACY LIMITED
FOR INCLUSION IN THE PHARMACEUTICAL LIST
OFFERING UNFORESEEN BENEFITS UNDER
REGULATION 18 AT TAY ROAD, NEW
LUBBESTHORPE, LE19 (BEST ESTIMATE)**

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 refused.

A copy of this decision is being sent to:

Sunny Pharmacy Limited
PCSE on behalf of Leicester, Leicestershire and Rutland ICB

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1 The Application

By application dated 3 March 2025, Sunny Pharmacy Limited (“the Applicant”) applied to Leicester, Leicestershire and Rutland ICB (“the Commissioner”) for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 at Tay Road, New Lubbethorpe, LE19 (best estimate). In support of the application it was stated:

- 1.1 “New Lubbethorpe is a major new development incorporating over 4,000 new homes including a district centre with buildings for retail, commercial, employment and community use. New Lubbethorpe lies to the south of Leicester Forest East and is bordered by the M1 to the east.
- 1.2 When the development is finished, it will include:
 - 1.2.1 4,250 homes
 - 1.2.2 A District centre with buildings for retail, commercial, employment and community use
 - 1.2.3 Two local centres will include retail, community, and leisure facilities
 - 1.2.4 A secondary school with playing fields, sixth form facility, and community facilities
 - 1.2.5 Two primary schools, playing fields and children’s nursery facilities
 - 1.2.6 A health centre including GP practice (unit pre-let)
 - 1.2.7 A 66-bed care home - Acacia Care opening in Spring 2025
 - 1.2.8 A Business Centre with office space
 - 1.2.9 An employment site including office space, storage and distribution businesses and general industries
- 1.3 The first homes in the development have been built by Davidsons, Barratt Homes and David Wilson Homes. Redrow Homes have also recently started building on their two parcels along Tay Road.

- 1.4 Using the county's housing occupancy average of 2.4 individuals per property, 4,250 plus new homes will house over 10,200 residents. This influx will undoubtedly increase demand for new pharmaceutical services in the area. Currently as of 31st December 2024, 1168 homes are occupied.
- 1.5 The 2022 Leicestershire Pharmaceutical Needs Assessment concluded that growth sites such as New Lubbethorpe may need further consideration in the light of actual population and housing growth, to maintain sufficiency for the projected populations.
- 1.6 Clearly, New Lubbethorpe is an area of substantial growth, with many of the residential and commercial buildings built and occupied. The need for provision of primary care services has already been established through plans to open a GP practice.
- 1.7 Current journey times for residents to access pharmaceutical services:
 - 1.7.1 Saffron Pharmacy, Unit 1, Warren Court, Warren Ln, Leicester LE3 3LW
 - 1.7.1.1 Distance=0.7 miles
 - 1.7.1.2 Drive-time=3 minutes
 - 1.7.1.3 Walk-time=14 minutes
 - 1.7.2 Thorpe Astley Pharmacy, 3 Lakin Dr, Thorpe Astley, Leicester LE3 3RU
 - 1.7.2.1 Distance=1.6 miles
 - 1.7.2.2 Drive-time=5 minutes
 - 1.7.2.3 Walk-time=32 minutes
 - 1.7.3 Boots, 532 Braunstone Ln, Leicester LE3 3DH
 - 1.7.3.1 Distance=2.1 miles
 - 1.7.3.2 Drive-time=7 minutes
 - 1.7.3.3 Walk-time=41 minutes
- 1.8 From the data above, we can see that although there is a choice of pharmacies to access, walk times especially for the elderly, young children, and those with impaired mobility, can be a barrier to access pharmaceutical services. For residents with acute illnesses, journeys can be challenging irrespective of how far they need to travel. Excessive travel times are inconvenient and time consuming.
- 1.9 Whilst there is a bus service that runs through New Lubbethorpe, this does not overcome access difficulties for all. For example, the bus stops have no shelter, this is a barrier to access during adverse weather conditions. Furthermore, after a review of bus services at New Lubbethorpe, the 'NovusFosse' bus service to Fosse Park in Enderby will be scrapped by the

operator 'Central Connect' from 6th January 2025. This means any New Lubbethorpe resident wanting to access pharmacy services in the wider catchment area, will now have to take two buses.

- 1.10 Google reviews from customers suggest the current nearest pharmacy by vehicle, Saffron Pharmacy, has parking issues with patients receiving parking tickets. Whilst patients using Boots on Braunstone Lane have experienced difficulties caused by unscheduled periods of closure. Please note that these points are not made to denigrate these pharmacies, but to demonstrate existing barriers to access and how a new pharmacy within New Lubbethorpe would benefit service users.
- 1.11 All Residents would significantly benefit from a pharmacy operating on-site within the local community which can be accessed at the same time as other services and amenities. Often, patients require dispensing services immediately after a GP visit i.e. those with acute conditions, young women who require access to EHC.
- 1.12 Whilst the above pharmacies are in the wider Leicester Forest East area, they serve their own residential population, which would not meet the substantial demands of 10,000 plus new residents expected in New Lubbethorpe.
- 1.13 It is important to note that there is a requirement of the New Lubbethorpe Development to provide affordable housing. This will be 10% of the first 600 homes, 20% of the next 2,000 and approximately 25% of the last 1,650 properties to be built. This equates to approximately 900 homes reserved for residents with a household income at or below the national average. It is reasonable to assume these residents may not always have access to private vehicles and therefore would have difficulty accessing pharmacies further afield.
- 1.14 We intend to meet the unforeseen benefits by operating an NHS pharmacy within New Lubbethorpe. This will afford the residential and transient population to access a full scope of pharmaceutical services. Offering enhanced and advanced services will reduce health inequality and improve overall health for the reliant population. These services will be provided from within the heart of the community and would significantly benefit all patients not just those with protected characteristics.
- 1.15 In addition, we will provide opening hours that exceed those of the existing pharmaceutical service providers in the area. This will ensure better access to pharmacy services. With our extended opening hours, patients will be able to access services such as the Community Pharmacy Consultation Service (CPCS) and Pharmacy First Service earlier in the morning, later in the evening and at weekends.
- 1.16 We are also committed to investing in the future of pharmacy. We intend to use state of the art robotic technology to improve the speed, efficiency and accuracy of the dispensing services we provide. This use of technology will eliminate human error and lead to a significant improvement in stock management, assists the day-to-day tasks of our highly trained staff, leading to more time available for our pharmacy team to interact with and provide pharmacy services to our patients.

1.17 We are excited to provide a range of Advanced and Enhanced services within the New Lubbethorpe community. For example;

1.17.1 Pharmacy First

1.17.2 Community Pharmacy Consultation Service (CPCS)

1.17.3 New Medicines Service (NMS)

1.17.4 Flu and other (e.g. Covid) vaccinations service

1.17.5 NHS Community Pharmacy Blood Pressure Check Service

1.17.6 Smoking Cessation Service

1.17.7 Emergency Hormonal Contraception

1.17.8 Chlamydia Screening

1.17.9 Hepatitis C testing service

1.17.10 Adult Substance Misuse Service

1.17.11 Palliative Care

1.17.12 Services to Care Homes

1.17.13 Health Living Pharmacy

1.18 From the above information it is clear to see that the New Lubbethorpe area is evolving rapidly and as healthcare providers we need to ensure the needs of the new community are being met. The existing pharmacies are not capable of meeting the needs of the New Lubbethorpe population and transient population. With new services like Pharmacy First, the NHS is prioritising more convenient access to healthcare. Therefore, granting this application for a brand-new state of the art pharmacy will secure improvements and better access to pharmaceutical services.

1.19 References

1.19.1 www.blaby.gov.uk/planning-and-building/major-developments/new-lubbethorpe/

1.19.2 Population and household estimates, England and Wales: Census 2021

1.19.3 The 2022 Leicestershire Pharmaceutical Needs Assessment.

1.19.4 www.google.co.uk/maps

1.19.5 Changes to bus services through growing town;

1.19.6 <https://www.bbc.co.uk/news/articles/cdr0x13z3ymo>

- 1.19.7 <https://g.co/kgs/LWaiaoR>
- 1.19.8 <https://g.co/kgs/Yrd1gpy>
- 1.19.9 <https://g.co/kgs/7d8BkPM>
- 1.19.10 <https://g.co/kgs/UVxvbXC>
- 1.19.11 <https://g.co/kgs/bXDnNJc>
- 1.19.12 <https://g.co/kgs/tJvyaDZ>

2 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 22 July 2025 states:

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

Decision report

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

- 2.4 **“Application offering to secure unforeseen benefits – Sunny Pharmacy Ltd, between two roundabouts situated on Tay Road, New Lubbethorpe, LE19. A unit in 'The Brook Centre', Tay Road, New Lubbethorpe, Leicester, LE19 4BG**
- 2.5 The unforeseen benefits application is proposed within the best estimate of Sunny Pharmacy Ltd, between two roundabouts situated on Tay Road, New Lubbethorpe, LE19. A unit in 'The Brook Centre', Tay Road, New Lubbethorpe, Leicester, LE19 4BG which is not in a controlled locality or LPS designation thereby regulations 32, 40, 44 50 are not relevant and therefore have not been considered.
- 2.6 Fitness to practice was cleared for inclusion.
- 2.7 **Relevant regulations**
- 2.8 Regulations 18 and 19 – unforeseen benefits: additional matters and consequences. The National Health Service (Pharmaceutical and Local

Pharmaceutical Services) Regulations 2013 The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013

- 2.9 Regulation 31 – refusal: same or adjacent premises. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
- 2.10 Regulation 32 – deferral arising out of LPS designations. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
- 2.11 Regulations 40 to 44 – applications in a controlled locality. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
- 2.12 Regulation 50 – gradualisation for doctors The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
- 2.13 Regulation 65 – core opening hours conditions The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
- 2.14 Regulation 66 – conditions relating to providing directed services The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
- 2.15 Paragraph 31, schedule 2 – conditional grant of applications where the address of the premises is unknown The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
- 2.16 **Regulation 31 - refusal: same or adjacent premises**
- 2.17 As it is not yet known where the premises would be located if the application is granted, there are no grounds for the committee to refuse the application on the basis of regulation 31. If the applicant is granted, the successful applicant would, in due course, be required to notify the ICB of the address of its premises under paragraph 31, Schedule 2. Such a notification would not be valid if the address would, had it been known at that time, have led to the application being refused under regulation 31.
- 2.18 **Regulation 32 – deferral arising out of LPS designations.**
- 2.19 The application does not need to be deferred pursuant to regulation 32 as the relevant premises are not premises or part of premises, or are not located within an area, designated under regulation 99 for local pharmaceutical services.
- 2.20 **Regulations 18 – unforeseen benefits: additional matters and consequences**
- 2.21 **Regulation 18(1)**
- 2.22 The unforeseen benefits that Sunny Pharmacy Limited claims would be secured by the granting of the application are not included in the relevant PNA.

- 2.23 It states that "Access to pharmaceutical services for the residents of Leicestershire is good and the main conclusion of this pharmaceutical needs assessment is that there are currently no gaps in the provision of pharmaceutical services."
- 2.24 It is to be noted that Sunny Pharmacy Limited seeks to open a pharmacy within two roundabouts situated on Tay Road, New Lubbethorpe LE19 4BG. A unit in The Brook Centre, Tay Road, New Lubbethorpe, Leicester, LE19 4BG in order to offer unforeseen benefits for this new community in particular by way of providing reasonable choice of, and easy and convenient access to, pharmaceutical services which are currently difficult to access for the new population.
- 2.25 It is to be noted that the improvements or better access that Sunny Pharmacy Limited claims would be secured by its application were not included in the relevant PNA in accordance with paragraph 4 of Schedule 1. This regulation is therefore satisfied.
- 2.26 In order to be satisfied in accordance with regulation 18(1), the committee is to have regard to those matters set out at regulation 18(2).
- 2.27 **Regulation 18(2)(a)(i)**
- 2.28 There is already an extant grant for a pharmacy in New Lubbethorpe and no evidence has been provided that two pharmacies are required. This application states that no premises have been identified and secured but the extant application claim to have the premises within their possession.
- 2.29 There is therefore a real possibility that if the second application was granted that both grants would come on stream, leading to over-provision at the expense of the public purse since both would be able to claim reimbursement for the provision of pharmaceutical services.
- 2.30 In paragraph 42 of the attached judicial review (which looked at the situation where an application had been granted and a second one received for the same general location) the judge said
- 2.30.1 *"Next, however, in a case where there are two competing applications and one has already been granted, as in this case, it may well be perverse and irrational to grant the second one unless there are good reasons for forming the view that the service provision required under the first grant is considered undeliverable. Such reasons could include, for example, the insolvency of the first grantee, or a public statement that it has lost interest in the pharmaceutical business."*
- 2.31 There is therefore an argument that granting this second application would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of Leicestershire HWB as there is no evidence that two pharmacies are required, and if both came on stream there is a real possibility that both would close as there is insufficient demand for pharmaceutical services to support two pharmacies. Should the committee be of the same opinion, then regulation 19(5) states that the PSRC must refuse the application.

