

6 January 2026

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

REF: SHA/26677

**APPEAL AGAINST NORTHAMPTONSHIRE ICB
DECISION TO REFUSE AN APPLICATION BY
ROSHBAN LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING
UNFORESEEN BENEFITS UNDER REGULATION
18 AT BELVOIR DRIVE SHOPS, BARTON
SEAGRAVE, KETTERING NN15 (BEST ESTIMATE)**

Tel: 020 3928 2000
Email: nhsr.appeals@nhs.net

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:

PCSE, on behalf of Northamptonshire ICB
Healthcare Plus Consulting Ltd, on behalf of Roshban Ltd
Temple Bright, on behalf of Ise Pharma Ltd
BLMK and Northamptonshire LPC

REF: SHA/26677

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

Tel: 020 3928 2000
Email: nhsr.appeals@nhs.net

**APPEAL AGAINST NORTHAMPTONSHIRE ICB
DECISION TO REFUSE AN APPLICATION BY
ROSHBAN LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING
UNFORESEEN BENEFITS UNDER REGULATION
18 AT BELVOIR DRIVE SHOPS, BARTON
SEAGRAVE, KETTERING NN15 (BEST ESTIMATE)**

- 1 A summary of the application, decision, appeal and representations and observations are attached at Annex A.
- 2 **Site Visit**
 - 2.1 The Pharmacy Appeals Committee (“Committee”), appointed by NHS Resolution (which comprised of [XXX], Chair, [XXX], Pharmacy Member, and [XXX], Lay Member) visited the proposed site separately on 30 October, 11 November and 15 November 2025 and travelled by car and public transport.
 - 2.2 Arriving at Kettering at 10.15 on the morning of 30 October by train, one Member walked into the town centre to catch the number 48 Stagecoach bus from stand 13 in town. The number 48 bus travels from Kettering to Wellingborough roughly every hour Monday to Saturday. The bus arrived at 10.45 and stopped at the Post Office on Saint Botolph’s Road in Barton Seagrave which took approximately 15 minutes. Walking from the Post Office to the Belvoir Road shops was around 0.6 miles and took approximately 15 minutes using the fastest route. There were some slight inclines past the park, close to the Latimer Community Arts College and the roads leading to the parade of shops. Arriving at 11am it was noticeably quiet.
 - 2.3 The proposed location is situated in amongst a large residential estate with bungalows and both detached and semi-detached housing as well as what appeared to be some social housing. There is a parade of four shop units currently occupied by a convenience store, fish and chip shop and a day nursery. When one Member visited over a lunchtime, the fish and chip shop was busy with customers arriving in vans to get their lunch. There were residential flats above the shops and a small parking bay with no restrictions. There were some double yellow lines on nearby roads mainly located around the junctions. The pavements were not well maintained in a number of places and crossing places in the nearby vicinity were not observed. Most properties had cars parked in driveways or on the road with signs requesting cars not to park on grass verges. There were a number of cars observed parked up on the pavements. There were also signs stating “Stop, no more houses, save Barton green space, we say no to more congestion.” At the end of the road was a

public house and café with a large car park outside. There was also a bus stop there.

- 2.4 Walking from the shops to Ise Pharmacy took approximately 30 minutes at a reasonable pace. Travelling via the Post Office and crossing the A6003, there was an alley/cycle way with street lights every 50 metres. Walking onto Walshingham Way and then St John's Road, there was a slight downward gradient before the road curved around to arrive at a parade of shops which included a substantial Co-Op, a café, a fish and chip shop and a retailer selling flooring. On foot, the distance was 1.6 miles. By car using the recommended route on Google Maps was 2.3 miles. The car park is a reasonable size with disabled spaces as well. The Ise Pharmacy is located at the end of the parade and there are some steps from the car park up to the Pharmacy. There is also a disabled ramp at the other end of the parade, however the pathway is reasonably obstructed by an InPost, Royal Mail and EVRi parcel deposit situated outside of the Co-Op store. This along with a small bin may make the pathway difficult for a wheelchair user to navigate. There was only one patient in the Pharmacy on 30 October and four members of staff. It was busier on 11 November at 12.45pm. There were three chairs available for those waiting, and a consultation room. The Pharmacy has an automatic door, level access from the pathway and appeared to be well stocked with over the counter products. The opening hours were advertised as 'new' and listed Monday to Friday 9am – 1pm, 2pm – 6pm and closed at weekends.
- 2.5 Walking from the parade towards the Ise Medical Centre took approximately 3 minutes via French Avenue. The housing in the vicinity is generally larger than the proposed location and most properties are detached. There were large new housing estate developments evident.
- 2.6 Walking then from the Ise Medical Centre via Deeble Road and arriving at Well Pharmacy and the Linden Medical Centre was about 20 minutes. The distance by car was 1.1 miles. There was parking for 16 cars and two disabled spaces. The Pharmacy and Medical Centre share an entrance. There was one customer and three members of staff on 30 October visit. The Pharmacy had a private consultation room and two chairs for those waiting. The opening hours were advertised as Monday to Friday 8am - 6.30pm and closed at weekends. Walking from the Medical Centre back towards town using the A6900 took 20 minutes. Travelling by car back to the application site was 2.5 miles.
- 2.7 Driving from the proposed location to Saffron Pharmacy is around 2.1 miles on the A6003 crossing over the A14. Whilst only a few minutes' drive, Burton Latimer has a very different feel to it than Barton Seagrave presenting as an older, more traditional village. There is a church, community hall, some boutique shops and a wine bar. There is also a Sainsbury's supermarket. Saffron Pharmacy is located on the same site as Burton Latimer Health Centre around 0.3 miles from the Sainsbury's located in the village. The Health Centre and Pharmacy are purpose built with a large car park, although only two disabled parking spaces were noted. The Pharmacy has a separate entrance to the Health Centre and there was a delivery car parked outside at the time of the visits.

- 2.8 Driving from the proposed location to Tesco Pharmacy, is 2.6 miles via the A14. Tesco Pharmacy is located on a retail park with Next, B&M and Aldi nearby. There is plenty of free parking outside Tesco including disabled and parent parking spaces. The Pharmacy is located at the back of the store and was not immediately obvious. The prescription collection and consultation area is defined and clearly visible. There were three members of staff behind the counter on each visit and it was reasonably busy at the time of the visits. A large number of dispensed items were waiting for collection. The Pharmacy opening hours were not visible, however when asked, staff confirmed it was open 8am - 8pm Monday to Saturday and 10am - 4pm on Sunday.
- 3 A summary of the above observations was provided to those in attendance. They were invited to comment upon them or indicate if any of the observations appeared to be inaccurate. No such comments or observations were made.
- 4 **Oral Hearing Submissions**
- [XXX], Healthcare Plus Consulting Ltd, on behalf of [XXX], Roshban Ltd (the Applicant) addressed the Committee.
- 4.1 [XXX] first explained that this application centres around reasonable choice and, in particular, access for those with protected characteristics. He referred the Committee to the key points of the application being:
- Three previous grants for a new pharmacy in the area;
 - The population growth in the area according to the Census data and the Hanwood Park development nearby;
 - The elderly population;
 - Poor public transport links along with the danger of the surrounding road network; and
 - Capacity issues across the pharmacy local network highlighted in the PNA for 2025.
- 4.2 He first referred to the previous applications granted in 2011, 2012 and 2014. He highlighted that the 2014 decision, which was granted under the current Regulations, noted that distances to existing pharmacies were “not insignificant”, public transport was limited and expensive, and major roads such as the A14 represented a barrier due to its accident record.
- 4.3 He said that the nearest pharmacy is 1.6 miles away with the next nearest being 1.9 miles away. He submitted that journeys on foot are impractical, bus services are infrequent and costly and do not represent reasonable choice. He said that the pharmacies in the town centre are nearly 3 miles away which is not accessible on foot so requires either a car journey or use of expensive and infrequent public transport.
- 4.4 [XXX] submitted that the A14 is a high risk red route due to its accident record and represents the 9th most dangerous road in the region. He submitted that

these hazards deter both pedestrians and drivers from seeking pharmaceutical care, particularly for minor ailments, risking poorer health outcomes.

- 4.5 He said that the population has increased by around 32% since 2011 and the Hanwood Park development has around 3,500 residents already with a total anticipated population of around 15,000. He said that this increase in the local population is putting pressure on existing services which is referenced in the 2025 PNA. [XXX] then raised the significant difficulties that elderly residents face accessing services, which he said was acknowledged in the 2014 Committee decision. He also referred to parents with young children who would benefit from a pharmacy being near the local primary school in Barton Seagrave.
- 4.6 He submitted that Distance Selling Pharmacies (DSP) are not a viable alternative as they cannot provide face to face care and struggle to deliver urgent, acute medication promptly. They also rely on digital access and require someone to be at home to receive deliveries, posing challenges for many, especially older people. He submitted that being reliant on DSPs is not just no 'reasonable choice' but represents no choice.
- 4.7 [XXX] concluded that the need for a pharmacy in Barton Seagrave is clearer now than when the previous applications were granted due to the population growth, dangerous roads, poor transport and capacity pressures. He said that a new pharmacy would significantly improve access, particularly for the elderly and refusing the application risks setting an unhelpful precedent given the clear and growing community need.

Questions from Interested Parties

- 4.8 [XXX] asked why the Applicant had not opened a pharmacy when the previous applications were granted. [XXX] explained that it was about finding the right property at the right cost. He reiterated that this is a best estimate application under the regulations and he would have 6 months to secure premises if it was granted.
- 4.9 [XXX] was unable to confirm any timescales for the opening of a GP surgery in Hanwood Park that was referred to in the papers. With respect to a question about the need for drivers to feel confident to navigate the local road network, [XXX] confirmed that he had no evidence of this but relied on common sense.
- 4.10 [XXX] asked whether there has been any support from local residents or the council as no evidence of this has been provided. [XXX] advised that he has spoken to the local council and they are very supportive of the application. He confirmed he had not requested any evidence in writing as he did not consider this to be necessary for the application.
- 4.11 [XXX] then asked about reference to the red route, which refers to a specific stretch of 500 metres where there have been a number of accidents. [XXX] was unable to identify which section of the road this related to and acknowledged the road was very long. [XXX] then enquired about the demographics of the Hanwood development to the east of the proposed site and the need to travel on the A6003. [XXX] referred to younger families and acknowledged that they could travel to Ise Pharmacy without having to navigate the A6003. He also

confirmed that whilst the PNA refers issues relating to pharmacy capacity in Kettering, he did not know which pharmacies this related to.

Questions from Committee Members

- 4.12 Committee Members enquired about the long term plans for Hanwood Park and how this might relate to better access in Barton Seagrave. [XXX] referred to the direct route from Hanwood Park onto Barton Road and the proposed site, suggesting that those residents would consider it to be their local pharmacy. There was discussion about the distribution of the existing pharmacies in the immediate area as three out of four of them are located near a medical centre. [XXX] suggested that pharmacies now stand on their own clinically and in terms of access and no longer need to be near a medical centre.
- 4.13 [XXX] was asked about the bus routes and confirmed that there are three buses serving the local area. The number 48 and the number 50 follow similar routes whereas the number 16 travels from Barton Road to Burton Latimer and the interchange in town.
- 4.14 [XXX] was asked why this particular site in Barton Seagrave had been chosen and what the current situation was with identifying a property. He advised that it can be difficult to obtain a property prior to the granting of an application and that if there were any difficulties, he could use a porta cabin in the car park of the public house on the corner. He confirmed that the site had not been chosen due to a specific identified need being evidenced. [XXX] urged the Committee not to be influenced by the lack of a property having been confirmed as it is normal not to have these agreements in place prior to the decision to grant the application. He reiterated that this is the reason why best estimate applications are allowable under the regulations.

Submissions from Interested Parties

- 4.15 [XXX], Temple Bright LLP, representing [XXX] and [XXX] from Ise Pharma Ltd, submitted that the Applicant has failed to demonstrate any unforeseen or significant benefits that would justify granting a new pharmacy application under Regulation 18. He reminded the Committee of the tests under the regulations and that the burden of proof lies with the Applicant. He said that the PNA identifies no unmet need and nothing in the application is unforeseen. He submitted that the Applicant has supplied no evidence from local residents indicating access difficulties or lack of reasonable choice. He referred to the previous approvals in the same location as irrelevant due to changes in the regulations, the passage of time and the fact that the Applicant had never opened a pharmacy following those approvals.
- 4.16 [XXX] referred to the Applicant's claim of a 32% population increase being unsupported by evidence and likely inflated by housing developments outside Barton Seagrave. He suggested that there was no evidence of any increase in population in the Barton Seagrave area. He said the ONS and Census data show a relatively affluent population, very high car ownership at 96%, which has increased since the previous application. He referred to the Applicant's references to the number of elderly residents in the locale but suggested that this does not mean that they are in ill health or have mobility issues and in fact the data shows above average good health and no demographic indicators of

unmet need. He described Barton Seagrave as mainly a commuter suburb with limited local services requiring residents to routinely travel to Kettering for their essential amenities.

- 4.17 In terms of access to existing pharmacies, [XXX] submitted that this is easy with short car journeys, safe walking routes including controlled crossings and regular buses connecting to Kettering pharmacies. He said that existing providers offer comprehensive services, extended hours, and innovations such as independent prescriber support, free delivery and strong Pharmacy First activity. [XXX] suggested that the Applicant is overplaying the A6003 presenting a barrier to accessing services and highlighted that if that was the case, then it equally applies to Hanwood Park residents looking to access pharmaceutical services in Barton Seagrave.
- 4.18 [XXX] submitted that reasonable choice already exists, with multiple pharmacies in convenient locations, there is no evidence anyone faces access difficulties and the Applicant is not proposing anything innovative in terms of services. Finally, he suggested that, whilst best estimate applications are allowable under the regulations, the Applicant has previously failed to open a pharmacy after prior approvals and has not secured any premises on this occasion either. He invited the Committee to refuse the application.

Questions from the Applicant

- 4.19 [XXX] asked about existing services provided by Ise Pharmacy and it was confirmed that they provide free delivery to Barton Seagrave and the immediate area. [XXX] challenged the points made by [XXX] about the population growth and reference to the Hanwood Park development. [XXX] showed the Committee a map of the local area highlighting the census areas LSOA 021C, 021A and 021B.
- 4.20 [XXX] then suggested that walking 1.5 miles may be difficult for some and the journey includes hedges and alleyways. [XXX] responded that the Applicant had provided no evidence of any difficulties experienced by any local residents and the distance also depends upon the starting point, as not all residents will be walking from the proposed site.
- 4.21 [XXX] and [XXX] discussed the costs for using public transport and confirmed that the £6.30 previously referred to was for a day ticket and those of state pension age would travel with a free bus pass.
- 4.22 Finally, [XXX] then asked [XXX] on what basis he believed that this application was different from the three previous ones when [XXX] had represented the Applicant. [XXX] advised that it would not be appropriate to go behind the previous Committee's decisions and that he has made clear in his representations the basis for the challenge.

Committee Questions

- 4.23 Committee Members asked where Ise Pharmacy was receiving its prescriptions from and [XXX] confirmed that around 50% were from the Linden Medical Centre nearby at around 5,800 items per month. He also confirmed

that his submissions regarding there being satisfactory provision of services locally were considered cumulative and not just relating to Ise Pharmacy.

Closing Submissions

- 4.24 [XXX], on behalf of the Applicant, concluded that based upon the granting of the previous applications and increase in population there is clearly a need for a pharmacy at the proposed site. He referred to Hanwood Park being a large development, which is set to expand further and the existing services are at capacity as referred to in the PNA. He invited the Committee to not refuse the application on the basis that a property has not been secured as this is a best estimate application allowable under the Regulations and risks setting a precedent.

5 Consideration

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

Regulation 31

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

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

(2) This paragraph applies where -

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

- 5.5 The Committee noted the location of the proposed premises and the conclusions of the Commissioner in this respect. The Committee also noted that this has not been disputed on appeal or in subsequent representations. On

this basis and the information before it, the Committee was satisfied that it was not required to refuse the application under the provisions of Regulation 31.