2.32 **Regulation 18(2)(a)(ii)**

2.33 There is no evidence that granting the application would cause significant detriment to the arrangements that are currently in place for the provision of pharmaceutical services in the area of Leicestershire HWB.

2.34 **Regulation 18(2)(b)(i)**

2.35 There is already reasonable choice with regard to obtaining pharmaceutical services in the area of Leicestershire HWB. A review of travel times on SHAPE, on foot, by car and by private transport was undertaken. Maps are included in at the end of this report to show the distances to pharmaceutical services provision.

2.36 A review of the level of car ownership for the households in the LSOA in which the proposed premises are located is high with only 8.3% of households not having access to a car or van.

2.37 A review of where the prescriptions issued by the practice that is relocating to the development was undertaken against the information provided by the applicant. In July 2024, 106 different pharmacies and dispensing appliance contractor premises dispensed prescriptions issued by the practice. Of these:

2.37.1 Saffron Pharmacy which is the closest pharmacy to the proposed site dispensed 25.4% of the prescriptions

2.37.2 Thorpe Astley Pharmacy dispensed 23.3% of prescriptions

2.38 Based on the above and the maps, there is no evidence that there is not already reasonable choice with regard to obtaining pharmaceutical services in the area of the Leicestershire HWB.

2.39 **Regulation 18(2)(b)(ii)**

2.40 The applicant had provided no evidence of people sharing a protected characteristic having difficulty accessing services that meet their specific needs for pharmaceutical services other than general statements about older people needing to use services more, for example.

2.41 Consideration that there is no evidence had been provided to conclude that granting the application would confer significant benefits on people within the area of Leicestershire HWB.

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

2.43 The applicant has stated they intend to use state of the art robotic technology to improve the speed, efficiency and accuracy of the dispensing services they provide.

2.44 **Regulation 40, 44 and 50**

2.45 Regulation 40, 44 and 50 are not applicable to this application as the proposed premises are not in a controlled locality.

2.46 **Regulation 65 core opening hours conditions**

2.47 Regulation 65 is not applicable to this application as this will be a 40-hour pharmacy.

2.48 **Regulation 66 – conditions relating to providing directed services.**

2.49 Regulation 66(4) applies if the application is to be granted, and the inclusion of the applicant and the pharmacy premises in the pharmaceutical list for the area of Leicestershire HWB would be subject to the condition set out in regulation 66(5).

2.50 The condition is that, at the pharmacy premises, the applicant must:

2.50.1 Provide the directed services mentioned in the application and

2.50.2 Not withhold agreement to a service specification for those services unreasonably

2.51 If the ICB commissions the services from the applicant within three years of the date of either the grant of the application or, if later, the listing in relation to the applicant of the pharmacy premises, unless thereafter the ICB ceases to commission the services (if it has commissioned them).

2.52 For the services commissioned by the ICB and NHS England, If the application is granted, the Committee is to consider whether or not to specify a date by which the condition to provide these services is to take effect.

2.53 **Other Matters**

2.54 This application should have no impact on those with protected characteristics under the Equalities Act 2010 and is in accordance with NHS England/the ICB's Public Sector Equality Duty or NHS England/the ICB's duty on health inequality.

2.55 **Decision**

2.56 The Committee determined to **refuse** the application.”

3 **The Appeal**

Using the online appeal form, dated 18 August 2025 addressed to NHS Resolution, the Applicant appealed against the Commissioner's decision. The grounds of appeal are:

3.1 **“The ICB decision report**

3.2 We are concerned that the ICB has not thoroughly considered our application. The decision report appears to be largely copied from another report. Our key points and arguments were not addressed or acknowledged. We hope the Secretary of State will conduct a more comprehensive review of our application.

3.3 **Regulation 18(2)(a)(i) - Extant Grant**

- 3.4 Leicester, Leicestershire, and Rutland ICB have indicated there is already an extant grant for a pharmacy in New Lubbethorpe. Although the ICB provided no further details regarding this grant, we have had the opportunity to read appeal REF: SHA/ 26490 via the Primary Care Appeals decisions archive.
- 3.5 From the information within appeal REF: SHA/ 26490 we can see that Send Healthcare Ltd provided notification of the premises (the Local Centre) in which they intended to open on 17th July 2024 and therefore had 12 months from that date in which to open. We can confirm that no pharmacy has commenced the provision of pharmaceutical services in New Lubbethorpe at the time of submitting this appeal (18th August 2025). We have attached photos of the units inside the Local Centre which show they are still incomplete with no wall plastering, fixtures, or fittings. Only Sainsbury's and Forest Group Medical have started operating inside the centre. Therefore, we ask the Secretary of State to consider the extant grant lapsed.
- 3.6 Whilst we understand the applicant could ask for an extension of up to three months (i.e., 17th October 2025) for which they must submit a Notice of Commencement, we urge the Secretary of State to:
- 3.7 (a) Firstly, determine if an extension has been requested and granted. If it has not, then the extant grant has lapsed.
- 3.8 (b) If an extension has been granted, determine how realistic the prospect of that applicant commencing pharmaceutical services in accordance with the extant grant is, considering:
- 3.8.1 Is there any evidence to show the premises has been secured (i.e., proof of a tenancy or lease agreement).
- 3.8.2 The time it takes to complete a full pharmacy fit out.
- 3.8.3 The time it takes to register a new pharmacy with the General Pharmaceutical Council (GPhC). Guidance on applying to register a new pharmacy published by the GPhC in March 2025, states their usual processing time is up to 90 days from the date of receiving an application, with possibilities of delays. Bearing in mind that a Notice of Commencement requires the premises to be inspected and approved by the GPhC for it to be accepted.
- 3.9 Considering the above, it is not feasible that the extant grant can begin providing pharmaceutical services by 17th October 2025. When the Secretary of State hears this appeal, we would urge them to conduct a site visit, as it will be imperative to have up to date information on the site.
- 3.10 The extant grant has failed to begin the provision of pharmaceutical services. Given the ample time already provided, further delays would have a detrimental impact on the community. We will present evidence to support this argument throughout our appeal.
- 3.11 **Premises**
- 3.12 We would like to clarify that the best estimate of the proposed premises is, as per our application: *"Between two roundabouts situated on Tay Road, New*

Lubbesthorpe, LE19. A unit in 'The Brook Centre', Tay Road, New Lubbesthorpe, Leicester, LE19 4BG which is currently under construction, nearing completion, is one option". Of course, if successful, we understand the obligation to notify the ICB of the address of its premises under paragraph 31, Schedule 2.

3.13 **New Lubbesthorpe community survey**

3.14 After seeing the challenges residents were sharing about pharmacy access in the 'New Lubbesthorpe open Group' Facebook group, we decided to conduct our own survey to gather more insights into the community's thoughts, experiences, and expectations regarding current pharmacy services. In just 10 days, we received 129 responses.

3.15 The strength of feeling from the local population about a pharmacy in New Lubbesthorpe is clear. 91% of respondents believe a pharmacy is needed, demonstrating overwhelming community support.

3.16 We also received a supportive email from the District Councillor for Lubbesthorpe & Leicester Forest East, [MT], saying "*Now we have a GP surgery, a local pharmacy that is willing to be part of the community, and support the health and wellbeing of residents is key, having a pharmacy nearby also supports the vulnerable residents in the area who may struggle or be unable to travel further afield, it was great to see the way [N] and [S] sought input from residents*"

3.17 We're pleased the councillor recognises the importance of local pharmacies in supporting community health and wellbeing, particularly for vulnerable residents who face challenges accessing pharmacy services.

3.18 We shall be referring to the results of this survey throughout this appeal.

3.19 In annex 1 we have included a full survey report.

3.20 **Regulation 18(2)(b)(i) - Reasonable Choice**

3.21 **Table 1: Current journey times for residents to access pharmaceutical services.**

Pharmacy	Distance (miles)	One way Drive Time (minutes)	One way Walk Time (minutes)
Saffron Pharmacy, Unit 1, Warren Court, Warren Ln, Leicester LE3 3LW	0.7	3	14
Thorpe Astley Pharmacy, 3 Lakin Dr, Thorpe Astley, Leicester LE3 3RU	1.6	5	32
Boots, 532 Braunstone Ln, Leicester LE3 3DH	2.1	7	41

3.22 **Access by walk**

3.23 The data indicates that despite having a choice of pharmacies, residents face significant walking distances, with round-trip times to the nearest pharmacy of 28 minutes. It should be noted that a large portion of New Lubbethorpe residents live to the south of Tay Road. This means some residents are facing a 48-minute roundtrip walk to even the nearest pharmacy (e.g., from postal code LE19 4DG). Such lengthy walk times can be particularly challenging for vulnerable groups, including the elderly, young children, and those with impaired mobility, creating a barrier to accessing pharmaceutical services. Even for residents with acute illnesses, these journeys can be daunting, regardless of distance. Excessive travel times are inconvenient and time consuming. Whilst we understand the developers aim to maintain footpaths, the frequency of upkeep may be reduced if they face financial pressure, like what happened with the bus route (discussed in 'Access by public transport' section).

3.24 **Our survey shows:**

3.25 Out of 129 respondents, 51 respondents indicated they currently walk to access a pharmacy. Out of these 51 respondents:

3.26 17 respondents who walk take more than 30 minutes to reach the pharmacy, which is a substantial amount of time for a necessary trip.

3.27 21 respondents who walk find it "difficult" or "somewhat difficult" to get to the pharmacy, indicating that the current situation is not just inconvenient but also challenging for many.

3.28 18 respondents specifically mentioned struggling with "difficulty walking," which directly impacts their ability to access the pharmacy. This is compounded by bad weather, with the same number of respondents citing it as a reason for struggling to access the pharmacy.

3.29 We would like to draw the committee to further real experiences of some of the local residents that currently walk to access a pharmacy:

3.30 *"Making the walk to warren lane LFE in the winter when it's dark is scary. I dread going when it's like that. If the chemist was on Tay road it would be much better"*

3.31 *"Single mum of 3 under 5 so you can imagine we need the chemist a lot. Currently it's a nightmare making the journey with 2 of them needing a pushchair. Hopefully we get our pharmacy soon."*

3.32 *"Its about time we had our own pharmacy. Right now we are having to walk about half and [sic] hour. Ive never drove and my husband can't drive anymore because of epilepsy and poor vision. We dont risk taking the bus anymore since i caught long COVID from the bus in 2020 which still affects me now. If the weathers bad we just don't go out. Having a pharmacy closer to us will help us so much."*

3.33 *"Totally depends on the weather. But I wouldn't recommend making the walk to saffron in this heat almost felt like I got sun stroke"*

- 3.34 *"Long walk for me"*
- 3.35 *"Poor lighting on the way to LFE"*
- 3.36 *"Yes. We need our own chemist in New Lubbesthorpe. We leave the chemist with 2 big bags of medicines every month. My wife says she's surprised I don't rattle! And we are in there sometimes 2-3 times a week for one reason or another."*
- 3.37 *"As I said in the question above, we have no choice but to walk. On some days it's ok but when you need to go few times a week it takes its toll"*
- 3.38 The additional comments highlight concerns about safety, especially in poor lighting or bad weather conditions. Some residents expressed fears about walking in the dark or dealing with health issues exacerbated by weather conditions like extreme heat.
- 3.39 A pharmacy at our proposed location would enable patients to feel safer when accessing pharmaceutical provision and would contribute to a thriving and connected community.
- 3.40 Many comments emphasise that walking is the only viable option for them, with some residents unable to drive or use public transport due to health issues or personal circumstances.
- 3.41 **Access by public transport**
- 3.42 Although New Lubbesthorpe has a bus service, it doesn't provide equitable access for everyone. The lack of shelter at bus stops can be a significant deterrent during bad weather. Furthermore, the removal of the 'NovusFosse' bus service to Fosse Park in Enderby by Central Connect from January 6th, 2025, will further limit residents' choice. This change will force those seeking pharmacy services in the wider area to take two buses, adding cost and complexity to their journeys. This highlights the vulnerability of services that rely on private investment, as they can be withdrawn or reduced at any time, impacting residents' access and choice of healthcare.
- 3.43 **Our survey shows:**
- 3.44 Out of 129 respondents, 7 respondents indicated they currently use the bus to access a pharmacy. Out of these 7 respondents:
- 3.45 6 respondents take more than 30 minutes to reach the pharmacy.
- 3.46 All 7 respondents find it "difficult" or "somewhat difficult" to get to the pharmacy.
- 3.47 6 respondents have struggled to access the pharmacy due to bad weather.
- 3.48 3 respondents have struggled to access the pharmacy due to the costs of the bus.
- 3.49 We would like to draw the committee to further real experiences of some of the local residents that currently use a bus to access a pharmacy:

- 3.50 *"The bus to LFE can get claustrophobic especially at busy times, not enjoyable"*
- 3.51 *"The buses are tiny! Couldn't fit my pushchair because there was already a wheelchair on board. Had to wait in the baking heat for the next one."*
- 3.52 *"Would prefer our own village pharmacy. Then I could walk it. Now that we have Sainsbury's here I don't need to go out of the village"*
- 3.53 *"Would prefer not to pay for a bus every time I need the chemist. Need a chemist in walking distance"*
- 3.54 *"I'm a full time carer for my dad that's disabled. I go to get his meds by bus and at the moment it's taking me almost 40 mins to get back to him. I don't like leaving him for that long anything could happen. If the chemist was in New Lubbethorpe it would take me less than half that time."*
- 3.55 *"Used to go Asda Fosse Park but stopped after they messed up the buses. No choice but to go Saffron pharmacy now."*
- 3.56 Based on the results and additional comments, it's clear that having a local pharmacy in New Lubbethorpe would greatly benefit these residents. The comments highlight specific challenges, such as:
- 3.56.1 Inaccessible buses (e.g., unable to fit pushchairs)
 - 3.56.2 Financial strain from bus fares
 - 3.56.3 Concerns about leaving loved ones unattended for extended periods
 - 3.56.4 Preference for walking to a local pharmacy
 - 3.56.5 No longer having the choice to access other pharmacies due to bus changes
- 3.57 The government removed the £2 bus fare cap at the end of 2024, replacing it with a £3 cap for single bus journeys in England outside of London. This change affects the Novus Direct bus servicing New Lubbethorpe. The bus fare to anywhere further than Thorpe Astley is now £3, while the fare to Thorpe Astley itself is £1.20, making a return trip £2.40. For many patients, especially those needing to visit a pharmacy multiple times a month, these costs add up quickly.
- 3.58 Overall, the results suggest that a significant proportion of bus users face difficulties accessing the pharmacy, and a local pharmacy would likely alleviate these issues, improving accessibility, better choice, convenience, and overall well-being for these residents.
- 3.59 **Access by private transport**
- 3.60 The ICB's decision report states *"the level of car ownership for the households in the LSOA in which the proposed premises are located is high with only 8.3% of households not having access to a car or van."* Although the ICB have not provided a reference or citation for this figure (despite us requesting it by email on 30th July 2025), we believe it's from the 2021 national census. If the figure

is indeed from the 2021 national census, then we believe it is outdated and should not be relied upon, due to several factors:

- 3.60.1 Outdated Data: It is now over four years old. Given New Lubbesthorpe's rapid development, with only 1,326 residents at the time of the census and now potentially over 3,000 residents, the demographics and car ownership patterns may have changed significantly.
 - 3.60.2 Affordable Housing: With approximately 900 homes reserved for residents with household incomes at or below the national average, it's likely that car ownership rates would be lower among these residents. Low-income households in the UK have lower car ownership rates compared to higher-income households. According to the Department for Transport, households in the lowest income quintile are more likely to not have access to a car.
 - 3.60.3 Research shows that trends like working from home can discourage car ownership. As of 2025, approximately 40% of UK workers are working remotely at least some of the time.
- 3.61 Whilst there is an 'Enterprise Car Club' in New Lubbesthorpe, it presents challenges for many users. With there being only two cars currently available, users may face difficulties in accessing a vehicle when needed, particularly during peak hours or periods of high demand. Users must have a smartphone to register for/book the service, meaning those without a smartphone are excluded, and even with one, users need to be sufficiently tech-savvy to navigate the service. Users are also required to take multiple photos of the vehicle before and after use which can be time-consuming.
- 3.62 The current nearest pharmacy by vehicle, Saffron Pharmacy, is already experiencing parking challenges, with Google reviews mentioning parking tickets. If all new residents from the development start visiting the pharmacy by car, this issue is likely to worsen, potentially leading to increased congestion, parking difficulties, and frustration for both residents and existing visitors. Needing to travel to your nearest pharmacy by car also does not align with the Leicester, Leicestershire and Rutland (LLR) Integrated Care System (ICS) Green Plan which aims to reduce carbon emissions and improve sustainability across the NHS in the region. For patients traveling to pharmacies via car in Leicestershire, the plan encourages alternative, more sustainable transport options and outlines measures to reduce the environmental impact of car travel
- 3.63 During periods of heavy rain, Beggars Lane is susceptible to flooding, which can either completely cut off access or significantly impede passage to the rest of Leicester Forest East. Unfortunately, this has already happened twice within the last 12 months. As Beggars Lane is a major route in and out of New Lubbesthorpe, its closure due to flooding has a substantial impact on the resident's mobility and access to pharmaceutical services.
- 3.64 **Our survey shows:**
- 3.65 Out of 129 respondents, 68 respondents indicated they currently use a car to access a pharmacy. Out of these 68 respondents:
- 3.66 15 respondents find it "difficult" or "somewhat difficult" to get to the pharmacy.

- 3.67 30 respondents have struggled to access the pharmacy due to parking issues.
- 3.68 We would like to draw the committee to further real experiences of some of the local residents that currently use a car to access a pharmacy:
- 3.69 *“Can never park there”*
- 3.70 *“Never any parking at saffron pharmacy not risking getting ticket”*
- 3.71 *“2 parking spaces only for pharmacy”*
- 3.72 *“Only 2 parking spots or having to part [sic] on a residential street”*
- 3.73 *“I have a wheelchair adapted VW Vista. Needs to be parked properly, can't ever park it at Saffron”*
- 3.74 *“If we had our own in New Lubbethorpe I would just walk it. Don't like taking the car out for lots of little journeys”*
- 3.75 The comments received in our survey echo sentiments from Google reviews which can easily be read on the internet, where patients have expressed their concerns about the parking particularly at Saffron Pharmacy. These issues have been ongoing for a long time and no improvements have been noted.
- 3.76 One respondent mentions that having a local pharmacy in New Lubbethorpe would allow them to walk instead of driving, reducing the number of short car journeys. This suggests that a local pharmacy could not only alleviate parking issues but also promote more sustainable and accessible transportation options.
- 3.77 **Opening hours**
- 3.78 **Table 2: Opening hours of the 3 nearest pharmacies**

Pharmacy	Opening Hours
Saffron Pharmacy, Unit 1, Warren Court, Warren Ln, Leicester LE3 3LW	Monday 09:00 – 18:00 Tuesday 09:00 – 18:00 Wednesday 09:00 – 18:00 Thursday 09:00 – 18:00 Friday 09:00 – 18:00 Saturday 09:00 – 12:00 Sunday Closed
Thorpe Astley Pharmacy, 3 Lakin Dr, Thorpe Astley, Leicester LE3 3RU	Monday 10:00 – 18:00 Tuesday 10:00 – 18:00 Wednesday 10:00 – 18:00 Thursday 10:00 – 18:00 Friday 10:00 – 18:00 Saturday 10:00 – 12:00 Sunday Closed
Boots, 532 Braunstone Ln, Leicester LE3 3DH	Monday 09:00 – 18:00 Tuesday 09:00 – 18:00 Wednesday 09:00 – 18:00

	Thursday 09:00 – 18:00 Friday 09:00 – 18:00 Saturday 08:30 – 17:00 Sunday Closed
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3.79 A review of the opening hours for current nearby pharmacies (Table 2) reveals that:

3.79.1 On weekdays: The earliest opening time is 9am, and the latest closing time is 6pm.

3.79.2 The second nearest pharmacy (Thorpe Astley Pharmacy) does not open until 10am.

3.79.3 On Saturdays: The two nearest pharmacies close at midday.

3.80 In comparison, our proposed core/supplementary hours would offer:

3.80.1 On Weekdays: Opening at 8:30 AM and closing at 6:30 PM,

3.80.2 Saturdays: Opening until 2:00 PM

3.81 Our proposed opening hours align well with the new doctors' surgery, allowing patients to access our services directly after early morning appointments (from 8:30 am) and after late appointments (until 6:30 pm), when other pharmacies are closed. This provides patients with convenient and better access to pharmacy services.

3.82 We are pleased to confirm that Forest Medical Group have opened their doors to patients as of 21st July 2025, with the following opening hours

3.82.1 Monday 8am-12:30pm, 1:30pm-6pm

3.82.2 Tuesday 8am-12:30pm, 1:30pm-6pm

3.82.3 Wednesday 8am-12:30pm, 1:30pm-6pm

3.82.4 Thursday 8am-12:30pm, 1:30pm-6pm

3.82.5 Friday 8am-12:30pm, 1:30pm-6pm

3.82.6 Saturday Closed

3.82.7 Sunday Closed

3.83 A recent lively Facebook debate in July 2025 highlights the challenges faced by local residents in accessing pharmacy services during these times. One patient shared an unpleasant experience where she couldn't access Saffron Pharmacy shortly after her GP appointment, forcing her to wait for half an hour in the surgery, which caused her embarrassment. Another resident echoed this sentiment, mentioning they also struggled to access a pharmacy due to the 9am opening time, which conflicted with their work schedule. These

experiences underscore the need for more accessible pharmacy hours in the area.

3.84 Our survey shows:

3.85 Out of 126 respondents,

3.86 25 respondents have struggled to access the pharmacy because it was closed.

3.87 19 respondents indicated they would prefer to use a pharmacy before 9am on weekdays.

3.88 28 respondents indicated they would prefer to use a pharmacy between 6pm and 8pm weekdays.

3.89 41 respondents indicated they would prefer to use a pharmacy between noon and 2pm weekends.

3.90 We would like to draw the committee to further real experiences of some of the local residents who find current available opening hours inconvenient:

3.91 *"Have to work around working hours. If something was walking distance I could go easily and more accessible."*

3.92 *"Pharmacies are often closed when I am not at work"*

3.93 *"I work the hours the pharmacy is open so can be difficult to get there to collect medication"*

3.94 *"The closest pharmacy (Warren Lane) is open the same times I work so is inaccessible. I use Asda because there are fewer issues and it's open."*

3.95 *"Having a pharmacy closer would help and won't have to worry about parking either. If possible it's better if the pharmacy can open before 9 as I can get my prescription before my shift. 9am feels late for a healthcare service, and the one in Thorpe astley doesn't open until 10am which is baffling in this day and age"*

3.96 Our survey undoubtedly highlights that current available pharmacy hours are inconvenient for many respondents, particularly those with work commitments. There is clearly a demand for services before 9am and after 6pm on weekdays, and also between 12pm and 2pm at the weekends. A local pharmacy with our proposed hours, would better serve the needs of the community.

3.97 Prescription review data

3.98 The ICBs review of prescriptions issued by the practice that is relocating to New Lubbesthorpe was undertaken in 2024. This data is now outdated as it will not accurately reflect the impact of the practice's relocation on access to pharmaceutical services. The practice has relocated 1.28 miles away from its original location 'as the crow flies'.

3.99 The old location was situated at a major junction of Ratby Lane and Hinckley Road, directly within Leicester Forest East, providing excellent connectivity via

major roads and bus stops. This previous location offered patients a wider range of options for accessing pharmaceutical services, with more convenient access to multiple pharmacies and transport links. The new location will alter patients' ability to access these services.