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

Regulation 18

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

“(1) If—

- (a) NHS England receives a routine application and is required to determine whether it is satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB; and*
- (b) the improvements or better access that would be secured were or was not included in the relevant pharmaceutical needs assessment in accordance with paragraph 4 of Schedule 1,*

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

(2) Those matters are—

- (a) whether it is satisfied that granting the application would cause significant detriment to—*
 - (i) proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB, or*
 - (ii) the arrangements NHS England has in place for the provision of pharmaceutical services in that area;*
- (b) whether, notwithstanding that the improvements or better access were not included in the relevant pharmaceutical needs assessment, it is satisfied that, having regard in particular to the desirability of—*
 - (i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB*

(taking into account also NHS England's duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),

- (ii) people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access (taking into account also NHS England's duties under section 13G of the 2006 Act (duty as to reducing inequalities)), or*
- (iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also NHS England's duties under section 13K of the 2006 Act (duty to promote innovation)),*

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

- (c) whether it is satisfied that it would be desirable to consider, at the same time as the applicant's application, applications from other persons offering to secure the improvements or better access that the applicant is offering to secure;*
- (d) whether it is satisfied that another application offering to secure the improvements or better access has been submitted to it, and it would be desirable to consider, at the same time as the applicant's application, that other application;*
- (e) whether it is satisfied that an appeal relating to another application offering to secure the improvements or better access is pending, and it would be desirable to await the outcome of that appeal before considering the applicant's application;*
- (f) whether the application needs to be deferred or refused by virtue of any provision of Part 5 to 7.*
- (g) whether it is satisfied that the application presupposes that a gap in pharmaceutical services provision has been or is to be created—*
 - (i) by the removal of chemist premises from a pharmaceutical list as a consequence of the grant of a consolidation application, and*
 - (ii) since the last revision of the relevant HWB's pharmaceutical needs assessment other than by way of a supplementary statement.*

(3) *NHS England need only consider whether it is satisfied in accordance with paragraphs (2)(c) to (e) if it has reached at least a preliminary view (although this may change) that it is satisfied in accordance with paragraph (2)(b)."*

- 5.8 The Committee considered that Regulation 18(1)(a) was satisfied in that it was required to determine whether it was satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant Health and Wellbeing Board ("HWB")
- 5.9 The Committee went on to consider whether Regulation 18(1)(b) was satisfied, i.e. whether the improvements or better access that would be secured if the application was granted were or was included in the Pharmaceutical Needs Assessment ("the PNA") in accordance with paragraph 4 of Schedule 1 of the Regulations.
- 5.10 Paragraph 4 of Schedule 1 requires the PNA to include: "*a statement of the pharmaceutical services that the HWB had identified (if it has) as services that are not provided in the area of the HWB but which the HWB is satisfied (a) **would** if they were provided....secure improvements or better access, to pharmaceutical services... (b) **would** if in specified future circumstances they were provided...secure future improvements or better access to pharmaceutical services...*" (emphasis added).
- 5.11 The Committee noted that the PNA in force at the time the Commissioner made its decision was the North Northamptonshire 2021 PNA, but that the 2025-2028 PNA had since been published.
- 5.12 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.
- 5.13 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. The Committee also noted that parties at the oral hearing had indicated that this was not disputed and therefore concluded that the 2025-2028 PNA is the current PNA to be considered.
- 5.14 The Committee considered the PNA prepared by North Northamptonshire 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 2025-2028 and that no supplementary statements had been issued.

- 5.15 The Committee noted that the localities referred to in the PNA were Corby, Kettering, East Northamptonshire and Wellingborough. It noted the “Improvements and better access: gaps in future provision” section of the PNA which stated:

“North Northamptonshire is expected to see 13,600 new homes in the next five years, with a significant concentration of developments in Kettering, accounting for one-third of all new housing projects locally. In line with the other locality areas, Kettering is expected to see 51% of this growth over the next three years, with a larger increase in housing growth projected over the first two years of the next PNA cycle. The contractor engagement yielded capacity concerns within Kettering in a small number of pharmacies. They indicated they do not have adequate premises and staffing capacity, and that they would face difficulties in managing additional demand. Another pharmacy reported that they often do not open on time, close early or delay prescriptions, with wait times extending up to ten days. Although concerns some pharmacies have reached capacity, they represent a small number of the total provision of pharmacy services in Kettering locality. The low response rate to the survey was noted, however there is not sufficient evidence at present to identify a future gap in provision of necessary services.”

- 5.16 It went onto consider the town of Rothwell and concluded *“Taking into account the above information, the Health and Wellbeing Board is satisfied that there is not a gap in provision that would secure improvements or better access to pharmaceutical services in the future.”*
- 5.17 The Committee noted that the Applicant seeks to provide unforeseen benefits to the patients of Barton Seagrave, in the Kettering locality of North Northamptonshire.
- 5.18 The PNA concluded that no current or future gap in the provision of necessary services had been identified although it *“highlights considerations relating to the ageing population and housing developments in Kettering though no gaps have been identified within the life cycle of this document.”*
- 5.19 The Committee noted that the improvements or better access that the Applicant was claiming would be secured by its application were not included in the relevant PNA in accordance with paragraph 4 of Schedule 1.
- 5.20 In order to be satisfied in accordance with Regulation 18(1), regard is to be had to those matters set out at 18(2). The Committee's consideration of the issues is set out below.

Regulation 18(2)(a)(i)

- 5.21 The Committee had regard to

- “(a) whether it is satisfied that granting the application would cause significant detriment to—*
- (i) proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB”*

- 5.22 The Committee noted the decision of the Commissioner in this regard, who stated *"A review of the existing nearby pharmaceutical provision shows that there are three pharmacies within a 1.5 mile radius and no evidence has been provided that additional pharmacies are required. The [Commissioner] stated that granting this application would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of North Northamptonshire HWB as there is no evidence that additional pharmacies are required."*
- 5.23 The Committee noted that the regulatory test refers to significant detriment to proper planning for the provision of services and not, as the Commissioner refers to, whether additional pharmacies are required. The Commissioner has not referred to any plans in relation to the provision of pharmaceutical services and neither has it defined any significant detriment that may occur if the application were granted. The Committee was of the view that whether there is any evidence that additional pharmaceutical services are required is a question better considered as part of Regulation 18(2)(b) under reasonable choice and better access.
- 5.24 On the basis of the information available, the Committee was not satisfied that, if the application were to be granted and the pharmacy to open, the ability of the Commissioner thereafter to plan for the provision of services would be affected in a significant way.
- 5.25 The Committee was therefore not satisfied that significant detriment to the proper planning of pharmaceutical services would result from a grant of the application.

Regulation 18(2)(a)(ii)

- 5.26 The Committee had regard to

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

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

- 5.27 The Committee noted that there was no evidence before it that granting the application would cause significant detriment to the arrangements NHS England has in place for provision in the area, neither had the Commissioner indicated as such.
- 5.28 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.
- 5.29 In the absence of any significant detriment as described in Regulation 18(2)(a), the Committee was not obliged to refuse the application and went on to consider Regulation 18(2)(b).

Regulation 18(2)(b)

5.30 The Committee had regard to

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

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

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

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

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

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

5.31 The Committee noted that the best estimate site for the proposed pharmacy is in Barton Seagrave, located to the east/south east of Kettering and to the north of Burton Latimer. It is situated in amongst a high density population around three miles away from Kettering town centre. The wider area has seen a significant increase in its population over recent years as a result of housing developments, which is also referred to in the PNA. The housing in Barton Seagrave itself appears to be well established with a mixture of detached, semi-detached houses and bungalows. The proposed site has a small selection of retail units including a fish and chip shop, a small convenience store and a children's day nursery. There is also a primary school, a public house and café, a care home and sports centre.

Population and census data

5.32 The Applicant referred the Committee to census data in 2021 showing that Barton Seagrave had a population of 6,470 residents, representing an increase in the population of 32%. The increase was attributed mainly due to the large housing developments of Hanwood Park and Seagrave Park estates located to the east of Barton Seagrave. The Committee noted that the appeal referred to *"such large housing number and vast population growth is in itself enough reason to grant this application."*

5.33 The Committee had visited the site and Hanwood Park, which is located approximately 0.9 miles over the A6003 from the proposed location in Barton Seagrave. It noted that the population data referred to by the Applicant had been challenged by Ise Pharmacy, which is the nearest pharmacy to the proposed site. Ise Pharmacy refer to Parish population figures which report Barton Seagrave having 4,407 residents in 2014 and 5,211 in 2021. The Committee noted that the source of the information cited by each party is differently defined. The Committee noted references to an increase in the population in Kettering in the PNA and a number of signs seen during the site visit objecting to further housing developments. It was undisputed that Hanwood Park represents a large housing development which is still expanding, however the Committee saw no evidence of any increase in population specific to Barton Seagrave. Whilst Hanwood Park is around half a mile from Barton Seagrave, the Committee were of the view that this does not in itself support the need for a pharmacy at the proposed location. The Committee also concluded that there was insufficient evidence of a 32% increase in population relative to the immediate area of Barton Seagrave.

5.34 The Applicant referred the Committee to data showing a “high localised elderly population living at/near the proposed site”

North Northamptonshire 021CLSOA (Proposed location)

- 19.6% aged 65 and above and 24.5% retired

North Northamptonshire 021A LSOA (adjacent)

- 19.7% aged 65 and above and 24.8% retired

North Northamptonshire 021B LSOA (adjacent)

- 23.1% aged 65 and above and 28.2% retired

5.35 The Committee noted that when compared to local authority averages (18.1% aged 65 and above and 21.5% retired), this is marginally higher and also similar to national averages (18.3% aged 65 and above and 21.5% retired). It did not accept that this equated to “a high proportion of the localised population are elderly and/or retired.”

Existing pharmaceutical services

5.36 The four nearest pharmacies to the proposed site are all within 2.7 miles.

5.37 Ise Pharmacy is located on St John’s Road on a parade of shops including a substantial Co-operative, Post Office, a flooring retailer, Fish and Chip Shop. It provides a wide range of services including free delivery. It is located just 200-300 yards away from a branch of Linden Medical Centre which operates from two surgeries and from where it receives approximately 50% of its prescriptions from. It is located amongst a large housing estate and is 1.9 miles from the Hanwood Park housing development on the same side as the A6003. It is open 9am - 6pm Monday to Friday, closing for an hour over lunchtime.

- 5.38 Saffron Pharmacy is in Burton Latimer and co-located with the Burton Latimer Medical Centre. The Pharmacy is open from 8.30 - 6pm Monday to Friday and 9am - 1pm on Saturday.
- 5.39 Well Pharmacy is co-located with Linden Medical Centre on Linden Avenue. It is open 8.30am - 6pm Monday to Friday and closed on weekends.
- 5.40 Tesco Pharmacy is on a large retail park to the west of Barton Seagrave and has extended opening hours from 8am - 8pm Monday to Saturday and 10am - 4pm on Sunday.

Access by method of transport

- 5.41 The Committee recognised that distances and, to a degree, choice of transport, depends upon the starting point, which will vary considerably for this densely populated area. However, in order to consider access to pharmaceutical services for those living in Barton Seagrave, the proposed site was used as the starting point.

By foot

- 5.42 Walking to Ise Pharmacy from the proposed site is around 1.5 miles via Linnet Drive and takes approximately 32 minutes to walk. The Committee noted on the site visit that pavements were not particularly well maintained in places. Depending upon the chosen route, it includes an alleyway, however it is well lit.
- 5.43 The Applicant submitted that this was not a reasonable journey, particularly for those with mobility problems, as it represented over an hour round trip and requires residents to walk along Barton Road which is very busy. The Committee was of the view that the journey on foot was reasonable for those without mobility problems and, depending upon the time of year, would be a matter of choice. It did not accept the Applicant's reference to the high localised elderly population as this is not evidenced by the census data. The Committee considered that local residents would also be well used to navigating Barton Road/A6003 as part of their day to day lives. It is also noted that the route and length of the journey would depend upon the starting point. No evidence has been provided to suggest that a reasonably fit and able person would be unable to walk to access these pharmacies, including crossing the A6003.
- 5.44 The Applicant also referred to the residents of Hanwood Park accessing services on foot, referring to journeys of around two miles one way not being representative of reasonable choice or access. However, the Committee noted that the distance and time to walk from Hanwood Park to Ise Pharmacy is dependent upon the route taken which varied from 1.7 miles via St John's Road and 1.4 miles via E Wood Avenue.
- 5.45 The journey by foot to Saffron Pharmacy from the proposed location is 1.9 miles and represents approximately 42 minutes one way. However, patients would be required to navigate the roundabouts across the A14 which do not provide pedestrian access along some of the route. The Committee were of the view that Saffron Pharmacy was not easily accessible by foot from Barton Seagrave.

By public transport

- 5.46 There is no direct bus route from the proposed location to Ise Pharmacy. Patients travelling from Barton Seagrave to Ise Pharmacy would need to take alternative transport options.
- 5.47 The number 50 bus travels from Grosvenor Road, about a 4-6 minute walk from Belvoir Drive, to Brooks Close in Burton Latimer which is a short walk from Saffron Pharmacy. The journey takes about 10 minutes. The bus service runs hourly throughout the day.
- 5.48 The number 48 bus provides a direct route from the proposed location to the centre of town and close to Elan Chemists and Thursfield Pharmacy and near to Boots Pharmacy in Newlands Shopping Centre. In the opposite direction the 48 bus runs hourly to Burton Latimer close to Saffron Pharmacy, hourly Monday to Saturday.
- 5.49 The Applicant referred to the infrequency of the public transport as evidence of a lack of reasonable choice or sufficient access. They also referenced the high cost of travelling by public transport at £6.30, which was clarified as the cost of an all day ticket during the oral hearing. The Committee were not provided with the cost of a return ticket, although it was acknowledged at the hearing that this would be less than the cost of a day ticket. It noted that anyone of state pension age and over would qualify for a free bus pass.

By car

- 5.50 The Committee then went on to consider access by car.
- 5.51 The journey by car to Ise Pharmacy was 2.3 miles from the proposed site and takes approximately seven minutes. There is a reasonably sized car park outside the Pharmacy which includes disabled spaces.
- 5.52 Driving to Saffron Pharmacy from the proposed site was 2.1 miles via Kettering Road and takes approximately eight minutes. The journey takes patients along Barton Road and the large roundabouts to navigate the A14 and A6 before arriving at Burton Latimer. Saffron Pharmacy is co-located with the Medical Centre and has a large car park with two disabled parking spaces. There is a reasonably sized Sainsbury's in Burton Latimer, which residents may choose to use as an alternative to travelling into Kettering itself.
- 5.53 Well Pharmacy is around 2.3 miles via Barton Road and again takes approximately eight minutes by car. The Pharmacy is co-located with Linden Medical Centre which has a reasonably sized free car park.
- 5.54 Driving to Tesco Pharmacy also takes around eight minutes to drive the 2.8 miles from the proposed site and has a large, free customer car park with disabled and parent spaces.
- 5.55 Whilst the Committee Members did not visit the other pharmacies in Kettering, it noted that there were at least seven pharmacies in the town centre within a 10 minute drive from the proposed location.

- 5.56 It noted the significantly high car ownership in the area of 93.1% of households having at least one car or van compared to 76.5% nationally. The Applicant submitted that whilst the elderly population may own a car, *“they may no longer drive or feel comfortable driving in adverse weather conditions.”* The Applicant provided no evidence of anyone in the elderly population experiencing these difficulties or discomfort. The Committee also noted the Applicant’s case that the A6003 is a barrier to accessing services as it has been identified by North Northamptonshire Council as a ‘Red Route’ due to its accident record. In the appeal documentation, the Applicant referred to the ‘red route’ as being “the road connecting the proposed site to Kettering centre and Ise Pharmacy to the north.” However, when questioned about this in the oral hearing, the Applicant was unable to confirm which section of the A6003 that this related to and acknowledged that it may not refer to the local area. The Applicant submitted that *“the road creates a significant physical and psychological barrier to residents”* and suggested that it was *“reasonable to assume”* therefore that residents may be wary to use their cars. The Committee did not accept this argument as the Applicant had provided no evidence of patients having any difficulties accessing services by car, instead referring to *“common sense”* when asked in the oral hearing.