- 3.100 Given the change in location and its potential impact on patients' access to pharmaceutical services, it's essential to reassess whether there is still a reasonable choice of services available to the community. The data on prescription dispensing doesn't account for the relocation's effects on patients' mobility and access, and therefore does not provide a complete picture of the situation.
- 3.101 Furthermore, whilst prescription review data may show there is choice in terms of multiple pharmacies dispensing prescriptions, it doesn't necessarily follow that this choice is "reasonable." Reasonable choice implies not just availability but also accessibility and convenience for the local population. Factors such as travel time, transport, and pharmacy hours will impact the reasonableness of these choices.
- 3.102 Taking the above into account, we firmly believe that there is not a reasonable choice with regard to accessing pharmaceutical services in the area. Although alternatives exist, we've shown that there are barriers which make them difficult and inconvenient to access. Granting our application would bring substantial benefits by providing improvements and more convenient/better access to pharmaceutical services.
- 3.103 **Regulation 18(2)(b)(ii) - Shared protected characteristics**
- 3.104 The ICB appears to have re-used parts of a previous decision report when considering people who share protected characteristics. Our application does not infer "older people need to use services more" but rather we discussed how excessive walk times can be a barrier to access pharmaceutical services, especially for the elderly, young children, and those with impaired mobility. We would like to reiterate points in our application which the ICB have not considered, and how they can benefit those who share protected characteristics.
- 3.105 **Walk times**
- 3.106 The walk times to the current nearest pharmacy is 14 minutes one way (28 minutes round trip), and 30 minutes one way to the second nearest pharmacy. Whilst some might consider these walking distances are practical for the fit population, they would undoubtedly pose challenges for those with shared protected characteristics, such as:
- 3.107 **Disabilities/Mobility Impairments** - Referring to the recent Facebook post, the resident mentions their relative had "oedemas in their ankles". Under the Equality Act 2010 oedema in legs and ankles can be considered disabilities if they have a substantial and long-term adverse effect on daily activities, such as walking. This person also needed to "catch her breath" by the time she reached the pharmacy. Whilst we cannot comment on whether this particular resident considers themselves disabled, it demonstrates the potential challenges people with disabilities and mobility impairments may face when accessing pharmacies.

- 3.108 **Pregnant women** - Expecting pregnant women to walk 28 minutes or more to access a pharmacy is unreasonable, considering the potential physical discomfort, health risks, and mobility challenges associated with pregnancy.
- 3.109 **Maternity** - new parents with pushchairs can face similar challenges as those in wheelchairs.
- 3.110 **Acute Illness** - When we consider *why* individuals visit their local pharmacy, often it will be to seek medicines/treatment for an acute illness. This can range from relatively mild illnesses like gastroenteritis to more severe illnesses e.g., asthma and angina. Asthma and angina can be considered disabilities under the Equality Act 2010 if they have a substantial and long-term adverse effect on daily activities. Long walks can trigger acute episodes of both conditions.
- 3.111 **Elderly** - Our proposed palliative care service will provide valuable support and care to the residents of the newly built residential, dementia, and respite care home in New Lubbesthorpe, enhancing their quality of life and meeting their complex needs.
- 3.112 **Our survey shows:**
- 3.113 Out of 129 respondents, 59 indicated that at least one of the following apply to them:
- 3.114 I am disabled (6)
- 3.115 I have mobility issues (14)
- 3.116 I have a long term medical condition(s) (42)
- 3.117 I am pregnant or breastfeeding (4)
- 3.118 I am part of the LGBTQ+ community (6)
- 3.119 **Respondents with a disability**
- 3.120 5 out of 6 respondents with a disability find it "difficult" or "somewhat difficult" to get to the pharmacy.
- 3.121 Importantly, all 6 respondents have struggled to access the pharmacy.
- 3.122 We would like to draw the committee to further real experiences of some of the residents who are disabled:
- 3.123 *"As above. I have a VW Vista model car which is naturally big as a it's wheelchair adapted car. Parking it at Saffron is a no no."*
- 3.124 *"My daughter looks after me and goes to the chemist for me, but it's taking her too long We need a chemist closer"*
- 3.125 *"I've been registered disabled since I was 51 due to a workplace accident shattered my back 66 now, standing waiting for the bus gets painful. If we had our own pharmacy it would be a short walk"*

- 3.126 *"It needs to deliver prescriptions. It needs to be wheelchair accessible."*
- 3.127 The data and comments highlight the significant challenges faced by disabled residents in accessing the pharmacy. The comments emphasize the need for:
- 3.127.1A shorter walking distance to reduce pain and discomfort
 - 3.127.2A local pharmacy with better disabled parking
 - 3.127.3A local pharmacy that is wheelchair accessible
 - 3.127.4A prescription delivery service
- 3.128 Not all disabilities are visible, and individuals with non-visible disabilities, such as chronic illnesses or cognitive impairments, may face unique challenges in accessing pharmacy services, including difficulties with travel, or managing their condition while navigating the pharmacy.
- 3.129 Disabled people in the community are currently struggling to access essential healthcare services due to these barriers. Our proposed pharmacy will meet these needs and greatly improve accessibility and quality of life for disabled residents.
- 3.130 **Respondents with mobility issues**
- 3.131 12 out of 14 respondents with mobility issues find it "difficult" or "somewhat difficult" to get to the pharmacy.
- 3.132 8 respondents take more than 30 minutes to reach the pharmacy.
- 3.133 13 out of 14 respondents have struggled to access the pharmacy, 9 of these citing "difficulty walking" as the reason
- 3.134 We would like to draw the committee to further real experiences of some of the residents who have mobility issues:
- 3.135 *"If I had a penny for everytime "it's not in stock or we have to order it" I'd be rich by now"*
- 3.136 *"Items not ordered in, keep having to go back and forth"*
- 3.137 *"Yes. We need our own chemist in New Lubbethorpe. We leave the chemist with 2 big bags of medicines every month. My wife says she's surprised I don't rattle! And we are in there sometimes 2-3 times a week for one reason or another. As I said in the question above, we have no choice but to walk. On some days its ok but when you need to go few times a week it takes its toll"*
- 3.138 *"Would love the idea of having pharmacists close to me especially when I have questions about medications x"*
- 3.139 *"Its about time we had our own pharmacy. Right now we are having to walk about half and hour. Ive never drove and my husband can't drive anymore because of epilepsy and poor vision. We dont risk taking the bus anymore since i caught long COVID from the bus in 2020 which still affects me now. If the*

weathers bad we just don't go out. Having a pharmacy closer to us will help us so much."

3.140 *"Would prefer our own village pharmacy. Then I could walk it. Now that we have sainsburys here I don't need to go out of the village"*

3.141 A local pharmacy in New Lubbethorpe would greatly benefit these residents by reducing travel time, alleviating mobility-related difficulties, and improving access to pharmacy services.

3.142 Furthermore, some residents with mobility issues are currently forced to make multiple trips to the pharmacy due to stock availability issues, which can exacerbate their mobility problems and add to their frustration. Our proposed local pharmacy with automated reliable stock management would help mitigate this issue.

3.143 Respondents with long term medical condition(s)

3.144 22 out of 42 respondents with long term medical condition(s) find it "difficult" or "somewhat difficult" to get to the pharmacy.

3.145 14 respondents with long term medical condition(s) take more than 30 minutes to reach the pharmacy.

3.146 31 out of 42 respondents have struggled to access the pharmacy, 18 of these citing "bad weather" and 14 citing "difficulty walking" as the reason.

3.147 Respondents who are pregnant or breast feeding

3.148 3 out of 4 respondents who are pregnant, or breast feeding have struggled to access the pharmacy, with "no parking" and "bad weather" being the reason. One respondent indicated they don't use a pharmacy as they feel there is not enough privacy.

3.149 The results highlight the challenges faced by pregnant or breastfeeding respondents in accessing the pharmacy, often due to practical issues like parking. Additionally, one respondent's concern about privacy underscores the importance of a pharmacy design that prioritizes confidentiality. Our proposed pharmacy layout with a spacious consultant room would provide a more private and comfortable space for these patients to discuss their health needs, addressing their concerns and improving their overall experience.

3.150 Respondents who are part of the LGBTQ+ community

3.151 2 out of 6 respondents who are part of the LGBTQ+ community have had a bad experience in the past at a pharmacy.

3.152 Given the General Pharmaceutical Council's (GPhC) emphasis on the crucial role pharmacy teams play in addressing health inequalities faced by the LGBTQ+ community, it's concerning that some respondents have had negative experiences. Our pharmacy aims to do better by providing a welcoming, inclusive, and non-judgmental environment. To cater towards the LGBTQ+ community, our pharmacy aims to:

- 3.152.1 Provide staff training on LGBTQ+ issues, including pronoun usage, cultural sensitivity, and awareness of specific health needs
- 3.152.2 Ensure inclusive language and signage, such as rainbow flags or stickers indicating support for the LGBTQ+ community
- 3.152.3 Create a safe space for patients to disclose their identity and discuss health concerns without fear of prejudice or discrimination
- 3.153 By taking these steps, our pharmacy will help address the health inequalities faced by the LGBTQ+ community and provide more inclusive care.
- 3.154 **Elderly population**
- 3.155 21 out of 129 respondents in our survey were aged 65 years and above.
- 3.156 We would like to draw the committee to further real experiences of some of the elderly residents:
- 3.157 *"If it's not boiling hot it's chucking it down, now I'm not blaming anyone for the weather but it wouldn't be so much trouble if we had our own chemist!"*
- 3.158 *"Poor lighting on the way to LFE"*
- 3.159 *"The bus to LFE can get claustrophobic especially at busy times, not enjoyable"*
- 3.160 *"It's frustrating because they never have it fully ready, my daughter has keep going back and it takes ages"*
- 3.161 *"Items not ordered in, keep having to go back and forth"*
- 3.162 *"Making the walk to warren lane LFE in the winter when it's dark is scary. I dread going when it's like that. If the chemist was on Tay road it would be much better"*
- 3.163 *"I've been registered disabled since I was 51 due to a workplace accident shattered my back 66 now, standing waiting for the bus gets painful. If we had our own pharmacy it would be a short walk"*
- 3.164 *"Its about time we had our own pharmacy. Right now we are having to walk about half an hour. Ive never drove and my husband can't drive anymore because of epilepsy and poor vision. We dont risk taking the bus anymore since i caught long COVID from the bus in 2020 which still affects me now. If the weathers bad we just don't go out. Having a pharmacy closer to us will help us so much."*
- 3.165 *"Whilst Thorpe Astley is easy to get to at the moment I'm unlikely to have a car within the next couple of years. I have monthly repeat prescriptions so to have a local pharmacy would be extremely helpful."*
- 3.166 *"Yes. We need our own chemist in New Lubbethorpe. We leave the chemist with 2 big bags of medicines every month. My wife says she's surprised I don't rattle! And we are in there sometimes 2-3 times a week for one reason or*

another. As I said in the question above, we have no choice but to walk. On some days its ok but when you need to go few times a week it takes its toll"

- 3.167 The survey results and comments from elderly respondents highlight the challenges they face in accessing the pharmacy, including difficulty walking, bad weather, and lack of transportation. Many elderly residents struggle with the current pharmacy arrangements, citing issues such as:

3.167.1 Long travel times (over 30 minutes for 47% of elderly respondents)

3.167.2 Difficulty accessing the pharmacy due to mobility issues, weather, and transportation limitations

3.167.3 Frustration with pharmacy services, including stock availability and preparation of prescriptions

3.167.4 Safety concerns when traveling to the pharmacy, especially in poor lighting or weather conditions

- 3.168 A local pharmacy in New Lubbethorpe would greatly benefit the elderly population by reducing travel time and easing the strain of mobility issues. The comments emphasize the need for a more accessible and convenient solution, with many respondents expressing a strong desire for a local pharmacy that would allow them to easily access the services they need.

3.169 **Opening hours**

- 3.170 Having access to a community pharmacy within New Lubbethorpe will allow children and adults to get quick access to healthcare advice removing any potential delay of having to wait for a GP appointment. For example, with the Pharmacy First service we can support a child who may have an acute illness such as earache or sore throat. Walking into our pharmacy to access this service can tackle absence and potentially help boost attendance rates. The Pharmacy First service also supports staff/adults.

- 3.171 Currently, one primary school is up and running with a capacity of 420 students, its further being expanded to accommodate 630 students.¹⁹ Eventually the community will have a second primary school and a sixth form college. Our proposed opening hours enable young children to access services without impacting their school day which starts at 8:45am. Parents of these children can also manage the care of their child without significantly impacting their workday. Staff members of the education sector will benefit from our opening hours without much disruption to their working day.