Other considerations

- 5.57 The Applicant referred the Committee to comments made in the PNA about capacity concerns that stated *“the contractor engagement yielded capacity concerns within Kettering in a small number of pharmacies. They indicated they do not have adequate premises and staffing capacity, and that they would face difficulties in managing additional demand.”* The Committee noted however that this reference does not clarify which area of Kettering these pharmacies were in. Furthermore, the PNA went on to state *“Although concerns some pharmacies have reached capacity, they represent a small number of the total provision of pharmacy services in Kettering locality. The low response rate to the survey was noted, however there is not sufficient evidence at present to identify a future gap in provision of necessary services.”*
- 5.58 The Applicant then referred to activity data for Ise Pharmacy showing that they dispense around 10,500 items in March 2025 against eight Pharmacy First consultations for that month. They suggested that this was evidence that Ise Pharmacy was experiencing issues with capacity as well. However, the Committee noted that Ise Pharmacy denied that they had any challenges with capacity and highlighted that they had recently taken over the contract and anticipated that these numbers will improve.
- 5.59 The Committee noted the Google Reviews that the Applicant had provided for Saffron Pharmacy as evidence of capacity concerns. The Applicant referred to 7 out of 8 reviews which had given a 1-star rating and an overall rating of 2.5 stars out of 5. The Committee noted that 2 of the 8 reviews specifically referred to timescales or efficiency complaints whereas the others were either unspecified or unrelated to anything that could be considered to be evidence of a lack of capacity. It was not persuaded that this provided evidence of capacity concerns.

Reasonable choice

- 5.60 The Committee then went on to consider reasonable choice. Reasonable choice is not defined in the Regulations and the Committee was of the view that it is not restricted to the number of pharmacies that an individual has access to. The Committee noted that the Applicant described the application as being largely about reasonable choice. This was on the basis of submissions highlighting barriers to access to existing services such as distance and timescales.
- 5.61 The Committee considered that the proposed site was clearly not a destination of choice in terms of retail offer or community services. The parade of shops was limited and would not be sufficient to cater for residents' day to day needs. The Committee was of the view that residents would be routinely accessing services in other areas, whether that be a more local supermarket or travelling into Kettering town or Tesco on the retail park. Furthermore, it noted that three of the four existing pharmaceutical services within around a three mile radius were co-located with medical centres that residents of Barton Seagrave would likely be registered with and therefore travelling to for their health needs.
- 5.62 The Committee was of the view that there was little evidence before it of a lack of reasonable choice and the Applicant had provided no evidence of local residents experiencing this. The reference to a growing population was not specific to Barton Seagrave and the main housing development in Hanwood Park has been taking place in phases since 2010.
- 5.63 The Committee was of the view that the residents of Barton Seagrave did have a reasonable choice of pharmaceutical services as there were several pharmacies available providing a wide range of services and opening hours, as per its findings at 5.74.

Previous applications

- 5.64 The Committee noted that the Applicant had submitted applications for this site in 2011, 2012 and 2014, which had all been approved on appeal. The Committee was of the view that the Applicant had relied heavily on these previous decisions in his submissions, referencing them as part of the application. The Committee noted that the first two applications were made under previous regulations that no longer apply and the third appeal was determined 11 years ago. The Applicant argued that the same factors which were the basis of those applications being granted were still in effect and more so with the increase in the population.
- 5.65 However, the Committee was clear that not only was it not bound by those previous decisions, and this application had to be considered under its own merits. Furthermore, it was of the view that a number of years had passed since those previous application decisions and the way in which pharmaceutical services are delivered now is very different. This must have a bearing when considering whether granting this application would confer significant benefits by way of better access and reasonable choice.
- 5.66 The Committee recognised that to determine the question of whether there is reasonable choice and that granting the application would confer significant benefits and better access, does not solely require evidence of difficulties accessing existing services. Neither is it necessarily required to provide

evidence of local support for the application. However, it is mindful that the burden of proof lies with the Applicant and in order to demonstrate that granting the application would secure significant benefits by way of access and reasonable choice, there must be evidence of how that significant benefit would be realised. The Committee concluded that the Applicant had not provided sufficient evidence to demonstrate this.

- 5.67 Therefore, taking all of the above into account, the Committee was not satisfied that, having regard to there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits by way of physical access on persons.
- 5.68 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.
- 5.69 In considering Regulation 18(2)(b)(ii) the Committee reminded itself that it was required to address itself to people who share a protected characteristic under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) having access to services that meet specific needs for pharmaceutical services that, in the relevant area, are difficult for them to access. In considering 18(2)(b)(ii), the Applicant made reference to young families and a “high localised” elderly population who are experiencing barriers in accessing existing services. Reference was also made of the importance of local pharmaceutical services to the elderly to provide support on medication changes and compliance, challenges with access to digital services and the busy road network acting as potential barriers. However, the Committee were provided with no evidence to support these arguments and no reference to services that would be provided by the Applicant to address these concerns.
- 5.70 The Committee considered that comments on access and choice were general in nature and might apply to any persons accessing services as opposed to those sharing protected characteristics. The Committee considered that there was not a robust body of evidence that enabled it to be satisfied that a pharmacy at the proposed site would convey significant benefits pursuant to Regulation 18(2)(b)(ii).
- 5.71 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 such persons.
- 5.72 In considering Regulation 18(2)(b)(iii) the Committee had regard to the desirability of innovative approaches to the delivery of pharmaceutical services. In doing so, the Committee would consider whether there was something more over and above the usual delivery of pharmaceutical services that might be expected from all pharmacies, some ‘added value’ on offer at the location.

- 5.73 The Committee noted that the Applicant was not seeking to argue innovation and there was no information within the application that would support the definition of innovation in terms of the delivery of pharmaceutical services.
- 5.74 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

- 5.75 The Committee noted that there was a wide range of extended opening hours provided by a number of the pharmacies in Kettering. These included weekend and late-night opening hours which facilitates access for those working full time. The Committee was of the view that there was no information provided to support a finding that pharmaceutical services are not currently provided at such times as needed and therefore it was not satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits (in relation to opening hours) on persons.
- 5.76 The Committee has considered whether there are any other factors that would confer significant benefits on including patients who share protected characteristics. The Committee had regard to the need to eliminate discrimination and advance equality of opportunity and foster good relations between these patients and those who do not share their protected characteristics.
- 5.77 The Committee was not satisfied that granting the application would confer significant benefits for patients who share protected characteristics on the basis that those benefits would be secured for all patients, regardless of their status.
- 5.78 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

- 5.79 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).
- 5.80 No deferral or refusal under Regulation 18(2)(f) was required in this case.
- 5.81 The Committee had regard to Regulation 18(2)(g) and found that it was not applicable.
- 5.82 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.
- 5.83 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.

- 5.84 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
- 5.84.1 confirm the Commissioner's decision;
 - 5.84.2 quash the Commissioner's decision and redetermine the application;
 - 5.84.3 quash the Commissioner's decision and, if it considers that there should be a further notification to the parties to make representations, remit the matter to the Commissioner.
- 5.85 The Committee considered the reasons given by the Commissioner for their decision to refuse the application. The decision included little reasoning making it difficult to understand the decision taken to refuse the application. For example, Regulation 18(2)(i) they stated "*a review of the existing nearby pharmaceutical provision shows that there are 3 pharmacies within a 1.5 mile radius and no evidence has been provided that additional pharmacies are required. The [Commissioner] stated that granting this application would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of North Northamptonshire HWB as there is no evidence that additional pharmacies are required.*" This does not provide any explanation as to why having three pharmacies within a 1.5 mile radius would cause significant detriment to the proper planning of pharmaceutical services. It is also incorrect to say that there are three pharmacies within 1.5 miles. In response to the appeal, the Commissioner provided some clarification referring to the fact that the PNA did not identify a gap in provision, granting the application "*would create inconsistency and set a precedent requiring similar consideration in other villages.*" The Committee noted that the application is being made under Regulation 18 which is specifically to consider if the benefits that may be secured by granting the application were unforeseen in the PNA.
- 5.86 With regard to Regulation 18(2)(b)(i), the Commissioner states "*based on a review of the area and pharmaceutical provision, there is no evidence that there is not already reasonable choice with regard to obtaining pharmaceutical services in the area of North Northamptonshire HWB.*" Again, they have failed to provide rationale for this conclusion. The Committee was of the view that the Commissioner initially failed to provide adequate justification for its decision to refuse the application.
- 5.87 In those circumstances, the Committee determined that the decision of the Commissioner must be quashed.
- 5.88 The Committee went on to consider whether there should be a further notification to the parties detailed at paragraph 19 of Schedule 2 of the Regulations to allow them to make representations if they so wished (in which case it would be appropriate to remit the matter to the Commissioner) or whether it was preferable for the Committee to redetermine the application.
- 5.89 The Committee noted that representations on Regulation 18 had been sought from parties by the Commissioner and representations had already been made by parties to the Commissioner in response. These had been circulated and seen by all parties as part of the processing of the application by the

Commissioner. The Committee further noted that when the appeal was circulated representations had been sought from parties on Regulation 18.

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

6 DECISION

- 6.1 The Pharmacy Appeals Committee (“Committee”), appointed by NHS Resolution, quashes the decision of the Commissioner, for the reasons given above, and redetermines the application.
- 6.2 The Committee has considered whether the granting of the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area covered by the HWB, or the arrangements in place for the provision of pharmaceutical services in that area and is not satisfied that it would;
- 6.3 The Committee determined that the application should be refused on the following basis:
- 6.3.1 In considering whether the granting of the application would confer significant benefits, the Committee determined that –
- 6.3.1.1 there is already a reasonable choice with regard to obtaining pharmaceutical services;
- 6.3.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and
- 6.3.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services;
- 6.3.2 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.

Committee Chair

Annex A

REF: SHA/26677

APPEAL AGAINST NORTHAMPTONSHIRE ICB DECISION TO REFUSE AN APPLICATION BY ROSHBAN LTD FOR INCLUSION IN THE PHARMACEUTICAL LIST OFFERING UNFORESEEN BENEFITS UNDER REGULATION 18 AT BELVOIR DRIVE SHOPS, BARTON SEAGRAVE, KETTERING NN15 (BEST ESTIMATE)

1 The Application

By application dated 25 January 2025, Roshban Ltd (“the Applicant”) applied to Northamptonshire ICB (“the Commissioner”) for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 at Belvoir Drive Shops, Barton Seagrave, Kettering NN15 (best estimate). In support of the application it was stated:

- 1.1 In response to section 5 ‘Applications in relation to premises that are in close proximity to other listed chemist premises’, the Applicant stated:
 - 1.1.1 “N/A
 - 1.1.2 Regulation 31 does not apply.”
- 1.2 Information in support of the application:
- 1.3 Please describe the unforeseen benefit(s) that you are offering to secure and how it will secure improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB’s area.
- 1.4 “Please see enclosed supporting information.”
- 1.5 Please explain how you intend to secure the unforeseen benefit(s):
- 1.6 “An increase in local pharmacy capacity and improved choice to meet the needs of the local population.
- 1.7 Better access and choice to pharmaceutical services.
- 1.8 See enclosed Supporting information for further detail.”
- 1.9 “Barton Seagrave Contract Supporting Information
- 1.10 **Background**
- 1.11 This application is in respect of opening a new pharmacy in order to provide better access to pharmaceutical services for patients in Barton Seagrave and the surrounding area. In particular, granting this application would introduce reasonable choice of pharmaceutical provision within Barton Seagrave.

- 1.12 Barton Seagrave is delineated by a major road - the A14 - to the south, the river Ise to the west, and Barton Road to the north. According to 2021 Census data, Barton Seagrave is home to 6470 residents. There is currently no pharmacy situated in Barton Seagrave.
- 1.13 The best estimate of the proposed site where we wish to open a new pharmacy is at Belvoir Drive Shops, Barton Seagrave, Kettering, NN15 6QZ.
- 1.14 Notably, the Lower-layer Super Output Area (LSOA) that the proposed location falls under, Barton 010C, has a higher percentage of residents over the age of 65 than the national average and local ward average. This is also the case for the adjacent 010B LSOA, as can be seen from the table below.

65+	2021	2021 England	2021 Northamptonshire
Barton 010B	23.10%	18.30%	18.10%
Barton 010C	20.20%	18.30%	18.10%

- 1.15 From the table above, it is clear that Barton Seagrave is home to a significant elderly population.
- 1.16 We also highlight to the Committee that there has been rapid population growth in Barton in years of late, with many more houses yet to be built. The population reliant on pharmaceutical provision has grown significantly and is set for even more growth as is demonstrated further below.
- 1.17 **Proposed location**
- 1.18 The proposed location is situated centrally within Barton Seagrave, near a popular café. The new site is among a parade of shops which includes a nursery, chip shop, and premier convenience store. This location is served by wide, well-lit pavements and good parking. [Map provided]
- 1.19 Image of proposed location depicting dedicated parking, wide pavements, a nursery, and chip shop.
- 1.20 Image of proposed location depicting further parking and convenience store. [Photographs provided]
- 1.21 **Regulations**
- 1.22 We are required by NHS England to address the overarching question in an Unforeseen Benefits application:
- 1.23 *“Please describe the unforeseen benefit(s) that you are offering to secure and how it will secure improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB area”.*
- 1.24 When considering the above question, the provisions of Regulation 18(2)(b) should be noted: [Regulation quoted]

1.25 We note that points on reasonable choice; protected characteristics; and innovation are desirable, however, they are merely supporting considerations when determining whether in fact the overarching test in regulation 18(2)(b) has been met: an application should be granted should it provide *improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB's area*.

1.26 We have addressed these regulations overleaf.

1.27 **Population Growth**

1.28 Per 2021 Census data, Barton Seagrave is currently home to 6470 residents. This represents an increase of 32% from 2011 statistics. For context, the UK usually sees a 0.3% annual growth rate for the population; thus, a 32% growth over a ten-year period represents a sizeable change in population. This rapid growth can be attributed to the Hanwood Park and Seagrave Park estates, which are currently being built on land directly to the East of Barton Seagrave. Further projects approved in the local area will bring the total to 5500 new homes. There are four major housebuilders that have been engaged to deliver this housing: Taylor Wimpey Homes, Barrat Homes, David Wilson Homes, and Bellway Homes.

1.29 To date, 1400 of these homes are already complete, and we assume that half of those residing in these new homes have been captured by the 2021 Census data. Assuming an occupancy rate of 2.5 residents per household, post-census, we approximate that there are 1750 additional residents reliant on amenities within the area. Thus, we can estimate that the current population of Barton Seagrave is 8220. When the new build developments are complete there will be c.10,500 residents in addition to the current calculated reliant population. Thus, there will be a c. 125% additional increase in the population on amenities within Barton Seagrave. We submit that such large housing number and vast population growth is in itself enough reason to grant this application.

1.30 **Patient Journeys**

1.31 When considering securing better access, we consider what a typical patient journey would look like. We also consider the reasonable choice within these journeys, alongside how those with protected characteristics find those journeys.

1.32 Using the proposed site, NN15 6QZ, as an arbitrary marker to represent these residents; we can see that the next nearest pharmacy is the Pickfords Pharmacy (NN15 5AZ), which is 1.6 miles away. Alternatively, Saffron Pharmacy (NN15 5PU) is even further, at 1.9 miles. It must be noted that distance in itself is a barrier to access. For residents currently residing near the proposed site, current pharmaceutical services are difficult to access by foot and public transport. These statistics indicate that there are many patients with protected characteristics residing in the Barton Seagrave area that are likely to experience difficulty accessing existing pharmacies.