3.172 **Remote consultations**

- 3.173 We also envision offering video consultations for the Pharmacy First service. This way we can improve healthcare accessibility and equality for individuals who are housebound or disabled, ensuring they receive the care they need without barriers.

3.174 **Safe Space**

3.175 Our pharmacy will provide a safe space to help anyone experiencing domestic abuse. Victims of domestic abuse are protected under the Equality Act 2010. Specifically, they may be considered under the protected characteristics of sex (gender) and/or disability (if they have a disability and the abuse is related to it). It should be noted that neither of the two nearest pharmacies are registered as safe space providers.

3.176 From the above, it's evident that residents who share protected characteristics are facing significant challenges in accessing pharmaceutical services. To address this disparity, we are committed to ensuring that these individuals are not disadvantaged in any way. Our proposed pharmacy will be designed with accessibility in mind, featuring wheelchair and pushchair-friendly facilities, auxiliary aids, and ample seating. Moreover, our staff will be trained to uphold a non-judgmental approach, providing a welcoming and inclusive environment for all patients, regardless of their background or characteristics.

3.177 We strongly feel that further delaying a new pharmacy application, given the unviability of the extant grant, would unfairly deprive residents of New Lubbethorpe who share protected characteristics timely access to essential pharmacy services.

3.178 **Regulation 18(2)(b)(iii) - Innovative approaches**

3.179 We appreciate the ICB acknowledging our proposed use of technology in regard to the delivery of pharmaceutical services. Building on the technology referred to in our application, we would be excited to explore implementing a 24-hour automated prescription collection machine that could significantly boost patient convenience and accessibility.

3.180 **Conclusion**

3.181 In conclusion, the ICB's decision to refuse our application was on the basis that there is already an extant grant within New Lubbethorpe. However, the extant grant has not come to fruition, and it is not feasible for that applicant to begin providing services before its grant lapses. Furthermore, a majority of the ICB's decision report appears to have been copied from another applications report, rather than being a bespoke assessment of our application. For these reasons, we believe the ICB's decision for refusing our application is invalid.

3.182 We therefore appeal the ICB's decision and invite the Secretary of State to uphold our appeal and grant our application on the following grounds:

3.182.1 For the reasons given in our application form and the supporting reasons and evidence in this appeal, granting our application would secure better access and improvement to pharmaceutical services in New Lubbethorpe, by offering better opening times, especially on Saturdays, and a more convenient location. Additionally, it would provide better access for individuals with shared protected characteristics.

3.182.2 Evidence from our application and appeal has demonstrated that the current pharmacy provision is inadequate and fails to meet the needs of local residents. The councillors supporting statement reinforces the

importance of having a local community pharmacy, highlighting its vital role in serving local residents, especially those who are vulnerable.

3.182.3A new, closer pharmacy will also provide residents with better choice and flexibility in managing their healthcare needs.

3.182.4The extant grant has not come to fruition.

3.182.5The requirements of Regulation 18 have been met, and our application for a new pharmacy should be granted.”

[Enclosures provided to Committee]

4 Summary of Representations

This is a summary of representations received on the appeal.

4.1 THE COMMISSIONER

4.1.1 “Thank you for your letter dated 05 September 2025; The East Midlands Primary Care Team on behalf of Leicester, Leicestershire and Rutland Integrated Care Board would like to make the following representations.

4.1.2 An application for inclusion in the pharmaceutical list for the area of Leicestershire HWB offering to secure unforeseen by Sunny Pharmacy Ltd was considered by the Pharmaceutical Services Regulations Committee on 15 July 2025, was refused, and the rationale for the refusal is detailed below.

4.1.3 **Regulation 31 - refusal: same or adjacent premises**

4.1.4 As it is not yet known where the premises would be located if the application is granted, there are no grounds for the committee to refuse the application on the basis of regulation 31.

4.1.5 **Regulation 32 – deferral arising out of LPS designations.**

4.1.6 The application does not need to be deferred pursuant to regulation 32 as the relevant premises are not premises or part of premises, or are not located within an area, designated under regulation 99 for local pharmaceutical services.

4.1.7 **Regulation 18(1)**

4.1.8 The unforeseen benefits that Sunny Pharmacy Limited claims would be secured by the granting of the application are not included in the relevant PNA. It states that "Access to pharmaceutical services for the residents of Leicestershire is good and the main conclusion of this pharmaceutical needs assessment is that there are currently no gaps in the provision of pharmaceutical services. This regulation is therefore satisfied.

4.1.9 It is to be noted that Sunny Pharmacy Limited seeks to open a pharmacy within two roundabouts situated on Tay Road, New

Lubbesthorpe LE19 4BG. A unit in The Brook Centre, Tay Road, New Lubbesthorpe, Leicester, LE19 4BG in order to offer unforeseen benefits for this new community in particular by way of providing reasonable choice of, and easy and convenient access to, pharmaceutical services which are currently difficult to access for the new population.

4.1.10 In order to be satisfied in accordance with regulation 18(1), the committee is to have regard to those matters set out at regulation 18(2).

4.1.11 Regulation 18(2)(a)(i)

4.1.12 There is already an extant grant for a pharmacy in New Lubbesthorpe under regulation 20. The applicant gave a best estimate in its application and on 17 July 2024 validly notified the ICB of the address at which it intends to open. The applicant had 12 months from that date in which to submit its notice of commencement (paragraph 34(4)(b)(iv), Schedule 2) and subsequently asked for an extension of another three months, giving an overall total of 15 months from 17 July 2024. The appellant states within the appeal that the extant grant has failed to begin the provision of pharmaceutical services. The applicant has until the 17 October 2025 in which to submit a valid Notice of Commencement.

4.1.13 This is a regulated process which is not at its conclusion and therefore we cannot comment on the viability of Send Healthcare Ltd to commence providing pharmaceutical services.

4.1.14 There is a real possibility that if the second application was granted that both grants would come on stream, leading to over-provision at the expense of the public purse since both would be able to claim reimbursement for the provision of pharmaceutical services.

4.1.15 In paragraph 42 of the attached judicial review (which looked at the situation where an application had been granted and a second one received for the same general location) the judge said

4.1.15.1 *"Next, however, in a case where there are two competing applications and one has already been granted, as in this case, it may well be perverse and irrational to grant the second one unless there are good reasons for forming the view that the service provision required under the first grant is considered undeliverable. Such reasons could include, for example, the insolvency of the first grantee, or a public statement that it has lost interest in the pharmaceutical business."*

4.1.16 There is therefore an argument that granting this second application would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of Leicestershire HWB as there is no evidence that two pharmacies are required, and if both came on stream there is a real possibility that both would close as there is insufficient demand for pharmaceutical services to support two pharmacies. The committee was of the same opinion, and pursuant to regulation 19(5) the PSRC must refuse the application.

4.1.17 **Regulation 18(2)(a)(ii)**

4.1.18 There is no evidence that granting the application would cause significant detriment to the arrangements that are currently in place for the provision of pharmaceutical services in the area of Leicestershire HWB.

4.1.19 **Regulation 18(2)(b)(i)**

4.1.20 There is already reasonable choice with regard to obtaining pharmaceutical services in the area of Leicestershire HWB. A review of travel times on SHAPE, on foot, by car and by public transport was undertaken. Maps are included in an annex to this letter to show the distances to current providers of pharmaceutical services in the area.

4.1.21 New Lubbersthorpe has various transport schemes for its residents including.

4.1.22 **Bus Services**

4.1.23 NovusDirect a dedicated fast and frequent bus service connecting New Lubbesthorpe to the city centre

4.1.24 **Other Transport Schemes**

4.1.25 LocalGO Scheme - The residents of New Lubbersthorpe are entitled to free travel benefits, including a free seven day bus pass for NovusDirect

4.1.26 Enterprise Car Club: New Lubbesthorpe residents also benefit from their very own car club, operated by Enterprise. Featuring two cars parked near the Primary School, residents can hire these vehicles by the hour whenever they need. Having access to car nearby for occasional trips means owning a car (or a second car) is often unnecessary, helping the residents save money on all the costs of vehicle ownership.

4.1.27 There are also discounts with the likes of Halfords, Rutland Cycling, Hurricane ebikes, Railcards

4.1.28 A review of the level of car ownership for the households in the LSOA in which the proposed premises are located is high with only 2.8% of households not having access to a car or van, compared to 23% of households in England.

4.1.29 There are 5 pharmacies within a 2 mile radius of the proposed site, Table 1 provides information on the pharmacies, the distance from the proposed site both on NHS UK and on google maps. The table also provides times for walking and driving and times by public transport. It is important to note that NHS UK distances are as the crow flies. The distances below are from the proposed premises postcode there are several other postcodes on this development.

4.1.30 Table 2 shows the proposal by the appellant and details of the pharmacies within a 2-mile radius of the proposed site, the premises

Core, Supplementary and Total hours and the Advanced Services Commissioned by the ICB and NHS England.

- 4.1.31 With regards to those with protected characteristics and the problems with getting to the other pharmacies, all the existing pharmacies provide a prescription delivery service and open over the hours that the appellant is proposing to provide. All the pharmacies provide advanced services and for Stoma care there is a Dispensing Appliance Contractor in the LE6 area.

Table 1						
Pharmacy Name and Address	Distance in Miles from LE19 4BG (NHS website)	Distance in Miles from LE19 4BG (Google Maps)	Time to Walk	Time to Drive	Time to Bicycle	Time by public transport
Saffron Pharmacy, Unit 1, Warren Court, Warren Ln, Leicester LE3 3LW	0.4miles	0.6miles	13 mins	1 mins	3 mins	N/A
Thorpe Astley Pharmacy, 3 Lakin Dr, Thorpe Astley, Leicester LE3 3RU	1.1miles	1.6miles	34 mins	5 mins	8 mins	17 mins
Boots, 532 Braunstone Ln, Leicester LE3 3DH	1.4miles	2.0miles	44 mins	6 mins	11 mins	30 mins
The Village Pharmacy, Unit 3 Enterprise House, Main Street, Kirby Muxloe, Leicestershire LE9 2AE	1.6miles	1.9miles	41 mins	6 mins	11 mins	40 mins
Enderby Pharmacy, 15 Mill Lane, Enderby, Leicester, LE19 4NW	1.9miles	2.3miles	49 mins	5 mins	12 mins	54 mins

Table 2						
Pharmacy Name and Address	Proposal of appellant	Saffron Pharmacy, Unit 1, Warren Court, Warren Ln, Leicester LE3 3LW	Thorpe Astley Pharmacy, 3 Lakin Dr, Thorpe Astley, Leicester LE3 3RU	Boots, 532 Braunstone Ln, Leicester LE3 3DH	The Village Pharmacy, Unit 3 Enterprise House, Main Street, Kirby Muxloe, Leicestershire LE9 2AE	Enderby Pharmacy, 15 Mill Lane, Enderby, Leicester, LE19 4NW

Core Opening Hours						
Monday	09:00 to 18:00	09:00 to 12:15 and 15:00 to 18:45	10:00 to 18:00	09:00 to 13:00 and 14:15 to 18:00	09:00 to 13:00 and 14:00 to 17:30	09:00 to 17:00
Tuesday	09:00 to 18:00	09:00 to 12:15 and 15:00 to 18:45	10:00 to 18:00	09:00 to 13:00 and 14:15 to 18:00	09:00 to 13:00 and 14:00 to 17:30	09:00 to 17:00
Wednesday	09:00 to 18:00	09:00 to 12:15 and 15:00 to 18:45	10:00 to 18:00	09:00 to 13:00 and 14:15 to 18:00	09:00 to 13:00 and 14:00 to 17:30	09:00 to 17:00
Thursday	09:00 to 18:00	09:00 to 12:15 and 14:30 to 18:45	10:00 to 18:00	09:00 to 13:00 and 14:15 to 18:00	09:00 to 13:00 and 14:00 to 17:30	09:00 to 17:00
Friday	09:00 to 18:00	09:00 to 12:15 and 15:00 to 18:45	10:00 to 18:00	09:00 to 13:00 and 14:15 to 18:00	09:00 to 12:30 and 14:30 to 17:30	09:00 to 17:00
Saturday	09:00 to 14:00	09:00 to 13:00	No core hours	No core hours	09:00 to 12:30	09:00 to 16:00
Sunday	Closed	Closed	Closed	Closed	Closed	Closed
Total	45	40	40	38.75	40	47
Supplementary Opening Hours						
Monday	08:30 to 09:00 and 18:00 to 18:30	12:15 to 15:00	None	14:00 to 14:15	13:00 to 14:00 and 17:30 to 18:00	17:00 to 18:30
Tuesday	08:30 to 09:00 and 18:00 to 18:30	12:15 to 15:00	None	14:00 to 14:15	13:00 to 14:00 and 17:30 to 18:00	17:00 to 18:30
Wednesday	08:30 to 09:00 and	12:15 to 15:00	None	14:00 to 14:15	13:00 to 14:00 and 17:30 to 18:00	17:00 to 18:30

	18:00 to 18:30					
Thursday	08:30 to 09:00 and 18:00 to 18:30	12:15 to 15:00	None	14:00 to 14:15	13:00 to 14:00 and 17:30 to 18:00	17:00 to 18:30
Friday	08:30 to 09:00 and 18:00 to 18:30	12:15 to 15:00	None	14:00 to 14:15	12:30 to 13:00, 14:00 to 14:30 and 17:30 to 18:00	17:00 to 18:30
Saturday	None	None	10:00 to 12:00	08:30 to 17:00	12:30 to 13:00	None
Sunday	None	None	None	None	None	None
Total	5	13.75	2	14.75	8	7.1
Total Opening Hours						
Monday	08:30 to 18:30	09:00 to 18:45	10:00 to 18:00	09:00 to 13:00 and 14:00 to 18:00	09:00 to 18:00	09:00 to 18:30
Tuesday	08:30 to 18:30	09:00 to 18:45	10:00 to 18:00	09:00 to 13:00 and 14:00 to 18:00	09:00 to 18:00	09:00 to 18:30
Wednesday	08:30 to 18:30	09:00 to 18:45	10:00 to 18:00	09:00 to 13:00 and 14:00 to 18:00	09:00 to 18:00	09:00 to 18:30
Thursday	08:30 to 18:30	09:00 to 18:45	10:00 to 18:00	09:00 to 13:00 and 14:00 to 18:00	09:00 to 13:00 and 14:00 to 18:00	09:00 to 18:30
Friday	08:30 to 18:30	09:00 to 18:45	10:00 to 18:00	09:00 to 13:00 and 14:00 to 18:00	09:00 to 13:00	09:00 to 18:30
Saturday	09:00 to 14:00	09:00 to 13:00	10:00 to 12:00	08:30 to 17:00	09:00 to 13:00	09:00 to 16:00

Sunday	Closed	Closed	Closed	Closed	Closed	Closed
Total	55	52.75	42	48.5	48	54.5
Services Proposed or provided						
New Medicines Services	X	X	X	X	X	X
Appliance Use Reviews	X					
Stoma Customisation	X					
Flu Vaccination service	X		X		X	
BP service	X	X	X	X	X	X
Smoking	X	X	X	X	X	X
Contraception	X	X	X	X	X	X
Lateral Flow Service	X	X	X	X	X	X
Pharmacy First	X	X	X	X	X	X
Prescription Delivery Service	X	X	X	X	X	X

4.1.32 A review of where the prescriptions issued by the practice that has relocated to the development are dispensed was undertaken. In June the practice prescribed 24,269 items, 23,716 of which were on electronic prescriptions. Dispensed by 107 different pharmacy/DAC premises. Of these:

4.1.32.1 Saffron Pharmacy which is the closest pharmacy to the proposed site dispensed 25.4% of the prescriptions

4.1.32.2 Thorpe Astley Pharmacy dispensed 23.3% of prescriptions

4.1.33 Based on the above and the maps, there is no evidence that there is not already reasonable choice with regard to obtaining pharmaceutical services in the area of the Leicestershire HWB.

4.1.34 With the prescription Delivery services and the availability of Distance Selling Pharmacies and the schemes that are available on the site there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services.

4.1.35 The applicant is also offering to provide over the regulated 40 hours this would require a direction before this could be implemented.

4.1.36 **Regulation 18(2)(b)(ii)**

4.1.37 The applicant has provided no evidence of people sharing a protected characteristic having difficulty accessing services that meet their specific needs for pharmaceutical services other than general statements about older people needing to use services more, for example.

4.1.38 The committee is of the opinion that no evidence has been provided to conclude that granting the application would confer significant benefits on people within the area of Leicestershire HWB.

4.1.39 As above all the pharmacies provide a prescription Delivery Service and there are Distance Selling Pharmacies who could delivery medicines to the patient door. There are a number of travel schemes that are available on the site therefore there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services.

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

4.1.41 The applicant has not stated that they would be taking any innovative approaches to the delivery of pharmaceutical services.

4.1.42 **The Pharmaceutical Needs Assessment**

4.1.43 The most recent Pharmaceutical Needs assessment states that The geographic distribution of pharmacies ensures that 98% of residents live within a 10-minute drive of a pharmacy or dispensing practice. However, 28% of Leicestershire residents need more than 15 minutes' walk, and 11% more than 15 minutes public transport journey to reach a pharmacy. For those living in rural areas, these proportions are much higher (89% for walking and 62% for public transport, respectively). No access inequalities due to age or deprivation were detected. Urban districts such as Blaby and Oadby and Wigston have high walkability access, while rural parts of Harborough and Melton show more challenges in walk and public transport coverage, especially for older adults.

- 4.1.44 Of the 739 Leicestershire residents responded to the pharmacy public survey, the majority (86%) thought that pharmacy services were good, with only 8% dissatisfied with services.
- 4.1.45 There was a clear preference for brick-and-mortar pharmacies and GP dispensaries (94% of respondents), and only 4% routinely used delivery services. The highest rates of satisfaction were with GP dispensaries (90%) and community pharmacies (81%), with 64% satisfaction rate for online pharmacies.
- 4.1.46 The availability of medication at a pharmacy was very important, as were quality of service, followed by availability of private areas. Respondents valued ease of access, supportive staff, and flexibility of services and expressed their preference for bricks-and-mortar pharmacies over online options.
- 4.1.47 Evening and weekend access was highlighted as a limitation, particularly for working individuals. Carers and those with mobility issues emphasised the importance of home delivery and parking. Almost half (48%) of respondents accessed pharmacies by car, 46% were walking, 3% had their medicines delivered and only 1% were using public transport.
- 4.1.48 In 98% the drive time was less than 30 minutes (in 80% less than 15 minutes). Most of respondents (89%) used pharmacies on the weekdays, with 80% of respondents stating that pharmacy opening hours met their need. 98% of respondents found it easy to find a pharmacy; easiest during a weekday (98%), but difficult after 6 pm on a weekday and on Bank Holidays.
- 4.1.49 There was a generally good level of satisfaction with opening hours in Leicestershire, although some respondents were concerned with the reduced opening hours and Saturday closures.
- 4.1.50 The PNA concluded that there is good provision of community pharmaceutical services across the county of Leicestershire to meet the health needs of the population.
- 4.1.51 The services are distributed across the localities, with good levels of access by residents to pharmacies/ The assessment specifically concludes that:
- 4.1.51.1there are no identified significant gaps in provision of NHS Essential Services to meet the current and future (next three years) needs of the population, including provision during working and non-working hours,
 - 4.1.51.2there are no identified gaps in the provision of Advanced or Enhanced Services at present or in the future (next three years) that would secure improvements or better access to services in Leicestershire, and
 - 4.1.51.3no gaps have been identified in respect of securing improvements or better access to Locally Commissioned

Services, either now or in the future (next three years) to meet the needs of the County's population.

4.1.52 **Area Information**

4.1.53 Lubbethorpe is a hamlet and parish in the district of Blaby within Enderby on the outskirts of Leicester, on the west side of the M1 motorway and the River Soar.

4.1.54 The office of national statistics stated that the 2021 census reported that the population of New Lubbethorpe was 1326 people an increase of 1086 since 2015.

4.1.55 Households within the area consisted of the following.

4.1.55.1 18.6% 1 person households

4.1.55.2 37.1% 2 person households

4.1.55.3 24.1% 3 person households

4.1.55.4 20.3% 4 or more person households

4.1.56 Out of the residents within the area only 8.3% of people did not have a car. New Lubbethorpe is a major new development incorporating over 4,000 new homes including facilities, the first phase of the project began in 2014 and will consist of 4 phases the last of the phases planned for completion in 2030(6 years from now). Based on the above household information and the fact that the largest percentage of the house have 2 persons in them the estimated population growth by 2030 for 4250 homes would be an increase of 7000. The housing development as mentioned below will consist of 2, 3, 4 and 5-bedroom properties.

4.1.57 When the development is finished, it will include:

4.1.57.14,250 homes (unit size ranging from 2, 3,4 and 5 bedrooms)

4.1.57.2A District centre with buildings for retail, commercial, employment and community use

4.1.57.3Two local centres will include retail, community, and leisure facilities

4.1.57.4A secondary school with playing fields, sixth form facility, and community facilities

4.1.57.5Two primary schools, playing fields and children's nursery facilities

4.1.57.6A health centre

4.1.57.7A Business Centre with office space

- 4.1.57.8 An employment site including office space, storage and distribution businesses and general industries
- 4.1.58 As of 27 October 2023, 990 homes are occupied
- 4.1.59 New Lubbesthorpe will feature many transport features, including:
- 4.1.59.1 A new bus, pedestrian and cycle only access
 - 4.1.59.2 Improvements will be made to Baines Lane and the Baines Lane/A47 junction
 - 4.1.59.3 Bus, pedestrian, cycle and resident access only onto Watergate Lane
 - 4.1.59.4 The new bridge over the M1 gives access from Meridian Way
 - 4.1.59.5 Two new access points for vehicles from Beggar's Lane
 - 4.1.59.6 Improvements to the Beggar's Lane/A47 junction
 - 4.1.59.7 Access for vehicles from Leicester Lane
- 4.1.60 More details on the project can be found in Appendix 1 of the document.
- 4.1.61 The proposed best estimate that the applicant has identified within their application is Tay Road Local Centre on the New Lubbersthorpe Estate.
- 4.1.62 The Local Centre will be a mixed use two storey building which will house a Sainsbury's Local Store and four additional units for retail. The first floor will be occupied by Forest House Medical Centre. Please see the site maps and information regarding the development in the documentation and links section below (Egginton, 2023).
- 4.1.63 According to Lubbesthorpe Parish Council Website it is hoped the Local Centre will be complete by May 2025. This is now open, and the medical centre has relocated.
- 4.1.64 Links to this and other useful documents are included in the table within Annex 1 of this document.
- 4.1.65 **Conclusion**
- 4.1.66 In summary the extant application was for future improvements or better access, and this application will not lapse until 17 October 2025. The date is taken from the valid notification of the premises at which the applicant intends to provide pharmaceutical services to the ICB which was 17 July 2024 and therefore the applicant has 12 months in which to submit their Notice of Commencement and a 3-month extension granted.
- 4.1.67 The local centre is now open and therefore ready for the extant applicant to move into the premises.

- 4.1.68 There is a real possibility that if the second application was granted both grants could come on stream, leading to over-provision at the expense of the public purse since both would be able to claim reimbursement for the provision of pharmaceutical services.
- 4.1.69 There is legal precedence with the judicial review (which looked at the situation where an application had been granted and a second one received for the same general location).
- 4.1.70 There is already a reasonable choice with regard to obtaining pharmaceutical services and this is reflected within the most recent PNA.
- 4.1.71 There is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services and car ownership is very high in the area and for those without a car there are a number of schemes to help with access.
- 4.1.72 There is no evidence that an innovative approach would be taken with regard to the delivery of pharmaceutical services and therefore the Integrated Care Board are not assured that granting this application would confer significant benefits that would secure improvements or better access to pharmaceutical services."

[Enclosures provided to the Committee]

5 Observations

5.1 THE APPLICANT

- 5.1.1 "Thank you for your letter dated 15th October 2025 and the enclosed representations received from The East Midlands Primary Care Team on behalf of Leicester, Leicestershire. We would like to make the following final observations.
- 5.1.2 Extant Grant
- 5.1.3 As of time of writing (20th October 2025), the extant grant, even with its extension, has lapsed. Since a valid Notice of Commencement requires the premises to be registered with the GPhC, it is not possible for one to have been submitted, given the premises' current state. Our photographs (attached below) taken on 18th October 2025 clearly show all available units inside the Local Centre are still empty shells.
- 5.1.4 In our appeal, we asked to consider how realistic the prospect of that applicant commencing pharmaceutical services in accordance with the extant grant was. The ruling in the judicial review referred to by the ICB states that "it is for the decision maker considering the second grant application to consider and weigh any kind of evidence of that kind, casting doubt on the first grantee's ability to deliver on its undertakings."
- 5.1.5 Given this guidance, we believe we were correct in asking the committee to consider the viability of the first grant and the realistic prospect of Send Healthcare Limited commencing pharmaceutical

services within the grant's lifetime, given the evidence suggesting it wouldn't be able to do so.