1.33 **The journey to Pickfords Pharmacy (NN15 5AZ) on foot**

- 1.34 As can be seen from the map below, the journey is 1.6 miles or 35 minutes, equating to a 1 hour 10-minute round-journey. It is worth reiterating that distance in itself is a barrier to access. We cannot consider a 3.2-mile round walk to access pharmaceutical services as sufficient access, nor can we consider this as having a reasonable choice to pharmaceutical services. In fact, for residents near the proposed site, we would consider this as no pharmaceutical choice at all, much less than the threshold of 'reasonable choice'. Additionally, such an extended journey will prove difficult for the elderly, disabled, or parents with young children. Therefore, we submit the aforementioned groups do not have sufficient access by foot.
- 1.35 Map depicting journey on foot to Pickfords Pharmacy from the proposed location. [Map provided]
- 1.36 **The Journey to Saffron Pharmacy (NN15 5PU) on foot**
- 1.37 As can be seen from the map below, the journey on foot is 1.9 miles or 42 minutes, equating to a 1 hour 24-minute round-journey. The route itself involves traveling along the busy A14, which features stretches of narrow footpaths that are difficult to navigate for those with mobility issues. These factors are clearly barriers and offer no reasonable choice for those who must utilize walking as their only method of transportation. We cannot consider a 3.8-mile round walk to access pharmaceutical services as sufficient access, nor can we consider this as having a reasonable choice to pharmaceutical services. Additionally, such an extended journey will prove difficult for the elderly, disabled, or parents with young children. Therefore, we submit that groups with protected characteristics do not have sufficient access by foot due to distance and routes available to them.
- 1.38 Map depicting journey on foot to Saffron Pharmacy from the proposed location [Map provided]
- 1.39 **Bus Journey to Pickfords Pharmacy (NN15 5AZ)**
- 1.40 From the proposed location there is currently no bus service that will take residents directly to Pickfords Pharmacy. The number 48 bus is the best option which is infrequent, only arriving once per hour. After disembarking the bus patients would still be required to walk an additional 16 minutes before reaching the pharmacy. Once a patient has arrived at the pharmacy, they would have to walk 16 minutes back to the stop and wait up to an hour for another bus. Clearly this does not provide adequate access to pharmaceutical services, especially when we consider that the return journey by foot is also inaccessible. Such poor choice of pharmaceutical access is felt especially by the elderly and disabled. These patient groups could face having to wait an hour for a return bus in the shivering cold on a winter's day. When we consider that these patients may not be able to drive, or even may not feel comfortable driving in winter conditions; alongside their inability to walk the 1.5-mile distance back home, it is obvious that current pharmaceutical provision is inadequate and such scenarios stem from a lack of reasonable choice.
- 1.41 **Bus journey to Saffron Pharmacy (NN15 5PU)**

- 1.42 The bus journey from the proposed location to Saffron Pharmacy that involves the least walking is taken with the 48 bus service which offers an indirect route taking approximately 18 minutes with a walk from the bus stop to the pharmacy. The service is infrequent, running once an hour which means patients may have to wait for up to an hour in poor weather to return. This would mean a total round trip time of 1 hour 36 minutes, a daunting proposition for the elderly or infirm and does not represent reasonable choice, especially for those groups that share protected characteristics.
- 1.43 **Journey by car to Pickfords Pharmacy (NN15 5AZ)**
- 1.44 The journey by car from the proposed location to Pickford Pharmacy is 2.2 miles and takes up to 13 minutes, equating to a 26-minute round trip. Again, we cannot consider a 26-minute round drive to access pharmaceutical services as sufficient access, nor can we consider this as having a reasonable choice to pharmaceutical services. It is worth noting that in winter months less confident drivers may not feel comfortable driving in adverse conditions, which may include elderly residents. As evidenced above, 20.2% of the population of Barton Seagrave is over the age of 65. The trip to the proposed location would likely only involve driving on residential side roads, creating a much more accessible journey by car.
- 1.45 **Journey by car to Saffron Pharmacy (NN15 5PU)**
- 1.46 The journey to Saffron pharmacy by car from the proposed location takes approximately 9 minutes. The route once again takes patients on Barton road before they navigate the A14 and A6 roundabouts which can be considered as busy and difficult at times by local residents. Crossing these large roads may be a psychological barrier for some, and poor weather may make this more daunting for those less comfortable driving in adverse conditions. Offering patients a location that is much closer and more accessible will remedy these issues and create better choice in pharmaceutical provision for patients in Barton Seagrave.
- 1.47 **Conclusion**
- 1.48 We submit that granting this application would secure better access to pharmaceutical services in Barton Seagrave, especially when we consider the large gap in geography that exists and access difficulties by foot, car, and public transport. The elderly, disabled, and the wider population who are likely to find the proposed pharmacy significantly more accessible than their current choices.
- 1.49 We submit that granting this application would not cause significant detriment to access of pharmaceutical services as the nearest pharmacy is 1.6 miles away.
- 1.50 We reiterate that the construction of multiple new build estates in close proximity to Barton Seagrave will create an increased demand for pharmaceutical provision in the area. We submit that such vast new housing numbers alone would be sufficient reason to grant a new pharmacy contract.

- 1.51 On the evidence outlined above, we believe that a new pharmacy contract should be granted.”

2 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 20 June 2025 states:

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

- 2.1 “Northamptonshire 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 Northamptonshire 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

- 2.4 “The unforeseen benefits application is proposed within the best estimate of Roshban Ltd, Belvoir Drive Shops, Barton Seagrave, Kettering, NN15 6QZ 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.
- 2.5 Fitness to practice was cleared for inclusion.
- 2.6 **Relevant regulations**
- 2.7 Regulations 18 and 19 – unforeseen benefits: additional matters and consequences.
- 2.8 Regulation 31 – refusal: same or adjacent premises.
- 2.9 Regulation 32 – deferral arising out of LPS designations.
- 2.10 Regulations 40 to 44 – applications in a controlled locality.
- 2.11 Regulation 50 – gradualisation for doctors
- 2.12 Regulation 65 – core opening hours conditions

- 2.13 Regulation 66 – conditions relating to providing directed services
- 2.14 Paragraph 31, schedule 2 – conditional grant of applications where the address of the premises is unknown
- 2.15 [Links to Regulations provided]
- 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 Roshban Ltd 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 North Northamptonshire is good and the main conclusion of this pharmaceutical needs assessment is that there are currently no gaps in the provision of pharmaceutical services." It is to be noted that Roshban Ltd seeks to open a pharmacy within the Barton Seagrave community 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.
- 2.23 It is to be noted that the improvements or better access that Roshban Ltd 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.
- 2.24 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).
- 2.25 **Regulation 18(2)(a)(i)**
- 2.26 A review of the existing nearby pharmaceutical provision shows that there are three pharmacies within a 1.5 mile radius and no evidence has been provided that additional pharmacies are required.

- 2.27 The committee stated that granting this application would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of North Northamptonshire HWB as there is no evidence that additional pharmacies are required.
- 2.28 **Regulation 18(2)(a)(ii)**
- 2.29 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 North Northamptonshire HWB.
- 2.30 **Regulation 18(2)(b)(i)**
- 2.31 Based on a review of the area and pharmaceutical provision, there is no evidence that there is not already reasonable choice with regard to obtaining pharmaceutical services in the area of North Northamptonshire HWB.
- 2.32 **Regulation 18(2)(b)(ii)**
- 2.33 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.
- 2.34 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 North Northamptonshire HWB.
- 2.35 **Regulation 18(2)(b)(iii)**
- 2.36 The applicant had not stated that they would be taking any innovative approaches to the delivery of pharmaceutical services.
- 2.37 **Regulation 40, 44 and 50**
- 2.38 Regulation 40, 44 and 50 are not applicable to this application as the proposed premises are not in a controlled locality.
- 2.39 **Regulation 65 core opening hours conditions**
- 2.40 Regulation 65 is not applicable to this application as this will be a 40-hour pharmacy.
- 2.41 **Regulation 66 – conditions relating to providing directed services.**
- 2.42 This regulation would be satisfied.
- 2.43 **Other Matters**
- 2.44 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.

2.45 **Decision**

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

3 **The Appeal**

In a letter dated 20 July 2025 addressed to NHS Resolution, Healthcare Plus Consulting Ltd on behalf of Roshban Ltd appealed against the Commissioner’s decision. The grounds of appeal are:

3.1 “We would like to appeal the decision made in relation to the above unforeseen benefits application.

3.2 We submit that NHS England have failed to properly evaluate Regulation 18 and the fundamental question within the Regulation: does the application provide *‘improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB’s area.’* In their decision, the Northamptonshire ICB refused our client’s application, and we believe they misdirected themselves in doing so.

3.3 We assert that this application does provide improvements or better access to pharmaceutical provision, as set out in our client’s original application and the comments previously provided by our client. We have re-attached these submissions for re-consideration by NHS Appeals.

3.4 There are a number of issues with the decision report, which we wish to appeal.

3.5 **Previous Grants**

3.6 We highlight that in their decision the ICB did not acknowledge *any* of the **three** previous grants for pharmaceutical provision in Barton Seagrave. We have attached each of these grants with this appeal and trust the Committee will give due consideration to them. To reiterate the applications below:

3.6.1 June 2011 – SHA/16200

3.6.2 December 2012 – SHA/17030

3.6.3 July 2014 – SHA/17586

3.7 The Committee will be aware that two of these applications were granted under the previous regulations. However, it is notable that the most recent application (SHA/17586) was granted under the current NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013. In their decision, the Committee concluded that there was not already reasonable choice and there was evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services, thus satisfying the regulatory requirements of Regulation 18(2)(b)(i) and (2)(b)(ii). We urge the Committee to read this appeal in full. However, we have outlined the primary reasons for the grant from the Committee’s decision report below.

3.8 **July 2014 – SHA/17586**

3.9 Regulation 18(2)(b)(i)

3.10 The Committee considered that there was a lack of reasonable choice with regard to obtaining pharmaceutical services for the following reasons:

3.10.1 *"The Committee considered the **distances were not insignificant**, and had no information to doubt the applicant's claim that the population in Barton Seagrave are **reluctant to use main roads (including the A14) due to fast cars, congestion and a roundabout.**"*

3.10.2 *"The Committee further noted the applicant's comment **that public transport for the reliant population is limited**, and a **bus ticket can be prohibitively expensive.**"*

3.11 Regulation 18(2)(b)(ii)

3.12 The Applicant evidenced that there was a high elderly population residing in Barton Seagrave according to 2011 Census data. We highlight the Committee's decision based on this data below:

3.12.1 *"it was said that the **number of residents aged 60 and over is significantly higher than the average proportion of those aged over 60 in England.**"*

3.12.2 *"The Committee, given its view that the population has difficulty accessing existing pharmaceutical services in the area, was of the view that those **persons, sharing a protected characteristic, may be having difficulty in accessing current pharmaceutical services in the area and, that they would derive significant benefits from the grant of this application.**"*

3.13 As highlighted in prior correspondence and will be expanded on below, distances to alternative pharmacies are still significant with the main roads still plagued by fast cars and congestion. Bus journeys to alternative pharmacies are still poor and not all will be able to afford the cost of a bus to access services. This is felt particularly for those looking to access Pharmacy First and minor ailments services. We also note that the elderly population is still higher than both Local Authority and National averages.

3.14 Within this decision, the Committee also considered that the new developments in Barton Seagrave would increase the reliant population. Additionally, they noted that the applicant's proposed location was central to residences and nearby facilities which are frequented on a daily basis such as schools and an arts college. Above all, the Committee recognised that there were no existing pharmacies in Barton Seagrave.

3.15 In light of the above, we urge the Committee to consider the reasoning for granting the application in 2014, as Barton Seagrave has already been identified as an area needing pharmaceutical services under the current regulations. With this in mind, we submit that it is reasonable to conclude that granting any application in Barton Seagrave would secure better access and provide reasonable choice to the local population. However, we provide further reasoning below.

3.16 **Housing Developments and Population Growth**

- 3.17 It is notable that the Committee recognised the need for better access to pharmaceutical services in Barton Seagrave when the population was at 4,370 in 2014, as per the 2011 Census. This was over a decade ago, and with both completed and ongoing developments in Barton Seagrave, the reliant population has grown significantly since then.
- 3.18 According to 2021 Census data, we reiterate that the population of Barton Seagrave has increased by 32% to 6,470 residents. However, as mentioned, we note that a number of housing developments have been completed since 2021. Thus, when we consider these residents not captured in the 2021 Census, we submit that the current population is at approximately 8,220 residents.
- 3.19 It is clear that Barton Seagrave's population has grown and continues to grow. This is exemplified through the Hanwood Park development, which will include 5,500 new homes located to the east of the proposed site. We submit that this development is well underway, with 2,117 new homes built out of which 1,400 are occupied as of May 2024. Further, planning permission has been recently renewed for the final 3,383 homes. Thus, assuming an occupancy rate of 2.5 residents per household, we submit that there will be an additional 9,500 residents once the remaining 3,700 homes have been built.
- 3.20 Thus, upon completion, we submit that the Hanwood Park development will increase the reliant population to over 18,000 residents in total – over 4 times the population at the time of the previous grant in 2014.
- 3.21 In addition to housing, below is a list of amenities Hanwood Park will bring to the local community:
- 3.21.1 Four primary schools
 - 3.21.2 Secondary School
 - 3.21.3 Local Centre/Shops
 - 3.21.4 Community hubs/buildings
 - 3.21.5 Employment spaces
 - 3.21.6 Leisure facilities
- 3.22 We also note that there a [sic] designated land plot within the new development has been set aside for the building of a new GP surgery. When we consider that the population of Barton Seagrave has increased and pharmaceutical provision remains unchanged, combined with the anticipated GP surgery, it is evident that there is a need for enhanced healthcare services to meet the demand of the existing and rapidly growing population.
- 3.23 In addition, we have listed the existing amenities located at/near the proposed site which residents are accustomed to accessing as part of their daily lives:

- 3.23.1 Premier Convenience Store
- 3.23.2 Fish & Chips Shop (Barton Chippy)
- 3.23.3 'Building Blocks Christian Day Nursery' (50 children)
- 3.23.4 Barton Seagrave Primary School (628 pupils)
- 3.23.5 Latimer Arts College Secondary School (1,175 students)
- 3.23.6 Public House
- 3.23.7 Orchard House Care Home
- 3.23.8 Sports Centre
- 3.23.9 Barton Seagrave Village Hall
- 3.23.10 St Botolph's Church
- 3.24 It is evident that Barton Seagrave is distinguished as its own community, and currently residents are forced to endure separate one-off journeys to access pharmaceutical services. However, when we consider that these journeys are not straightforward, we submit that the local population would have better access to pharmaceutical provision and utilise the proposed pharmacy as part of their daily lives whilst accessing the various other amenities at/near the proposed site.
- 3.25 **Distance to Pharmaceutical Provision**
- 3.26 In their decision report, the ICB incorrectly state that there are three pharmacies within a 1.5-mile radius of the proposed site. We reiterate that there is not even one pharmacy located within 1.5- miles of the proposed site.
- 3.27 We remind the Committee that there is a high localised elderly population living at/near the proposed site, as evidenced in 2021 Census data. We reiterate this below:
- 3.28 **North Northamptonshire 021C LSOA (Proposed location)**
 - 3.28.1 19.6% aged 65 and above
 - 3.28.2 24.5% retired
- 3.29 **North Northamptonshire 021A LSOA (adjacent)**
 - 3.29.1 19.7% aged 65 and above
 - 3.29.2 24.8% retired
- 3.30 **North Northamptonshire 021B LSOA (adjacent)**
 - 3.30.1 23.1% aged 65 and above

3.30.2 28.2% retired

- 3.31 When we compare these figures to the North Northamptonshire Local Authority averages (18.1% aged 65 and above, and 21.5% retired) and national averages (18.3% aged 65 and above, and 21.5% retired), we can clearly see that a high proportion of the localised population are elderly and/or retired.
- 3.32 The North Northamptonshire PNA (2021) also states there will be “*a higher than average increase in the over 65 population*” (North Northamptonshire PNA 2021, pg. 37). It is well documented that the elderly have higher health needs and therefore there is a greater need for a pharmacy in the area. In fact, the relevant PNA also alludes to this, stating that “*61.8% of all prescriptions written in England in 2018 were for patients aged 60 and over*” (North Northamptonshire PNA 2021, pg. 67). Thus, a pharmacy at the proposed site would provide better access and meet the needs of local residents - of which a high proportion share a protected characteristic as per 2021 Census data.
- 3.33 When we consider that pharmaceutical provision is *at least* 1.6-miles away, it is obvious that access to pharmaceutical services is not representative of reasonable choice due to the excessive distances involved. [Applicant's emphasis] It must be noted that distance in itself is a barrier to access, and we cannot consider a minimum of 3.2-mile round journeys as sufficient access to pharmaceutical services alone. We detail the patient journeys below.
- 3.34 **Patient Journeys to Ise Pharmacy (NN15 5AZ) – formerly Pickfords Pharmacy**
- 3.35 **By Foot**
- 3.36 Using the proposed site as an arbitrary marker, the patient journey by foot to Ise Pharmacy (NN15 5AZ) is shown in the image taken from Google Maps below. [Map provided]
- 3.37 As per our client's supporting information, we do not consider a 35-minute walk, equating to a 1 hour and 10-minute round trip as representative of reasonable choice or sufficient access to pharmaceutical provision. We submit that this journey would prove difficult for groups with protected characteristics, especially when we consider the high localised elderly population living at/near the proposed site. Such a journey also requires residents to walk along Barton Road, which is one of the busiest main roads within Barton Seagrave, and thus can be an uncomfortable journey for local residents.
- 3.38 Patients living to the east of the proposed site at the new Hanwood Park development must travel even further to access pharmaceutical provision, with one-way journeys reaching up to c. 2-miles. A c. 4-mile round trip to access pharmaceutical services is not representative of reasonable choice or sufficient access. On the contrary, we submit that our client's proposed site is within 1-mile of the Hanwood Park development – offering significantly better access to pharmaceutical services.
- 3.39 **By Public Transport**

- 3.40 We reiterate that there is no direct bus route from the proposed location to Ise Pharmacy. As mentioned above, it is notable that the Committee considered the limited availability of public transport in their decision when granting the previous application, concluding that this did not provide reasonable choice for the local population.
- 3.41 We submit that the situation remains unchanged, in fact, local residents have no choice but to travel on foot to Ise Pharmacy. For those without a car, having to undertake a 1.6-mile one-way journey by foot to Ise Pharmacy is clearly not representative of reasonable choice to access to pharmaceutical provision.
- 3.42 **By Car**
- 3.43 Due to the excessive walking distances involved and the limited availability of public transport in Barton Seagrave, we submit that local residents have little choice but to access pharmaceutical services by car if they can.
- 3.44 We remind the Committee that a large proportion of the local population are aged 65 and above, and thus while some may own a car, they may no longer drive or feel comfortable driving in adverse weather conditions. Thus, when we consider that such a high localised elderly population are more likely to rely on travelling by foot or public transport, and the lack of reasonable choice along these journeys, it is obvious that a pharmacy at the proposed site would provide better access to pharmaceutical services.
- 3.45 Regardless, residents who drive must travel along Barton Road/A6003 to access Ise Pharmacy (NN15 5AZ) and alternative pharmacies in Kettering's town centre. We submit that the North Northamptonshire Council have listed the A6003 as a Red Route, which is classified as "*roads in North Northamptonshire that experience a higher level of injury collisions resulting in a road user being killed or seriously injured*" (North Northamptonshire Council). In fact, we highlight that a motorcyclist was seriously injured in a recent collision with a car on Barton Road (BBC News, '*Motorcyclist seriously injured in village crash*', June 2025). In light of this, we submit that such busy and dangerous roads can deter patients from utilising them to access pharmaceutical provision when undertaking journeys on foot and by car – especially if already feeling unwell.
- 3.46 **Capacity Issues**
- 3.47 We submit that an increase in the reliant population will place further strain on the existing pharmaceutical network. In light of this, the North Northamptonshire Draft PNA 2025 states that; "*The contractor engagement yielded capacity concerns within Kettering in a small number of pharmacies. They indicated they do not have adequate premises and staffing capacity, and that they would face difficulties in managing additional demand*" (North Northamptonshire Draft PNA 2025, pg. 71).
- 3.48 In fact, when we look at Ise Pharmacy, according to recent data, they dispensed c.10,500 items in March 2025 but only performed 8 Pharmacy First consultations during this month. Given that Ise Pharmacy dispenses above the average number of items per month, and the national average of Pharmacy First consultations is c.30, this is clearly disproportionate. Such disparity

between these two figures indicate that Ise Pharmacy are experiencing issues with capacity and are unable to perform the average number of Pharmacy First consultations despite exceeding the national average of dispensed items.

- 3.49 With the advent of Pharmacy First, it is important to have pharmacies that can offer these services located within communities. Residents are more likely to access minor ailments services and general advice in connection with other amenities as part of their daily lives, leading to better health outcomes and reducing pressures on GP appointments.

3.50 **Patient Journeys to Saffron Pharmacy (NN15 5PU)**

3.51 **By Foot**

- 3.52 Again, using the proposed site as an arbitrary marker, patient journeys by foot to Saffron Pharmacy (NN15 5PU) are shown in the image taken from Google Maps below. [Map provided]

- 3.53 We can see that the journey on foot is at least 1.9-miles or 42-minutes, equating to a 1-hour and 24-minute round journey. We can also see that residents have no choice but to travel across the major A14 road during both routes. This is depicted in the image below. [Photograph provided]

- 3.54 The A14 is a major roundabout displaying 70mph road signs as vehicles are entering the roundabout, indicating that vehicles will be passing pedestrians at high speeds. This can be especially uncomfortable and deter patients from accessing pharmaceutical services by foot.

- 3.55 As highlighted above, the Committee previously determined that the A14 is busy, and thus when we consider the population growth and new housing developments in Barton Seagrave, we submit that the A14 road is likely to be busier than when this observation was made by the Committee.

3.56 **By Public Transport**

- 3.57 Whilst there is a bus journey to Saffron Pharmacy, we submit that this is only when travelling on the 48 Stagecoach service. We reiterate this journey takes approximately 18 minutes from the proposed site, equating to a 36-minute round trip. This bus service is highly infrequent, operating once every hour, which means that patients could face waiting up to 1 hour for the return bus in adverse weather conditions.

- 3.58 Thus, it is evident that access to both the nearest pharmacy and the next nearest pharmacy is inadequate by public transport. Residents of Barton Seagrave do not have reasonable choice or sufficient access to pharmaceutical services via public transport.

3.59 **By Car**

- 3.60 We reiterate that the journey by car to Saffron Pharmacy takes patients along Barton Road and the large A14 and A6 roundabouts.

- 3.61 As mentioned, the Committee specifically considered the A14 as a main road which the local population may be reluctant to use due to *“fast cars, congestion and a roundabout”* (SHA/17586).
- 3.62 We highlight that the increased population in Barton Seagrave since the 2011 Census, along with new developments, has likely increased traffic congestion for road users. Thus, for local residents that drive, we submit that navigating these large main roads can be difficult at times, deterring patients from accessing pharmaceutical services by car. Providing patients with a pharmacy that is integrated within the Barton Seagrave community will resolve these issues and offer better choice and access to pharmaceutical provision for the reliant population.
- 3.63 **Capacity Issues**
- 3.64 We submit that Saffron Pharmacy also appear to be struggling with capacity. This is revealed from recent Google Reviews submitted within the past year, where seven out of eight reviews have given a 1-star rating. We also note that Saffron Pharmacy has an overall rating of 2.5 stars out of 5, which further indicates that it has not historically received positive reviews and is therefore providing a poor service overall. We have included these reviews below and invite the Committee to read them in full. [Reviews provided]
- 3.65 Above, we can see that a local resident stated; *“rude unhelpful staff and ridiculous waiting times.”* It seems that this pharmacy is indeed struggling with capacity. When we look at the data, we note that Saffron Pharmacy is currently dispensing c. 13,000 items on average per month which is also greater than the national average.
- 3.66 They also added; *“switch to a delivery service if possible”*. We do not consider residents feeling they have no choice but to utilise a delivery service due to inadequate access to in-person pharmaceutical services reflects reasonable choice.
- 3.67 It is disappointing to read that this pharmacy has also been referred to by one resident as *“slow, rude and inefficient!”* and a *“terrible pharmacy”*. We submit that there is clearly a sustained issue with access due to insufficient pharmaceutical capacity, which the draft PNA is cognizant of.
- 3.68 **Conclusion**
- 3.69 In conclusion, we submit that the granting of the SHA/17586 application under the current regulations indicates that there is a need for pharmaceutical provision in Barton Seagrave.
- 3.70 We also submit that a 1.6-mile distance to the nearest pharmacy for residents living at/near the proposed site is not representative of reasonable choice or sufficient access to pharmaceutical provision. When we consider that distance in itself is a barrier to access, we reiterate that this is not representative of any pharmaceutical choice at all, much less than the threshold of ‘reasonable choice’.

- 3.71 The extensive journey by foot to nearby pharmacies is rendered even more challenging when we consider the lack of adequate bus services and difficult/dangerous roads such as Barton Road and the A14 surrounding the local area.
- 3.72 We must consider the high localised elderly population currently residing at/near the proposed site, who may not feel comfortable driving and are therefore forced to walk for a significant amount of time whether travelling by foot or via public transport.
- 3.73 With the Hanwood Park development creating 5,500 new homes to the east of Barton Seagrave, we can see that such a significant development will place further pressure on the existing pharmaceutical services. We cannot deem a pharmacy located at least 1.6-miles away as providing sufficient access to pharmaceutical services, especially for an anticipated reliant population of 18,000 residents.
- 3.74 Therefore, we appeal this decision and trust that NHS resolution will reevaluate this application.
- 3.75 We maintain that granting this application would secure better access and improvements to pharmaceutical services for local residents. We submit that regulation 18 has been met and we invited [sic] NHS Resolution to grant our client's application."

Letter to Commissioner dated 23 May 2025

- 3.76 "Thank you for your letter dated 12th May 2025. We would like to take this opportunity to respond on behalf of our client to comments made by interested parties in the area. We note that:
- 3.76.1 It is undisputed that there is no pharmacy within 1.5-miles of the proposed site.
- 3.76.2 It is undisputed that there is a high number of elderly residents (aged 65 and over) living at/near the proposed site when compared to local authority and national averages.
- 3.76.3 It is undisputed that 5,500 new homes are/ will be built at/near the proposed site.
- 3.77 **Preliminary Matter**
- 3.78 We acknowledge that Ise Pharmacy have responded to our client's application. However, we note that Ise Pharmacy were not included as an interested party on the circulated IP list invited to provide representations. We do question whether Ise Pharmacy were entitled to provide representation in accordance with the legislation, however, leave this matter to the Committee to review.
- 3.79 For the benefit of the Committee we attach the Interested Parties list that was circulated to our client.
- 3.80 We respond to the representations received from Ise Pharmacy further below.

3.81 **BLMK & Northamptonshire Local Pharmaceutical Committee (LPC)**

- 3.82 We would like the Committee to note that the LPC represents the interest of current pharmaceutical contractors. The LPC are inherently obliged to contest unforeseen benefits applications, in order to fulfil their responsibilities to current contractors. Hence, comments by the LPC are biased and should be read in such context.
- 3.83 In this context, it is pleasing that the LPC recognise that there are no public transport links to Ise Pharmacy (NN15 5AZ) and Tesco Pharmacy (NN15 6XB) , presenting access difficulties to those who do not have access to a vehicle. Notably, the LPC also accept that there are currently no pharmacies situated within Barton Seagrave.
- 3.84 The LPC refer to the North Northamptonshire PNA, stating that it does not highlight the need for a new pharmacy. We submit that an unforeseen benefits application is, in its very nature, unforeseen, offering improvements or better access to pharmaceutical services not captured within the PNA. Thus, comments by the LPC surrounding the PNA are not entirely relevant.
- 3.85 The LPC state that there are pharmacies within easy reach using public transport. First, we wish to highlight those representations neglect to mention any patient journey by foot, which would indicate they are aware such journeys are not a viable option for local residents.
- 3.86 They continue, suggesting that the two closest pharmacies are Well Pharmacy at Linden Avenue (NN15 7NX), and Sage Pharmacy at 18 Headlands (NN15 7HP). We dispute these claims as they are ultimately incorrect. As outlined in our client's application, the two current nearest pharmacies from the proposed site are Ise Pharmacy (formerly Pickfords, 1.6 miles away) and Saffron Pharmacy (1.9 miles away).
- 3.87 The distances provided by the LPC to Well Pharmacy and Sage Pharmacy are measured 'as the crow flies', which does not accurately reflect the distances in reality. As per Google Maps distances, we wish to correct the LPC and assert that Well Pharmacy (NN15 7NX) is 2.5-miles away and Sage Pharmacy (NN15 7HP) is 2.7-miles away from the proposed site.
- 3.88 We also reiterate that the journey by bus to Saffron Pharmacy (NN15 5PU) - which involves the least amount of walking - requires travelling on the 48 bus service, which only operates hourly. This is undisputed by all parties as a highly infrequent service.
- 3.89 Although the LPC state that there are three bus services providing a regular half hourly service to the Kettering area, they have not provided any further details about these services. Upon reviewing the Barton Seagrave bus timetable, we submit that the available services near the proposed site are the 48; 50; and 16 Stagecoach buses. It is notable that the 48 service operates hourly; the 50 service operates hourly; and the 16 service operates every 2 hours – which are all highly infrequent. These services do not overlap in a way that enables local residents to have access to a regular half hour service, so are unsure as to how the LPC have reached this conclusion.

- 3.90 They also describe the journeys by car to the Tesco Pharmacy as 2.1-miles via the A509 or 3.3-miles via the A14. We submit that this is incorrect as per Google Maps, which reveal that the journey along the A509 is 3.1-miles and the A14 is 2.8-miles from the proposed site. As patients cannot directly access this pharmacy by bus and it is clearly impractical for local residents to make this journey by foot, we submit that patients have no choice but to access Tesco Pharmacy by car.
- 3.91 In fact, we highlight that a number of residents living in Barton Seagrave must travel in excess of 1.5-miles to access pharmaceutical provision. These journeys are likely to be made by car due to the infrequent availability of public transport and the impracticality of walking such distances. Thus, we submit that the majority of patients living at/near the proposed site have little choice but to access pharmaceutical services by car.
- 3.92 As mentioned in our client's application, there are a high number of residents aged 65 and above living at/near the proposed site. With this in mind, we submit these residents may no longer drive or feel comfortable driving – especially in challenging weather conditions.
- 3.93 It must be noted that distance in itself is a barrier to access, and a minimum of 3.6-mile round journeys are evidently not representative of sufficient access nor reasonable choice to pharmaceutical provision. We submit that local residents, on the balance of probabilities, are currently unlikely to access pharmaceutical services such as Pharmacy First for what they perceive to be a passing condition. We submit for Pharmacy First to be successful; pharmacies need to be accessible within communities.
- 3.94 When we consider inadequate bus routes; infrequent bus services; and a high local elderly population, it is evident that residents living in Barton Seagrave currently have little reasonable choice and insufficient access to pharmaceutical services.
- 3.95 **Ise Pharmacy (Formerly Pickfords Pharmacy, NN15 5AZ)**
- 3.96 We can see that Ise Pharmacy have described our client's application as adjacent to their pharmacy in the subject of their response. This is clearly not the case as Ise Pharmacy is located 1.6-miles away from our client's proposed site.
- 3.97 We do not understand why Ise Pharmacy have stated that access to a pharmacy is straightforward when such journeys are evidently impractical by foot. We highlight that, like the LPC, Ise Pharmacy also fail to address patient journeys by foot when considering access to any pharmacy. This omission would indicate that they are aware these journeys are excessive and therefore not representative of sufficient access or reasonable choice. Unlike the LPC, Ise Pharmacy have not acknowledged the absence of public transport options from Barton Seagrave to their site.
- 3.98 They also suggest that journeys to Elan Chemist; Boots Pharmacy; and Thursfield Pharmacy take 15-minutes by bus. They have included an image from Google Maps depicting the journey to Elan Chemist via the 48 bus service.

However, they have failed to mention that this is via the 48 Stagecoach bus which operates hourly and is thus very infrequent.

- 3.99 Ise also place weight on Distance Selling Pharmacies (DSPs), suggesting that Pharmacy2U deliver in the area. We submit that DSPs do not provide reasonable choice to pharmaceutical provision for a number of reasons:

3.99.1 DSPs cannot provide face to face services, with COVID and Flu jabs also stopping from March 2026.

3.99.2 DSPs are not customer-facing and thus patients are not in direct contact with the Pharmacist. Elderly patients can often have vastly changing medication and require a regular local pharmacist to aid them with any medication changes and with adherence to prescribed medication.

3.99.3 The internet can be a barrier for many groups, particularly the elderly, in accessing DSPs. This is especially relevant in Barton [sic] Seagrave when we consider the elderly population.

3.99.4 Someone has to be home when signing for controlled drugs from a DSP. For those that work, organising this can be particularly difficult.