- 5.1.6 In any case, the extant grant has now lapsed. We urge the secretary to evaluate our appeal on its merits, focusing on how it will benefit the community, who have already had to wait far too long unfairly.

5.1.7 Bus Services & Transport Schemes

- 5.1.8 The claim that New Lubbethorpe residents are entitled to a free seven-day bus pass for NovusDirect is misleading, as it's a one-time pass valid for a single seven-day period, not an ongoing benefit. This limited offer does little to alleviate financial pressures for frequent bus users. Furthermore, in our appeal, we have demonstrated the significant challenges residents face in accessing pharmacies by public transport, including inaccessible buses, lengthy travel times, reduced bus routes, and difficulties during bad weather.

- 5.1.9 We have addressed the issues with the Enterprise Car Club, specifically the challenges posed by the extremely limited car availability, with only two cars currently accessible, which can lead to significant difficulties accessing vehicles during peak hours or high-demand periods. Additionally, the service's reliance on smartphone technology and complex booking process, including photo requirements, can create barriers for those without smartphones or the necessary technical skills.

5.1.10 Car Ownership

- 5.1.11 The ICB's claim about high car ownership in New Lubbethorpe relies on outdated 2021 census data, which doesn't account for changes caused by rapid development, rapid population growth, affordable housing requirements, and work patterns that will have altered car ownership trends. Furthermore, in our appeal, we have evidenced the problems New Lubbethorpe residents are having when relying on car travel to access pharmaceutical services, particularly with parking issues at Saffron Pharmacy.

5.1.12 Travel Times

- 5.1.13 The ICB's Table 1 contains errors. Specifically, it inaccurately lists the drive time from LE19 4BG to Saffron Pharmacy as 1 minute, when it's actually 3 minutes (map A). Furthermore, the table incorrectly states the distance from LE19 4BG to Village Pharmacy LE9 2AE as 1.9 miles, when it's actually 2.4 miles (map B).

- 5.1.14 When evaluating travel times, we urge the Secretary of State to consider that most New Lubbethorpe residents live south of our proposed site, making their actual travel times to these pharmacies longer, as demonstrated in Map 3 in our appeal. We also request that round-trip times be taken into account, as patients naturally factor in total journey times when planning their trips.

5.1.15 Opening Hours

- 5.1.16 The ICB's Table 2 contains errors. It states Saffron Pharmacy's closing time on Monday to Friday as 18:45, when in fact they close at 18:00.
- 5.1.17 Also, the ICB's assertion that existing pharmacies within a 2-mile radius are open during the hours we propose is factually incorrect. Their own table shows that none of these pharmacies open before 9:00, and only Enderby pharmacy opens until 18:30 – which is 2.3 miles away when using real-world travel routes.
- 5.1.18 Advanced Services
- 5.1.19 The ICB's Table 2 also incorrectly indicates that we did not propose to provide a prescription delivery service. We clearly indicated our intention to provide this service in our original application. However, we are unsure why the ICB has chosen to include 'Prescription Delivery Service' on Table 2 since it is not an "Advanced Services Commissioned by the ICB and NHS England".
- 5.1.20 It is concerning that the ICB suggests prescription delivery services and Distance Selling Pharmacies mitigate issues faced by those with protected characteristics. This overlooks the fact that these individuals require access to a pharmacy for a range of services beyond just prescription medicines. Prescription deliveries are not a substitute for a full scope of pharmaceutical services.
- 5.1.21 Prescription review data
- 5.1.22 In our appeal, we have thoroughly explained why we consider the prescription review data to be unreliable. This data cannot accurately reflect the impact of the practice's 1.28 mile relocation on 21st July 2025.
- 5.1.23 Regulation 18(2)(b)(ii)
- 5.1.24 With regards to people who share protected characteristics, the ICB's response continues to rely on a repeated assertion that our arguments imply "older people need to use services more," which is a misrepresentation of our position. We find this approach disingenuous and are disappointed that our detailed arguments appear not to have been fully considered. We have provided extensive evidence and examples throughout our appeal which demonstrate that people sharing a protected characteristic are currently having difficulty accessing pharmaceutical services.
- 5.1.25 Regulation 18(2)(b)(iii)
- 5.1.26 We would like to reiterate that our original application highlighted innovative approaches, such as automation, which the ICB recognised in their decision report. We have expanded on these and other innovative approaches in our appeal and look forward to the Secretary of State's comprehensive assessment.
- 5.1.27 Area Information

5.1.28 It is concerning that the ICB relies on outdated information, citing 2023 housing occupancy figures, when more recent data from Blaby Council (as of August 31, 2025) shows 1,264 homes are occupied.(iii) Using the county's housing occupancy average of 2.4 individuals per property, this is over 3,000 new residents.(iv)

5.1.29 The Pharmaceutical Needs Assessment

5.1.30 Since the time of our application, The Leicestershire Pharmaceutical Needs Assessment (PNA) 2025 has been published. While the PNA is a valuable document, it has limitations that are particularly pertinent to rapidly developing areas like New Lubbethorpe. As a new development, New Lubbethorpe's pharmaceutical needs have evolved rapidly, and the PNA's general comments about new housing developments and data do not accurately capture the current challenges faced by its residents.

5.1.31 The public survey it relied on had only 739 respondents across the entire county of Leicestershire, which has a population of approximately 734,000. It is likely that only a tiny fraction of respondents, if any, resided in New Lubbethorpe. In contrast, our survey specifically targeted New Lubbethorpe residents and achieved 129 responses. Our survey data provides a targeted insight into the current real-life struggles that New Lubbethorpe residents, particularly those who share protected characteristics, are experiencing.

5.1.32 In light of this, we firmly believe that granting our application would secure benefits that have not been foreseen in the PNA.”

[Enclosures provided to the Committee]

6 Unsolicited comments

6.1 THE COMMISSIONER

6.1.1 “Part of the appellants reasoning for the appeal was that the ICB had not received a valid notice of commencement from Send Healthcare Ltd, the end date for receiving the NOC was the 17 October 2025. We have now received a valid Notice of commencement in the correct form from Send Healthcare Ltd. Send Healthcare Ltd will now have until the 16 December 2025 in which to open the premises.”

7 On 17 December 2025, following a request to both the Commissioner and the Applicant, for an update on the position in relation to the extant grant, the Applicant provided the following:

7.1 THE APPLICANT

7.1.1 “Thank you for your email. We can confirm that the provision of pharmaceutical services have **not** commenced in any Units at the Tay Road Local Centre in New Lubbethorpe, Leicester, LE19 4BF, England.

7.1.2 Therefore, the extant grant given to Send Healthcare has unequivocally lapsed.

7.1.3 As set out in the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (as amended):

7.1.3.1 (3C) A notice of commencement is invalid if the date included in it (on or after 25th May 2023), whether when the notice is given or after a change in accordance with sub-paragraph (3B), as the date on which the provision of services is to commence is more than 60 days after the end of the period within which the notice, if it is to be valid, must be sent, as determined in accordance with sub-paragraph (4).

7.1.4 We remind the committee that the extant grant period ended 17th October 2025. Even if a Notice Of Commencement was submitted by Send Healthcare Limited, the grant is no longer valid as the latest permissible commencement date that could have been entered on any such Notice would have been 16th December 2025.

7.1.5 The attached photographs taken on 17th December 2025, show the premises are still empty shells and therefore cannot support the delivery of pharmacy services as required by the NHS and GPhC.

7.1.6 In light of the above, we respectfully request that the NHS Appeals Committee declare the extant grant given to Send Healthcare Limited (and any notice of commencement) invalid.”

[Photographs provided to the Committee]

8 Further unsolicited comments

8.1 THE APPLICANT

8.1.1 “Further to my emails yesterday, we wanted to clarify that only Sainsburys (Unit 1) and Forest House Surgery (1st Floor) are currently operating in the Tay Road Local Centre LE19 4BF.”

9 Consideration

9.1 The Pharmacy Appeals Committee (“the Committee”), appointed by NHS Resolution, had before it the papers considered by the Commissioner, together with a plan of the area showing existing pharmacies and doctors’ surgeries and the location of the proposed pharmacy.

9.2 It also had before it the responses to NHS Resolution’s own statutory consultations.

9.3 On the basis of this information, the Committee considered it was not necessary to hold an Oral Hearing.

9.4 As a preliminary matter, the Committee noted within the submissions provided, reference to an extant grant within New Lubbethorpe. There is no dispute that

the granted applicant (Send Healthcare) had until 16 December 2025 in which to commence the provision of pharmaceutical services.

- 9.5 On 17 December 2025, NHS Resolution requested an update from both parties as to the position of the extant grant. On 17 December 2025 at 16:16, the Applicant provided several photographs showing an empty premises which it purports to be the address for the extant grant. The Applicant states that *“pharmaceutical services have **not** commenced in any of the units at the Tay Road Local Centre in New Lubbethorpe.”* The Committee noted that this has not been disputed by the Commissioner.
- 9.6 Given the information now provided on appeal, and without information to the contrary, the Committee is of the view that the extant grant has now lapsed.
- 9.7 The Committee is mindful that each application must be considered on its own merits and on the information provided. The Committee proceeded to consider the application in line with the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”).

Regulation 31

- 9.8 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).

- 9.9 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.

- 9.10 In its decision report, the Commissioner stated that “*there are no grounds for the committee to refuse the application on the basis of regulation 31*” which has not been disputed on appeal. The Committee therefore determined that it was not required to refuse the application under the provisions of Regulation 31.
- 9.11 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

- 9.12 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)."*

9.13 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 Health and Wellbeing Board ("HWB").

9.14 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.

9.15 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).

9.16 The Committee noted that Regulation 22 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 a 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.

- 9.17 The Committee considered that there were two related issues that it needs to determine in relation to the PNA. It needed to determine which PNA was the relevant PNA for the purposes of Regulation 22 and whether the relevant PNA had identified the improvements or better access that the application was looking to secure.
- 9.18 The Committee considered that the starting point as set out in Regulation 22 was that the relevant PNA was the PNA of the relevant HWB that is current at the time that the decision is taken.
- 9.19 The Committee noted that the Commissioner had made its determination against the 2022 PNA. In its representations on the appeal, the Commissioner sought to rely on the contents of the 2025 PNA and provided a link to the relevant document. The Applicant in its observations provided comments on the 2025 PNA. There is therefore no dispute that the 2025 PNA is the current PNA.
- 9.20 The Committee considered the 2025 PNA prepared by Leicestershire 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. The Committee noted that the PNA was dated October 2025 and that no supplementary statements have been issued since its publication.
- 9.21 The Committee noted under the heading 'Pharmaceutical Service Provision' the PNA states:
- 9.21.1 *"The geographic distribution of pharmacies ensures that 98% of residents live within a 10-minute drive of a pharmacy or dispensing practice. However, 28% of Leicestershire residents need more than 15 minutes' walk, and 11% more than 15 minutes public transport journey to reach a pharmacy. For those living in rural areas, these proportions are much higher (89% for walking and 62% for public transport, respectively). No access inequalities due to age or deprivation were detected. Urban districts such as Blaby and Oadby and Wigston have high walkability access, while rural parts of Harborough and Melton show more challenges in walk and public transport coverage, especially for older adults."*
- 9.22 Under the heading 'Public and Stakeholder Feedback' the PNA states:

9.22.1 *"Of the 739 Leicestershire residents responded to the pharmacy public survey, the majority (86%) thought that pharmacy services were good, with only 8% dissatisfied with services. ...*

9.22.2 *Almost half (48%) of respondents accessed pharmacies car, 46% were walking, 3% had their medicines delivered and only 1% were using public transport. In 98% the drive time was less than 30 minutes (in 80% less than 15 minutes). Most of respondents (89%) used pharmacies on the weekdays, with 80% of respondents stating that pharmacy opening hours met their need. 98% of respondents found it easy to find a pharmacy; easiest during a weekday (98%), but difficult after 6 pm on a weekday and on Bank Holidays. There was a generally good level of satisfaction with opening hours in Leicestershire, although some respondents were concerned with the reduced opening hours and Saturday closures."*

9.23 The Committee noted the PNA concludes that:

9.23.1 *"there is good provision of community pharmaceutical services across the county of Leicestershire to meet the health needs of the population. The services are distributed across the localities, with good levels of access by residents to pharmacies in Leicestershire or, where available, across the County border. The assessment specifically concludes that:*

9.23.1.1*there are no identified significant gaps in provision of NHS Essential Services to meet the current and future (next three years) needs of the population, including provision during working and non-working hours,*

9.23.1.2*there are no identified gaps in the provision of Advanced or Enhanced Services at present or in the future (next three years) that would secure improvements or better access to services in Leicestershire, and*

9.23.1.3*no gaps have been identified in respect of securing improvements or better access to Locally Commissioned Services, either now or in the future (next three years) to meet the needs of the County's population.*

9.23.2 *However, the projected population increases and housing growth in Leicestershire may lead to the need for more pharmacy provision and it is vital that local access to these services is monitored to ensure the expected level of provision throughout the three-year life cycle of this PNA."*

9.24 The Committee noted that the Applicant seeks to provide unforeseen benefits to the residents of New Lubbethorpe. 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.