3.99.5 DSPs have similar overheads to community pharmacy but also must provide free delivery. Given that free delivery services often cause financial struggles for community pharmacies, it calls into question the long-term viability of DSPs. This is no better demonstrated by the 5-million-pound operating loss incurred by Pharmacy 2 U in the year ending 2023, and 3.4-million-pound operating loss incurred in 2024. Clearly, such losses are unsustainable and thus we cannot view DSPs as providing reasonable choice/ alternatives to bricks-and-mortar pharmacies. These losses will only get worse once the ability for DSPs to provide COVID and Flu jabs is removed.

- 3.100 Ise Pharmacy highlight their own delivery service that they provide, however, we note that delivery is not NHS commissioned any [sic] can be withdrawn at any time. Thus, we submit that no weight can be placed on these comments.

- 3.101 Ise Pharmacy also comment that additional pharmacy provision would be a financial burden on the NHS – which is ultimately incorrect. It will be known to the Committee that UK pharmacies operate under a fixed funding model, and all pharmacies are funded from the same fixed pot of money. Whether there is an increase or decrease in pharmacies; there will not be an increase/decrease in the cost to the NHS. We submit that this is likely why the regulations speak to securing ‘better access’ as opposed to considering financial matters.

- 3.102 We wish to clarify Ise Pharmacy’s assertion that our client’s application relies solely on the new housing developments at Barton Seagrave to satisfy Regulation 18. The Committee will be aware that the regulations speak to securing ‘better access’ to pharmaceutical services. An increased population from 5,500 new homes will inevitably increase patient demand for pharmaceutical services in Barton Seagrave. We believe our client’s application will significantly improve access to pharmaceutical services for current elderly residents and the growing population given the nearest

pharmacy is 1.6-miles away and is impractical to access by foot and with no direct public transport route.

- 3.103 The requirement for better access to pharmaceutical provision in Barton Seagrave is no better demonstrated by previous application grants.

3.104 **Prior application grants to Barton Seagrave**

- 3.105 As mentioned above, Barton Seagrave has been subject to three previous pharmacy grants:

3.105.1 June 2011

3.105.2 December 2012

3.105.3 July 2014

- 3.106 We submit, that these grants demonstrate that there has been a need for pharmaceutical provision within Barton Seagrave for a while. We attach all three prior grants for the benefit of the Committee.

- 3.107 The Committee will note that two of the applications were granted under the previous regulations, and the most recent grant was awarded under the current regulations.

- 3.108 The most recent grant was awarded on the premise of there not being a reasonable choice due to the distances of alternative provision. This grant was also awarded on the basis that there were a higher proportion of residents who shared protected characteristics in the area.

- 3.109 We trust that the Committee will give due consideration to these previous grants.

3.110 **Conclusion**

- 3.111 We submit that granting this application would secure better access and improvements to pharmaceutical services and provide reasonable choice for residents living in Barton Seagrave.

- 3.112 The local population are likely to find the proposed pharmacy significantly more accessible than the existing pharmaceutical provision. This is largely due to the nearest pharmacy being 1.6-miles away; poor and infrequent public transport links; an elderly population; and excessive journeys by foot. Previous application grants in Barton Seagrave have upheld these issues.

- 3.113 Additionally, the substantial housing developments in Barton Seagrave will only increase demand for pharmaceutical services.

- 3.114 Hence, we submit that Regulation 18 has been met, and invite the Committee to grant this application.”

4 **Summary of Representations**

This is a summary of representations received on the appeal.

4.1 Temple Bright, on behalf of Ise Pharma Ltd

4.1.1 “We act for Ise Pharma Limited which is included in the pharmaceutical list for premises trading as Ise Pharmacy, 75 St John’s Road, Kettering, NN15 5AZ.

4.1.2 On behalf of our client we write further to your letter of 4th August 2025 and in order to respond to an appeal by Roshban Limited against a decision of NHS England to refuse its application for inclusion in the pharmaceutical list offering unforeseen benefits for premises within the best estimate location of the Belvoir Drive Shops, Barton Seagrave, Kettering, NN15 6QZ.

Regulatory test

4.1.3 The application by Roshban Ltd is submitted pursuant to regulation 18 of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013. NHS Resolution, on appeal, must therefore determine whether granting the application would secure improvements in, and better access to, pharmaceutical service provision in the HWB’s area which are not contained within the relevant PNA. The relevant PNA for NHS Resolution’s consideration of this application is the 2025-2028 North Northamptonshire PNA which was published in July 2025. The PNA does not identify any unmet need for a new pharmacy in North Northamptonshire, and none of the matters contained within the application or appeal are unforeseen in the context of the current PNA.

4.1.4 In particular, in determining this appeal, NHS Resolution must have regard to the matters contained within regulation 18(2)(b) and whether it is satisfied that the application would confer significant benefits having regard to the desirability of:

4.1.4.1 There being a reasonable choice of service provision in the HWB’s area

4.1.4.2 Patients who share a relevant protected characteristic and who require access to pharmaceutical services but who currently find access difficult

4.1.4.3 Any innovation in service delivery offered by the applicant

4.1.5 To the extent that there is a burden of proving that an application meets the relevant regulatory test, this burden rests with the applicant.

4.1.6 The application appears to rely heavily on previous grants for premises at the location specified in this application. However, those grants are now many years ago, and two out of the three were granted pursuant to regulations which are no longer in force. It is submitted on behalf of our client that NHS Resolution is not bound to approve this application

based on the previous grants for the reasons given below and must, instead, consider and determine the application on its own merits.

Population information

- 4.1.7 This application is submitted for a location in Barton Seagrave, which is located to the east/southeast of Kettering and to the north of Burton Latimer as shown in the google maps satellite image below.
- 4.1.8 [Image provided]
- 4.1.9 It is, of course, the position that the regulatory test no longer requires NHS Resolution to define a “neighbourhood” for the purposes of its determination of applications. The applicant’s representative repeatedly refers to “Barton Seagrave”, it is assumed as shorthand for referring to the general area in which the applicant’s best estimate is located rather than by reference to a “neighbourhood” for which the provision of pharmaceutical services must be assessed.
- 4.1.10 In its letter of appeal, the applicant refers to various census data and asserts that the population of Barton Seagrave has increased by 32% between 2011 and 2021, stating that the population has increased from 4,370 in 2014 to 6,470 in 2021. The difficulty for NHS Resolution is that the applicant does not explain the source of this information, nor does it explain what area this relates to. That means that NHS Resolution is not able to ascertain the accuracy of the information provided, or the relevance of the information to its determination of the application.
- 4.1.11 For the avoidance of doubt, our client does not accept that the population of Barton Seagrave has increased by anything like the figures suggested by the applicant. This means that either the applicant’s data source is incorrect, or the applicant is not comparing “like for like” areas.
- 4.1.12 By way of example as to why the applicant’s information is likely to be wrong, the ONS has published population data for each parish in England and Wales [Parish population estimates for mid-2001 to mid-2019 based on best-fitting of output areas to parishes - Office for National Statistics](#).
- 4.1.13 According to that information, the Barton Seagrave Parish had a resident population of 4,407 in 2014, and a population of 5,341 in mid-2019. Whilst the data is only available to 2019, the Parish.uk website [BARTON SEAGRAVE PARISH](#) gives a Parish population of 5,211 in 2021.
- 4.1.14 Whilst it is, therefore, accepted that the population of Barton Seagrave increased between 2011 and 2021, it is asserted that the increase is nothing like as much as is being suggested by the applicant.
- 4.1.15 In relation to the demographics and characteristics of the Barton Seagrave population itself, Census data is no longer provided by Nomis on a Parish basis. However, Barton Seagrave is located within the “mid-

layer SOA” of North Northamptonshire 021. We have provided, below, a map showing the boundaries of this mid-layer SOA.

4.1.16 [Map provided]

4.1.17 Whilst the mid-layer SOA boundary extends beyond the parish boundary (which, broadly speaking, has the A6003 as its northern boundary), the areas to the north and south of the A6003 are very similar in character, such that the 2021 census information for the mid-layer SOA is more likely than not to be representative of the area to the south of the A6003.

4.1.18 According to the 2021 census data for the mid-layer SOA:

4.1.18.1 There is a slightly higher proportion of residents aged 65 and over compared to the English average, but the difference is marginal. For the mid-layer SOA, 19% of residents are aged 65 and over, whereas the equivalent figure for England is 18.3%. This is a difference of only 0.7%. To put this into context, for a population of 5,000 (i.e. approximately the size of Barton Seagrave parish), this means that there would be 35 more people aged over 65 than would be expected in an “average” population. It is submitted that this is not significant in terms of NHS Resolution’s assessment of healthcare needs in Barton Seagrave.

4.1.18.2 Accommodation is overwhelming [sic] detached and semi-detached housing. 51.3% of homes are detached (compared to an average for England of 22.9%) and 38.1% of homes are semi-detached (compared to 31.5% for England).

4.1.18.3 Most homes are owner-occupied. 85% of homes are either owned outright or owned with a mortgage, compared to 62.3% nationally. Of the remainder, only a small proportion are social rented homes (5.4% compared to 17.1% nationally).

4.1.18.4 Car ownership in the area is very high. 93.1% of households have at least one car or van (compared to 76.5% nationally). Of those, 35.6% have one car or van, 41.7% have two cars or vans and 15.8% have three or more cars or vans (the equivalent figures for England are 41.3%, 26.1% and 9.1%). This means that not only do the great majority of homes have at least one car or van, but the majority of homes have at least 2 cars or vans.

4.1.18.5 Despite having a slightly higher proportion of older residents, general health for the mid-layer SOA is better than national averages. 3% of residents describe their health as either bad or very bad, compared to 5.2% nationally. Statistics for long term health problems and disability show a similar picture, with 78.2% of residents not suffering from any long term physical or mental health conditions compared to 75.9% nationally.

- 4.1.19 It is therefore the case that, in general terms, the local population is relatively affluent (evidenced by higher levels of home ownership), has a broadly average age profile and has high or very high levels of mobility (evidenced by car ownership and health statistics).
- 4.1.20 In its letter of appeal, the applicant refers to shops and other services which are said to be located in the vicinity of the proposed location. However, it can be seen from that list (at page 4 of the appeal letter) that the range of services is very limited, with only a small convenience store, fish and chip shop, school and pub. It is the case that Barton Seagrave is largely a dormitory settlement, which has very few shops or other services. For example, Barton Seagrave has no supermarket, hardware stores, clothing stores, entertainment facilities (e.g. cinemas, etc.), GP surgery, etc. Instead, residents look further afield for their needs, for example to Kettering which has a full range of shops and other services.
- 4.1.21 In its letter of appeal, the applicant refers to housing developments taking place in and around the local area and, in particular, the Hanwood Park development.
- 4.1.22 It is of note that the planning application for the Hanwood Park development was submitted in August 2007. Outline planning consent was granted in April 2010. The Hanwood Park development is of a significant size, and development has been taking place in phases over a number of years. It is difficult to obtain accurate information regarding the number of homes currently built and occupied. However, the majority of the new homes have not yet been built, with planning permission only recently granted for the remainder of the phases. It is therefore likely to be many years before the development is complete.
- 4.1.23 It is not clear what impact the Hanwood Park development will have in terms of healthcare needs and general provision of services. However, as the applicant notes, it is intended that Hanwood Park will contain its own shops, schools and services. No evidence is provided that residents of Hanwood Park currently (or will in the future) look to services at the applicant's proposed location, including for the provision of pharmaceutical services and the extent to which the population of Hanwood Park requires its own pharmaceutical service provision will no doubt be considered at the appropriate time by the HWB in its PNA (the current PNA notes the housing developments taking place, particularly in the Kettering locality and that this is likely to be considered as part of the next PNA life-cycle review).
- 4.1.24 Additionally, it is of note that the Hanwood Park development "wraps around" the entire eastern and northern boundary of the currently urbanised area. We have set out, below, the current site development map which shows the size and scale of the Hanwood Park development. On this map, we have marked the applicant's proposed location with a red dot and our client's pharmacy with a blue dot.

- 4.1.25 As can be seen from the map below, the development extends far beyond the immediate Barton Seagrave locality, with many parts of the development being approximately as close to, or closer to, our client's pharmacy as they would be the applicant's proposed pharmacy.
- 4.1.26 [Map provided]
- 4.1.27 It is therefore submitted on behalf of our client that the applicant provides little or no evidence to support an assertion that the Hanwood Park development has any material impact on the provision of pharmaceutical services at the applicant's proposed location or NHS Resolution's assessment of this appeal.

Access to existing pharmacies

- 4.1.28 The applicant appears to assert that existing pharmacies are difficult to access. However, the applicant produces no evidence from any local residents or representatives to support this assertion, which appears to be based simply on the distance to existing pharmacies from the applicant's proposed location.
- 4.1.29 The difficulty with the approach adopted by the applicant in its letter of appeal is that it fails to acknowledge the reality of the proposed location, which is within a largely dormitory suburb which has very few shops or other services and which residents will therefore be accustomed to leaving as part of their daily lives. For example, there are pharmacies co-located with, or near to, all the nearest GP surgeries, such that patients who require access to pharmaceutical services after a visit to their GP will encounter no difficulties in accessing a pharmacy: our client's pharmacy is located approximately 200m from the Ise Medical Centre and Saffron Pharmacy is co-located with the Burton Latimer Medical Centre, which are the two closest surgeries to Barton Seagrave.
- 4.1.30 Since residents are highly mobile, there is no evidence that journeys to existing pharmacies are difficult for residents to make, or that they are having any difficulty accessing the existing pharmacy network.
- 4.1.31 Our client does not dispute the distances by foot from the applicant's proposed location to the two nearest pharmacies or the walking times. However, it does dispute that this makes existing pharmacies difficult to access.
- 4.1.32 As a starting point, our client's pharmacy is accessible by foot for those who choose to walk. Distances do, of course, vary depending upon a person's starting point, and it is accepted that the distance from the applicant's "best estimate" location to our client's pharmacy is approximately 1.5 miles. However, for those living to the west of the best estimate location, the distance will be shorter. For example, using a starting point of the Barton Seagrave Post Office on St Botolph's Road, the distance to our client's pharmacy is 0.9 miles, or a 19-minute walk (it is of note that the distance from the Post Office to the applicant's proposed location is 0.7 miles, so the applicant's proposed location

offers no measurable benefit to access from that location compared to our client's pharmacy).

4.1.33 The applicant asserts that walking to our client's pharmacy from its proposed location involves a "walk along Barton Road". However, this is not necessarily the case, because there are alternative routes to our client's pharmacy from the applicant's proposed location as shown in the google maps image below. Whilst the alternative route crosses Barton Road, there is a traffic-light controlled pedestrian crossing at this junction, meaning that residents can cross Barton Road safely and easily.

4.1.34 [Image provided]

4.1.35 When considering accessibility, it is also important to recognise that the local area has very high rates of car ownership. The reality of the situation is that most residents will drive to access a range of services (including pharmaceutical services) and will be accustomed to doing so.

4.1.36 By car, existing pharmacies are not difficult to access. We have set out, below, journey times to the nearest pharmacies:

4.1.36.1 Ise Pharmacy – 7 minutes. Our client's pharmacy is located within a local shopping parade which has free, dedicated car parking as well as on-street car parking in local residential streets.

4.1.36.2 Saffron Pharmacy, Burton Latimer – 7 minutes. Saffron Pharmacy is located within the Burton Latimer Medical Centre, which has a large car park for patient use.

4.1.36.3 Well Pharmacy, Lindon Medical Centre – 7 minutes. The Lindon Medical Centre has a patient car park.

4.1.36.4 Tesco Pharmacy – 8 minutes. Tesco Pharmacy is within the Tesco supermarket (which is the nearest large supermarket to the proposed location), which has a large, free customer car park.

4.1.37 There are also 7 pharmacies in Kettering town centre, all of which are approximately a 10-minute drive from the applicant's proposed location.

4.1.38 The applicant asserts (page 6 of the appeal letter) that "residents who drive must travel along Barton Road/A6003 to access Ise Pharmacy and alternative pharmacies in Kettering's town centre", stating that the A6003 is a "red route". However, there are approximately 30 "red routes" in North Northamptonshire, such that the A6003 is not particularly unusual in that respect and is certainly not so dangerous that it would represent a barrier to driving on it.