- 9.25 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)

- 9.26 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"

- 9.27 The Committee noted the Commissioner's finding on Regulation 18(2)(a)(i) in its decision report, which was due to the existence of an extant grant for a pharmacy in New Lubbethorpe. Given the information now provided on appeal, which shows that the premises for the extant grant remains empty, and without information to the contrary, the Committee is of the view that the grant has now lapsed.

- 9.28 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.

- 9.29 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)

- 9.30 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"

- 9.31 The Committee noted in its decision report, the Commissioner concluded that *"there is no evidence that granting the application would cause significant detriment to the arrangements that are currently in place for the provision of pharmaceutical services in the area of Leicestershire HWB"* which has not been disputed by any party.

- 9.32 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.

- 9.33 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)

9.34 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)

9.35 The Committee noted the best estimate address is within New Lubbesthorpe, which is described by the Applicant as a *"major new development incorporating over 4,000 new homes including a district centre with buildings for retail, commercial, employment and community use. New Lubbesthorpe lies to the south of Leicester Forest East and is bordered by the M1 to the east."*

9.36 On completion of the development, amenities will include 4,250 homes, a District centre with buildings for retail, commercial, employment and community use, two local centres which will include retail, community, and leisure facilities, a secondary school, two primary schools, a health centre, a Business Centre with office space and an employment site.

9.37 The Committee noted from the link provided by the Applicant to the District Council's website which, as of 30 November 2025, indicated that 1,283 homes are occupied. Further construction and all four phases of New Lubbesthorpe are anticipated to be completed in the 2030s.

9.38 Of the 4,250 homes, the Applicant states that *"approximately 900 homes reserved for residents with a household income at or below the national average. It is reasonable to assume these residents may not always have access to private vehicles and therefore would have difficulty accessing*

pharmacies further afield." The Committee was not told how many of the 1,283 homes were occupied by low income families.

- 9.39 The Committee noted undisputed comments from the Commissioner that the Local Centre is now open and further that the medical centre has relocated. The Applicant states that there are currently over 3,000 new residents; and further that once complete, the development will house over 10,200 residents. The Applicant contends that *"the New Lubbethorpe area is evolving rapidly and as healthcare providers we need to ensure the needs of the new community are being met. The existing pharmacies are not capable of meeting the needs of the New Lubbethorpe population and transient population."*
- 9.40 The Committee noted that apart from the Applicant's comments that Sainsbury's and Forest House Surgery are operating from the Local Centre, no further information has been provided to show what other amenities are currently available in the area. Given the development is ongoing, the Committee was of the view that people are likely to leave the area and in doing so, are able to access the existing pharmaceutical services. Further, even if there is an increase in population, the Committee was of the view that this does not automatically lead to the requirement to grant an application and therefore went on to consider access to the existing pharmacies.
- 9.41 The Committee noted that the distances to the nearest pharmacies had not been disputed. Further the Applicant has provided information regarding the time taken to walk and drive to the nearest three pharmacies. The Applicant states that *"lengthy walk times can be particularly challenging for vulnerable groups, including the elderly, young children, and those with impaired mobility, creating a barrier to accessing pharmaceutical services"* and further that *"most New Lubbethorpe residents live south of our proposed site, making their actual travel times to these pharmacies longer"*. The Committee noted the results of the Applicant's survey, that out of 129 respondents, 51 indicated that they currently walk to access a pharmacy. According to the Applicant, 21 of those respondents who walk find it 'difficult' or 'somewhat difficult' to get to the pharmacy. However, looking at the survey questions asked, the Committee was mindful that these answers did not just relate to the nearest three pharmacies, but related to other pharmacies in the area that respondents said they used most often. Therefore, it was not correct to infer that these responses related only to the nearest three pharmacies. The Committee also noted that very limited information had been provided regarding the routes taken to access the nearest three pharmacies on foot. Whilst the Committee noted the undisputed comments regarding flooding on Beggars Lane, it was of the view that issues such as flooding is seasonal.
- 9.42 The Committee was of the view that there would be persons who are able and willing to access the existing pharmacies and that there was nothing provided to demonstrate that those who are able to access existing pharmaceutical provision by foot were currently experiencing any difficulties in doing so.
- 9.43 The Committee was mindful that there would be some who would choose not to access services on foot, or who are unable to access services on foot, for whatever reason.

- 9.44 The Commissioner in its decision report, described the level of car ownership for the households in the LSOA in which the proposed premises are located as high, *“with only 8.3% of households not having access to a car or van.”* In its representations, the Commissioner further commented that *“only 2.8% of households not having access to a car or van, compared to 23% of households in England”* however it is not clear where this latter figure came from. The Applicant contends the information provided by the Commissioner stating that it is outdated, *“which doesn’t account for changes caused by rapid development, rapid population growth, affordable housing requirements, and work patterns that will have altered car ownership trends.”* The Committee noted that the Applicant had not adduced any data to support its statement.
- 9.45 The Applicant states that the *“current nearest pharmacy by vehicle, Saffron Pharmacy, is already experiencing parking challenges, with Google reviews mentioning parking tickets.”* The Committee noted in response to the survey question, if there is a more convenient pharmacy, why don’t you use that pharmacy, 28 respondents said it was not easy to park. Whereas in response to the question, have you ever struggled to access the pharmacy, and if yes, why, 37 respondents said there was no parking. The Committee noted a further question, have you ever faced any issues at the pharmacy, 45 respondents said they had parking issues. Again, it was not clear which pharmacies they were having difficulties at nor why the figures differed in response to a very similar question, and therefore the Committee placed limited weight on the survey.
- 9.46 The Committee noted the Applicant’s comments regarding flooding on Beggars Lane during periods of heavy rain, however from the map provided noted that there are other routes out of the development.
- 9.47 For those with access to a private vehicle, the Committee did not consider the evidence provided to be sufficient for it to conclude that patients were currently having difficulty accessing existing pharmaceutical provision, to such an extent that granting the application would confer significant benefits.
- 9.48 The Committee placed limited weight on the availability of the 'Enterprise Car Club' in New Lubbesthorpe, given the Applicant’s comments that there are only two cars currently available, for the population of over 3,000 residents.
- 9.49 In relation to public transport, the Applicant states that *“whilst there is a bus service that runs through New Lubbesthorpe, this does not overcome access difficulties for all. For example, the bus stops have no shelter, this is a barrier to access during adverse weather conditions. Furthermore, after a review of bus services at New Lubbesthorpe, the 'NovusFosse' bus service to Fosse Park in Enderby will be scrapped by the operator 'Central Connect' from 6th January 2025. This means any New Lubbesthorpe resident wanting to access pharmacy services in the wider catchment area, will now have to take two buses.”*
- 9.50 The Committee noted the Commissioner’s comments that *“the NovusDirect is a dedicated fast and frequent bus service connecting New Lubbesthorpe to the city centre”* and further that *“the residents of New Lubbesthorpe are entitled to free travel benefits, including a free seven day bus pass for NovusDirect”* albeit noting the Applicant’s comments that this is a one time offer. The Applicant

comments on the cost of using the bus, noting that the bus fare to Thorpe Astley is £1.20, making a return trip of £2.40. The bus fare to anywhere further than Thorpe Astley is now £3. The Committee had no information to support the view that the cost was so excessive as to prohibit access.

- 9.51 The Committee noted some patient comments regarding the lengthy travel times, however it did not consider these journeys to be excessive. Further the number of respondents to the survey who said they utilised the bus to access existing pharmaceutical provision were very few in numbers.
- 9.52 On the information provided, the Committee considered that the bus service provided a reasonable alternative to walking and driving, for residents to access existing pharmaceutical provision.
- 9.53 The Committee noted in relation to opening hours, the Applicant states that its *“survey undoubtedly highlights that current available pharmacy hours are inconvenient for many respondents, particularly those with work commitments.”* The Applicant contends that it is proposing to provide opening hours that exceed those of the existing pharmaceutical service providers in the area. *“This will ensure better access to pharmacy services.”* However, in its application form, the Committee noted the Applicant is proposing to provide 40 core hours, Monday to Friday from 9am to 5pm. It is only its supplementary hours which include earlier hours in the morning, later hours in the evening and Saturday opening, which the Committee was mindful can be withdrawn at any time. The Committee noted the information provided by the Commissioner shows that the existing pharmaceutical provision are already providing the hours proposed by the Applicant. Therefore, despite the comments in the survey in relation to opening hours, the Committee was not satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits (in relation to opening hours) on persons.
- 9.54 Overall, the Committee was of the view that there is already reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB, such that it was not satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits on persons.
- 9.55 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. Whilst the Committee noted the comments from the Applicant with regard to those with a disability, mobility impairment, pregnant women, and the elderly, the Committee was of the view that there was little or no evidence of specific pharmaceutical needs. The issue of access and choice as might apply to these persons was dealt with in the assessment of reasonable access discussed above and the Committee was mindful that there will always be people who share a protected characteristic.

- 9.56 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.
- 9.57 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.
- 9.58 In its application, the Applicant stated that it intended to use *"state of the art robotic technology to improve the speed, efficiency and accuracy of the dispensing services we provide. This use of technology will eliminate human error and lead to a significant improvement in stock management, assists the day-to-day tasks of our highly trained staff, leading to more time available for our pharmacy team to interact with and provide pharmacy services to our patients."* However, the Committee was mindful that dispensing robots are already being used within the community pharmacy setting.
- 9.59 Therefore, within the context of the Regulations, 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

- 9.60 The Committee has considered whether there are any other factors that would confer significant benefits including on 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.
- 9.61 The Committee was of the view that in accordance with Regulation 18(2)(b) the granting of this application would not confer significant benefits on persons in the area of the HWB which were not foreseen when the PNA was published.

Other considerations

- 9.62 Having determined that Regulation 18(2)(b) had not been satisfied, the Committee did not need to have regard to Regulation 18(2)(c) to (e).
- 9.63 No deferral or refusal under Regulation 18(2)(f) was required in this case.
- 9.64 The Committee had regard to Regulation 18(2)(g) and found that it did not apply in this case.
- 9.65 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.
- 9.66 The Committee was not 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.

9.67 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:

9.67.1 confirm the Commissioner's decision;

9.67.2 quash the Commissioner's decision and redetermine the application;

9.67.3 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.

9.68 Given the Committee considered the application against the 2025 PNA, and that it has reached a different finding to the Commissioner in relation to Regulation 18(2)(a)(i), the Committee determined that the decision of the Commissioner must be quashed.

9.69 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.

9.70 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.

9.71 The Committee concluded that further notification under paragraph 19 of Schedule 2 would not be helpful in this case.

10 **DECISION**

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

10.2 The Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.

10.3 The Committee has considered whether the granting of the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area covered by the HWB, or the arrangements in place for the provision of pharmaceutical services in that area and is not satisfied that it would.

10.4 The Committee determined that the application should be refused on the following basis:

- 10.4.1 In considering whether the granting of the application would confer significant benefits, the Committee determined that –
- 10.4.1.1 there is already a reasonable choice with regard to obtaining pharmaceutical services;
 - 10.4.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and
 - 10.4.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services;
- 10.4.2 Having taken these matters into account, the Committee is not satisfied that granting the application would confer significant benefits as outlined above that would secure improvements or better access to pharmaceutical services.

Technical Case Manager
Primary Care Appeals