4.1.39 In relation to the BBC accident report, whilst, of course, any road traffic collision is regrettable, the incident occurred at 8.20pm on a Saturday

evening, with no information about the circumstances of the incident or its cause.

- 4.1.40 In relation to public transport, if residents of Barton Seagrave were unable to walk or drive to a pharmacy, then pharmacies can be accessed by public transport. It is most likely that patients using public transport would access pharmacies in Kettering (due to the nature of the bus service routes). Bus route 48 connects the applicant's proposed location with Kettering town centre, operating hourly services which run directly past Elan Chemists and Thursfields Pharmacy on Silver Street and near to Boots Pharmacy in the Newlands Shopping Centre. The journey time is approximately 11 minutes. Bus route 16 runs the same route, but two hourly. This means that overall, buses operate from Barton Seagrave into Kettering slightly more often than [sic] hourly, on average, because some hours have two services (16 and 48) and some hours have one service (48). A single adult ticket is £2.75 although, of course, those of state pension age are entitled to free public transport.
- 4.1.41 In terms of other methods of transport, a taxi (e.g. Uber) from the applicant's proposed location to Ise Pharmacy is approximately £6.

Regulation 18

- 4.1.42 As a preliminary matter, the applicant's representative notes that the applicant has already been granted applications for inclusion in the pharmaceutical list for the location specified in the current application by decisions dated June 2011, December 2012 and July 2014. No reasons are given by the applicant as to why it was not able to commence service provision in accordance with any of those previous grants.
- 4.1.43 In relation to the current application, it is of note that the applicant has provided a "best estimate" location. The applicant has, therefore, clearly not identified premises from which it would be in a position to commence services should its application be granted and has not secured any premises.
- 4.1.44 Whilst, as a general principle, applicants are not required to specify exact premises, or to have secured premises before they apply, NHS Resolution must consider whether granting an application would "secure" improvements and better access to pharmaceutical service provision in the HWB's area. Given the history of applications by this applicant at this location, and the applicant's historic failure to commence service provision following previous grants, NHS Resolution is invited to consider whether this applicant would "secure" any improvements or better access even if the application were to be granted, since it appears unlikely that the applicant would be in a position to commence service provision in any event.
- 4.1.45 Notwithstanding the above general comment, on behalf of our client it is submitted that granting this application would not secure improvements in, or better access to, pharmaceutical service provision which are not contained within the relevant PNA.

4.1.46 In relation to the matters contained within regulation 18(2)(b) specifically, our client comments as follows.

Is there a reasonable choice of service provision?

4.1.47 Our client considers that there is a reasonable choice of service provision available in the HWB's area, including to residents of Barton Seagrave.

4.1.48 As detailed above, there are pharmacies located immediately to the north (our client's pharmacy), south (Saffron Pharmacy) and west (Tesco Pharmacy) of Barton Seagrave. There are also a number of pharmacies in Kettering town centre. These pharmacies are reasonably accessible to the reliant population having regard to the needs and mobility of residents of Barton Seagrave. Together, the existing pharmacy network secures a reasonable choice of pharmaceutical service provision.

4.1.49 Our client is unaware of any complaints regarding the choice of pharmacy service provision from the nearest pharmacies. The applicant refers to Google reviews of Saffron Pharmacy in Burton Latimer. Our client is not in a position to comment specifically on these, but at least some of the complaints seem to relate to the pharmacy (at least historically) not being open at 8.30am. One reviewer, for example, gave a one-star review because the pharmacy opened at 8.36am rather than 8.30am. With respect to the appellant, it is submitted that this is not sufficiently robust evidence upon which to assert that existing pharmacies do not ensure [sic] a reasonable level of service provision.

4.1.50 In terms of the hours of opening, the applicant proposes (as core hours) 9am to 6pm Monday to Friday (closing at lunchtime for an hour), with an additional 4 hours from 9am to 1pm on Saturday mornings. However, these times are already either matched or exceeded by the existing pharmacy network. For example:

4.1.50.1 our client's pharmacy is already open from 9am to 6pm Monday to Friday (with an hour closure at lunchtime) as core hours.

4.1.50.2 Saffron Pharmacy is open from 8.30am to 6pm Monday to Friday (with no lunchtime closure) and from 9am to 1pm on Saturday.

4.1.50.3 Tesco Pharmacy is open from 8am to 8pm Monday to Saturday and 10am to 4pm on Sunday.

4.1.51 The applicant therefore does not offer any core or total opening hours in addition to those available from the nearest 3 pharmacies to the proposed location.

4.1.52 The existing pharmacy network also offers a full range of commissioned pharmaceutical services. In relation to the Pharmacy First service, this is offered by our client's pharmacy (and is also available, for example, from Tesco Pharmacy and Saffron Pharmacy). The service is, to an

extent, dependent upon referrals from NHS 111 and GP surgeries, which our client has no direct control over. However, our client has only relatively recently taken over running Ise Pharmacy and anticipates that the number of Pharmacy First consultations will increase over time.

4.1.53 Our client does not accept that there are “capacity issues” with the local pharmacy network; certainly our client has capacity to meet existing and anticipated future demand. In relation to the “capacity concerns” referred to in the PNA, this appears to be reference to a response from one of the contractors in Kettering, but no information is given about which contractor made those comments.

4.1.54 In conclusion, therefore, it is submitted on behalf of our client that there is already a reasonable choice of pharmaceutical service provision in the HWB’s area, and no evidence that granting this application would confer significant benefits in terms of patients having a reasonable choice. [Temple Bright’s emphasis]

Access to existing pharmacies

4.1.55 The applicant provides no evidence that people who share a protected characteristic and who require access to pharmaceutical services currently find access difficult. Information provided by the applicant in its letter of appeal appears to be entirely based on hypothetical scenarios, without any actual knowledge or understanding of whether those living in Barton Seagrave experience difficulties accessing pharmacies.

4.1.56 For the reasons given above, our client submits that existing pharmacies are not difficult to access, and that there is no evidence that granting this application would confer significant benefits in terms of accessibility. [Temple Bright’s emphasis]

Innovation in service delivery

4.1.57 As stated above, existing pharmacies already provide pharmaceutical services for hours in excess of those being proposed by the applicant. Existing pharmacies also offer a full range of pharmaceutical service provision.

4.1.58 The applicant does not appear to be offering any innovation in service delivery, and certainly nothing that would confer significant benefits in terms of service delivery. [Temple Bright’s emphasis]

Conclusion

4.1.59 In conclusion, for the reasons give above, on behalf of our client we invite NHS Resolution to conclude that this application fails to meet the relevant regulatory test, to dismiss this appeal and to refuse the application.”

5 Observations

5.1 Healthcare Plus Consulting, on behalf of the Applicant

5.1.1 “Thank you for your letter dated 8th September 2025. We note the responses made by interested parties on my client’s appeal and respond accordingly here.

5.1.2 **Ise Pharmacy**

5.1.3 **Previous Grants**

5.1.4 The three previous grants for a pharmacy in Barton Seagrave were not acknowledged by the ICB and therefore the application was not properly evaluated. Whilst we understand this application is to be assessed on its own merits, the relevance of these previous grants cannot be understated as they demonstrate that the need for a pharmacy has been recognised and approved multiple times before.

5.1.5 Representatives of Ise Pharmacy have dismissed the importance of these grants by stating that they took place many years ago, and that two out of the three were submitted under the old regulations. We reiterate that the most recent grant (July 2014, SHA/17586) was approved under the **current** regulations, and the justification still applies today. Ise Pharmacy’s representatives do not make any attempt to show that the reasons for the previous grants, particularly SHA/17586, no longer apply. Whilst the Committee’s reasoning was stated in the appeal, we have reinserted them overleaf as they are relevant to the comments made by Ise Pharmacy.

5.1.6 **July 2014 – SHA/17586**

5.1.7 Regulation 18(2)(b)(i)

5.1.8 The Committee considered that there was a lack of reasonable choice with regard to obtaining pharmaceutical services for the following reasons:

5.1.8.1 *“The Committee considered the **distances were not insignificant**, and had no information to doubt the applicant’s claim that the population in Barton Seagrave are **reluctant to use main roads (including the A14) due to fast cars, congestion and a roundabout.**”*

5.1.8.2 *“The Committee further noted the applicant’s comment **that public transport for the reliant population is limited, and a bus ticket can be prohibitively expensive.**” [Applicant’s emphasis]*

5.1.9 Regulation 18(2)(b)(ii)

5.1.10 The Applicant evidenced that there was a high elderly population residing in Barton Seagrave according to 2011 Census data. We highlight the Committee’s decision based on this data below:

- 5.1.10.1 - *“The Committee, given its view that the population has difficulty accessing existing pharmaceutical services in the area, was of the view that those **persons, sharing a protected characteristic, may be having difficulty in accessing current pharmaceutical services in the area and, that they would derive significant benefits from the grant of this application.**”* [Applicant’s emphasis]
- 5.1.11 Similarly to the points raised in the July 2014 grant, the other two previous grants state:
- 5.1.11.1 - *“The committee had no reason to doubt that the **A14 would cause considerable difficulty** when accessing pharmaceutical services from the neighbourhood and accepted that the **population do not have reasonable and convenient access to existing pharmaceutical services**”* – December 2012 SHA/17030 (pg.9)
- 5.1.11.2 - *“The committee noted the applicant’s comment that the **population may be reluctant to negotiate the fast, busy congested A14**”* – June 2011 SHA/16200 (pg.14)
- 5.1.11.3 - *“The information provided to the committee suggested that parking could be an issue, and **the busy A14 would not assist access to those services in the south**”* - June 2011 SHA/16200 (pg.15) [Applicant’s emphasis]
- 5.1.12 Although we acknowledge that the two previous grants were under the old regulations, the points made within the decisions are still relevant. They assist in identifying a pattern around a lack of access to pharmaceutical provision caused by the local road infrastructure, specifically the busy A14 road and roundabout to the South. We submit that not only is this issue still prevalent today, but the severity has been amplified by the significant increase in local population, leading to busier roads and more congestion.
- 5.1.13 The July 2014 grant (SHA/17587) also express that the population has difficulty accessing existing pharmaceutical services, and specifically highlighted residents with protected characteristics, who would find the journeys particularly difficult and would derive significant benefits from the grant of the application. We submit that there is still a large proportion of the local population with protected characteristics, therefore points made in the previous grant are still relevant today.
- 5.1.14 **A14 Road/Roundabout and A6003**
- 5.1.15 Despite responding to our clients’ comments on the A6003 road, the busy A14 road and roundabout were not mentioned by Ise Pharmacy. We can only assume this is because they understand that the road presents a significant barrier to access, as shown above by the previous grants.

- 5.1.16 Ise Pharmacy dispute the importance of the A6003 being classified as a red route and state that it is “*not particularly unusual*” due to 30 Red Routes existing in North Northamptonshire. We reiterate that this is the road connecting the proposed site to Kettering centre and Ise Pharmacy to the North.
- 5.1.17 For a Red Route to be nominated it must have had at least 4 KSI (Killed or Seriously Injured) injury collisions within a 500-metre urban stretch (1km rural stretch) in the past 3 years, it is then identified as an Amber Route and expert practitioners conduct in-depth analysis to assign a Red Route status to those deemed most appropriate.
- 5.1.18 The North Northamptonshire Council regularly monitor these routes, and the roads are ranked based on severity and number of collisions and casualties. We note that the A6003 (Barton, Rushden) was listed as a red route in 2024 as part of Phase 26 of the red route program. Since then, the A6003 (Barton Road, Rushden) has only become more dangerous. It is now ranked 9th most dangerous red route in North Northamptonshire, up 7 places since last year, with 6 fatal and 11 slight casualties within the 2-year review period. We submit that the road creates a significant physical and psychological barrier to residents, and it is wilfully ignorant to state that the road is “*certainly not so dangerous that it would represent a barrier to driving on it*”. This is especially pertinent when considering the fatal traffic collision that took place on this road in March of this year. It is also clear that the issues identified by the Committee in 2014 have only become more acute over time and continue to worsen.
- 5.1.19 Despite the area having high car ownership, it is therefore reasonable to assume that residents may be wary to utilise their cars in order to access a pharmacy in the surrounding area. Whereas a pharmacy at the proposed site would provide better access and reasonable choice to the residents of Barton Seagrave that could easily walk to the pharmacy, an option they currently do not have due to the large distances to alternative provision.
- 5.1.20 **Developments**
- 5.1.21 It was mentioned above that the issues expressed in the previous grants have since been made increasingly worse by the local growing population. Ise Pharmacy took issue with the population figures previously provided yet went onto suggest their own figures based on data that is only available up until 2019.
- 5.1.22 Ise Pharmacy have chosen to use the North Northampton 021 Mid-layer SOA. This MSOA was previously called Kettering 010 in the 2011 census, but the areas are identical. The population of this MSOA was 7,215 in 2011 and is now 9,708. This represents a 34.6% increase in population. We therefore believe that our initial assessment of a 32% increase from 2011 is if anything a slight underestimate.
- 5.1.23 Furthermore, one must also consider the 1,400 new houses in the Hanwood Park development that were occupied as of May 2024, which

assuming an occupancy rate of 2.5 residents per house would have increased the reliant population by 3,500. We reiterate that upon completion of the Hanwood Park development the local reliant population would be in excess of 18,000.

- 5.1.24 With Ise Pharmacy being the only provider within the Barton Seagrave locality, this would be equivalent to 5.56 pharmacies per 100,000 people, we find it difficult to believe that Ise Pharmacy would not struggle with capacity when the national average is 20.6 per 100,000. The map provided by the representatives of Ise Pharmacy demonstrates the size of the population that would be reliant on Ise Pharmacy alone, if this application was not to be approved. This map is based on the current and future housing of Barton Seagrave and has been included below. We also note that Ise Pharmacy have recognised the Hanwood Park development “*is of significant size*”.
- 5.1.25 Figure 1: Map showing housing in Barton Seagrave (Blue dot representing Ise Pharmacy, Red dot representing proposed site) [Map provided]
- 5.1.26 Whilst we acknowledge that a smaller proportion of the development is closer to Ise Pharmacy, the majority is located closer to the proposed site and therefore it is reasonable to assume that many of these new residents would find a pharmacy there more accessible. Were this application to be rejected, residents residing to the south and east of the development would have to undertake significantly longer journeys to access a pharmacy, many in excess of the c.32-minute journey by foot previously highlighted for the patients surrounding the proposed site.
- 5.1.27 This development will also contain several amenities such as shops and a GP; these would complement those services already existing near the proposed site and provide even less reason for residents to leave the locality. The current amenities have been listed in previous correspondence. We therefore submit that a pharmacy at the proposed site would offer better access and reasonable choice to patients in Barton Seagrave, who could access the proposed site in connection with their daily lives, aligning with the NHS long term plan of integrating health providers into communities.
- 5.1.28 **Accessing Existing Provision**
- 5.1.29 Ise Pharmacy do not dispute the 1.5 mile walk from the proposed site to access the nearest provision, nor do they make any mention of accessing their pharmacy by bus, we can only assume that they acknowledge this is not an option for residents.
- 5.1.30 Despite this, they argue that “there is no evidence that journeys to existing pharmacies are difficult to make”, we submit that not only is distance itself a barrier to access, but also the journeys to the nearest providers were submitted within the appeal. For the benefit of the committee, we will summarise these points again.

- 5.1.31 Journeys on foot cannot be viewed as constituting reasonable choice, especially considering the high number of residents with protected characteristics, and the minimum 3-mile round trip.
- 5.1.32 Journeys by bus are either non-existent or infrequent, it is notable that the committee considered the limited availability of public transport in their decision when granting the previous application.
- 5.1.33 We reiterate that Ise Pharmacy is not accessible by bus, likely the reason they've highlighted journeys to Kettering centre as being the best option, this is a 16-minute journey involving 5 minutes of walking. However, these only operate hourly or once every two hours, consequently patients could be forced to wait an hour for a return bus, total round journeys could be as long as 1 hour and 32 minutes which is not representative of good access or reasonable choice. The bus to Saffron Pharmacy to the South is also hourly.
- 5.1.34 Difficulties accessing current pharmacies by car have been explained in detail above, including barriers such as the A14 Road/roundabout and the A6003 Red Route, we submit it is not reasonable choice for residents to be forced to endure journeys that they can find uncomfortable – especially when being forced to navigate such dangerous roads.
- 5.1.35 Mentions of residents taking an Uber are irrelevant, the suggestion that residents would pay £6 each way to access a pharmacy is highly unlikely and cannot be viewed as reasonable choice.
- 5.1.36 Contrary to the opinion of Ise Pharmacy, the committee will note that there is not a need as such to provide evidence from local residents, and determinations can be made based on facts and data presented throughout the application. We submit that there is an overwhelming amount of evidence detailing the difficulties accessing current provision and need for a pharmacy in the locality, many of these points are shared within the previous grants. The addition of a pharmacy at the proposed site would provide residents with reasonable choice and better access to pharmaceutical provision.
- 5.1.37 **Property**
- 5.1.38 Within their preliminary matter, the representatives of Ise Pharmacy rightly stated that no premises needs to be secured before applying, yet question whether better access will be provided on the basis that a property is not yet secured. The regulations assess applications based on improvements and better access, with no mention of property. Hence the 6-month time frame given after approval to confirm property for best-estimate applications. The committee should be cautious as to not set a precedent around denying better access due to property, and that the application should be fairly assessed on the evidence provided.
- 5.1.39 **Conclusion**

5.1.40 We conclude that there is an overwhelming body of evidence highlighting the need for pharmaceutical services in Barton Seagrave. Residents currently have poor access to alternative pharmacies and forced to endure difficult and/or dangerous journeys to surrounding pharmacies.

5.1.41 The reasoning behind the approval of previous grants still stands true today, however, the large-scale developments in the area have increased the reliant population whilst also amplifying issues such as the busy and dangerous roads.

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

5.1.43 We invite the Committee to grant the application.”

6 Unsolicited comments

6.1 The Commissioner

6.1.1 “Thank you for your letter dated 08th September 2025; The East Midlands Primary Care Team on behalf of Northamptonshire Integrated Care Board (ICB) would like to make the following representations.

6.1.2 Regulation 18(1)

6.1.3 Regulation 18(1) requires the ICB to consider, first, whether granting the application would secure improvements or better access to pharmaceutical services which were not included in the relevant PNA. Only if this threshold is met does the decision-maker then go on to have regard to the matters set out in Regulation 18(2).

6.1.4 In this case, the appellant suggests that the absence of a pharmacy in Barton Seagrave automatically demonstrates that improvements or better access would be secured. This is incorrect. The North Northamptonshire PNA is the statutory document identifying needs and gaps. Its failure to identify any need in Barton Seagrave is not an omission; it reflects that the available evidence did not justify additional provision.

6.1.5 The improvements claimed by the appellant are, in reality, assertions of convenience and proximity. They are not objectively demonstrated improvements in access or service capacity within the meaning of Regulation 18(1).

6.1.6 Accordingly, the application does not satisfy Regulation 18(1) as the application does not secure improvements or better access beyond what the PNA already considered and planned for.

6.1.7 Regulation 18(2)(a)(i)

- 6.1.8 Regulation 18(2)(a)(i) requires the decision-maker to consider whether granting the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area of the relevant Health and Wellbeing Board. The purpose of this provision is to ensure that the commissioning of pharmaceutical services is consistent, sustainable, and aligned with the strategic planning undertaken through the Pharmaceutical Needs Assessment.
- 6.1.9 In this case, granting the application would undermine proper planning for several reasons:
- 6.1.10 **No identified need in the PNA** - The Northamptonshire PNA did not identify a gap in Barton Seagrave. To approve an application outside of identified needs would create inconsistency and set a precedent requiring similar consideration in other villages where provision is not located within the settlement itself.
- 6.1.11 **Destabilisation of planning principles** - If the absence of a pharmacy within every village or suburb were sufficient to justify a contract, the ICB would lose the ability to manage provision strategically across the county.
- 6.1.12 **Equity across localities** - Many settlements in Northamptonshire do not have an in-village pharmacy. Granting one here without an identified need would create inequitable treatment between comparable communities.
- 6.1.13 The application would therefore cause significant detriment to proper planning within the meaning of Regulation 18(2)(a)(i).
- 6.1.14 **Regulation 18(2)(a)(ii)**
- 6.1.15 Regulation 18(2)(a)(ii) requires the ICB to consider whether granting the application would cause significant detriment to the arrangements already in place for the provision of pharmaceutical services. This test ensures that existing service arrangements, which are planned and commissioned on an area-wide basis.
- 6.1.16 Pharmaceutical services for Barton Seagrave residents are already delivered effectively through nearby contractors:
- 6.1.16.1 Ise Pharmacy – 1.5 miles from best estimate
 - 6.1.16.2 Saffron Pharmacy – 1.9 miles from best estimate
 - 6.1.16.3 Tesco Pharmacy – 2.1 miles from best estimate
 - 6.1.16.4 A further seven pharmacies within Kettering town centre, all within 10 minutes' drive.
- 6.1.17 These arrangements are supported by EPS, home delivery, car ownership rates of over 90%, and reliable public transport into Kettering. Approving an additional contractor would duplicate provision,

disrupt existing sustainable arrangements, and undermine the viability of the current network.

6.1.18 The Committee was therefore entitled to conclude that approval of the application would cause significant detriment to the current arrangements within the meaning of Regulation 18(2)(a)(ii).

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

6.1.20 Regulation 18(2)(b)(i) requires consideration of whether granting the application would confer significant benefits by improving the choice with regard to obtaining pharmaceutical services. The test is not whether a new pharmacy would add convenience, but whether it would secure a material improvement in choice beyond what is already available.

6.1.21 In this case, the appellant argues that the absence of a pharmacy in Barton Seagrave means residents have no reasonable choice. However, this misapplies the test. Reasonable choice is assessed across the HWB area, not by reference to each individual village. Residents of Barton Seagrave can already access a range of pharmacies in Kettering and surrounding towns, including both multiples and independents, with services supported by EPS, delivery options, and extended opening hours.

6.1.22 The closest GP to the best estimate submitted by the applicant is Burton Latimer Health Centre. Burton Latimer Health Centre is 1.9 miles away from the best estimate and it dispenses 28,398 prescriptions to 105 pharmacies. The top 5 pharmacies are as follows:

6.1.22.1 42.5% - FPG70 – Saffron Pharmacy (1.9 miles from best estimate)

6.1.22.2 29.1% - FJH67 – The Pharmacy (4.0 miles from best estimate)

6.1.22.3 8.8% - FLM49 – Pharmacy2u (Distance Selling Premise)

6.1.22.4 7.6% - FW770 – Tesco Instore Pharmacy (2.1 miles from best estimate)

6.1.22.5 1.4% - FM529 – Ise Pharmacy (1.5 miles from best estimate)

6.1.23 The second closest GP by 2.0 miles is Linden Avenue Medical Centre. Linden Avenue Medical Centre dispenses 30,833 prescriptions at 119 pharmacies. The top 5 pharmacies are as follows:

6.1.23.1 20.0% - FLN04 – Well (2.0 miles from best estimate)

6.1.23.2 20.0% - FTM76 – AN Patel Chemists (2.2 miles from best estimate)

6.1.23.3 17.5% - FM529 – Ise Pharmacy (1.5 miles from best estimate)

- 6.1.23.4 8.4% - FW770 – Tesco Instore Pharmacy (2.1 miles from best estimate)
- 6.1.23.5 3.9% - FAW98 – Kettering Pharmacy (2.9 miles from best estimate)
- 6.1.24 This data demonstrates that prescribing from the Barton Seagrave area has been successfully achieved by a range of nearby pharmacies, none more than 4 miles from the village. Patients are already making use of both multiples and independents, including supermarkets, large chains, and independents. The spread across 105 contractors, with no single pharmacy dominating disproportionately, evidences that patients have access to a reasonable and diverse choice of providers within the existing network.
- 6.1.25 The appellant provides no real evidence that patients currently lack reasonable choice. To the contrary, the existing network already secures a reasonable, convenient, and diverse range of options.
- 6.1.26 Regulation 18(2)(b)(i) is therefore not satisfied.
- 6.1.27 **Regulation 18(2)(b)(ii)**
- 6.1.28 Regulation 18(2)(b)(ii) requires consideration of whether the application would confer significant benefits on people who share a protected characteristic, where access to pharmaceutical services is currently difficult.
- 6.1.29 The appellant suggests that Barton Seagrave's older population demonstrates such difficulty. However, the evidence does not support this:
- 6.1.29.1 Residents aged 65+ represent 19% of the local population, only 0.7% above the national average. This equates to around 35 additional older residents compared with a typical English parish of similar size.
- 6.1.29.2 General health outcomes in Barton Seagrave are better than national averages, with fewer residents reporting poor health or disability
- 6.1.29.3 Car ownership among older households remains high, with alternative transport available via bus or taxi.
- 6.1.30 No evidence is provided that elderly or disabled residents are actually unable to access pharmacies. Assertions of possible difficulty fall short of the evidential standard required by Regulation 18(2)(b)(ii).
- 6.1.31 **Regulation 18(2)(b)(iii)**
- 6.1.32 Regulation 18(2)(b)(iii) requires consideration of whether granting the application would secure improvements, or better access, to pharmaceutical services as a result of innovation in the provision of

such services. The focus of this test is on whether the proposed pharmacy would deliver genuinely new or distinctive models of service delivery, beyond what is already available from existing contractors.

6.1.33 In this case, the appellant has expressly confirmed that they are not advancing any argument of innovation. No evidence has been provided of novel service models, technological enhancements, or other innovative practices that would improve access or outcomes for patients in the area.

6.1.34 Accordingly, this regulatory test is not engaged and provides no basis for granting the application.

6.1.35 The application fails to meet the threshold under Regulation 18(1) and does not satisfy any of the further tests under Regulation 18(2).

6.1.35.1 No unmet need is identified in the PNA.

6.1.35.2 Existing arrangements are comprehensive, sustainable, and accessible.

6.1.35.3 Residents already enjoy a reasonable choice of providers.

6.1.35.4 No protected group faces demonstrated barriers.

6.1.35.5 No innovation is proposed.

6.1.36 For these reasons, NHS Resolution is respectfully invited to dismiss the appeal and refuse the application.

6.1.37 **Advanced and Enhanced Services provision**

6.1.38 North Northamptonshire is satisfied that, based upon the information contained in the preceding sections and the increased use of remote consultations, there are no current or future needs in relation to the provision of those advanced services which fall within the definition of necessary services, namely New Medicine Service, Community Pharmacist Consultation Service (CPCS) and Flu vaccination.

6.1.39 Whilst none of the pharmacies provide the Appliance Use Review and stoma appliance customisation service despite dispensing prescriptions for appliances, it is noted that one of the reasons why prescriptions are dispensed outside of the locality is because they have been sent to a dispensing appliance contractor. Patients will therefore be able to access these two services via those contractors. In addition, stoma nurses employed by dispensing appliance contractors will provide the services at the patient's home and the stoma care department at Kettering Hospital will provide similar services.

6.1.40 North Northamptonshire has therefore not identified any current or future improvements or better access in relation to the provision of these two advanced services in the locality.

6.1.41 **Background on Barton Seagrave**

- 6.1.42 Barton Seagrave is a large suburban parish situated immediately southeast of Kettering and north of Burton Latimer, within North Northamptonshire. The settlement is primarily residential in nature, characterised by detached and semi-detached housing, and functions largely as a dormitory community for the nearby urban centres. Local amenities within the parish itself are limited, with only a small convenience store, public house, fish and chip shop, and a primary school; residents typically look to Kettering for supermarkets, healthcare, and a full range of retail and leisure services.
- 6.1.43 According to the Office for National Statistics, the population of Barton Seagrave parish grew from 4,407 in 2014 to 5,341 in 2019, with the Parish.uk website estimating a population of 5,211 in 2021. Whilst this represents steady growth, the increase is considerably less than claimed by the appellant and does not on its own indicate an unmet need for new pharmaceutical provision. Census data from the relevant mid-layer SOA shows the population is broadly average in age profile, with 19% aged 65 and over compared to 18.3% nationally. General health outcomes are slightly better than national averages, and 78.2% report no long-term health condition or disability.
- 6.1.44 The settlement is relatively affluent, with high levels of home ownership (85% compared to 62.3% nationally) and very high car ownership (93.1% of households own at least one vehicle, with the majority owning two or more). This mobility significantly reduces the risk of isolation from essential services, including pharmacy provision.
- 6.1.45 There is no GP surgery in Barton Seagrave itself. However, multiple pharmacies are located nearby: Ise Pharmacy Saffron Pharmacy in Burton Latimer, and Tesco Pharmacy to the west, all within a 7 to 8-minute drive. Additional pharmacies are available in Kettering town centre, approximately 10 minutes away by car, as well as along local bus routes providing direct access. Given the high levels of car ownership and public transport links, there is no evidence that local residents experience difficulty accessing existing pharmaceutical services.
- 6.1.46 The Hanwood Park development, which borders Barton Seagrave to the north and east, is a major ongoing housing project but remains incomplete, with much of the development still to be delivered over coming years. It is intended to contain its own local centre, including shops, schools, and healthcare provision. The scale and phasing of Hanwood Park will be reviewed in future Pharmaceutical Needs Assessments (PNAs), but there is currently no evidence that it generates unmet pharmaceutical need at the proposed location.
- 6.1.47 Taken together, Barton Seagrave represents a growing but well-connected suburban community with ready access to multiple existing pharmacies in adjacent settlements. The demographic and service

profile does not suggest significant barriers to access, nor an absence of reasonable choice, within the meaning of the regulatory test.

6.1.48 **Conclusions**

- 6.1.49 Regulation 18(1) requires the threshold question of whether the application would secure improvements or better access to pharmaceutical services beyond those identified in the Northamptonshire PNA. The appellant's submissions do not demonstrate such improvements; rather, they amount to assertions of convenience and choice. The PNA is the authoritative assessment of needs across the HWB, and the absence of a specific reference to Barton Seagrave does not represent an omission, but reflects that no gap was identified at the time. Accordingly, Regulation 18(1) is not satisfied.
- 6.1.50 In respect of Regulation 18(2)(a)(i), granting the application would undermine proper planning of pharmaceutical services in Northamptonshire. Approving a contract outside of identified need would create inconsistency, risk inequity with other rural villages that similarly lack on-site provision, and compromise the ability of the ICB to plan strategically. This would amount to significant detriment to proper planning.
- 6.1.51 Turning to Regulation 18(2)(a)(ii), the existing arrangements already ensure that the population of Barton Seagrave has access to pharmaceutical services through a network of established contractors. These arrangements include electronic prescribing, home delivery, and distance selling, together with the choice of multiple providers in nearby towns. Granting a new contract in the absence of an identified need would risk duplication and undermine the sustainability of existing provision.
- 6.1.52 Regulation 18(2)(b)(i) requires consideration of whether the application would confer significant benefits in terms of choice. The evidence demonstrates that prescribing from Barton Seagrave has been successfully achieved across 119 different pharmacies, including a balanced mix of multiples, independents, and supermarkets within 4 miles. No single contractor dominates, which confirms that patients already enjoy reasonable and diverse choice.
- 6.1.53 In relation to Regulation 18(2)(b)(ii), the appellant relies on broad assertions about older people and patients with limited mobility, together with census data on disability and car ownership. However, Barton Seagrave does not have a disproportionately older population; only 19% of residents are aged 65 or over, while children and working-age adults make up the majority. The level of car ownership in the ward is consistent with rural patterns, with over 90% of households having access to private transport. No evidence has been presented of actual patients with protected characteristics who are unable to access services, nor of insufficiency in the delivery arrangements already

offered by contractors. The test under Regulation 18(2)(b)(ii) is therefore not met.

- 6.1.54 Regulation 18(2)(b)(iii) has no application in this case, as there is no innovative service models proposed. There is no evidence of novel or distinctive approaches that would improve access or outcomes beyond what is currently available.
- 6.1.55 North Northamptonshire has also reviewed the provision of advanced and enhanced services and is satisfied that there are no unmet needs in this respect. Core services such as the New Medicine Service, Community Pharmacist Consultation Service and flu vaccination are already widely available, while more specialised services, such as stoma care, are delivered by appliance contractors and secondary care providers.
- 6.1.56 More broadly, the context in Barton Seagrave does not support the case for a new contract. The settlement is a well-connected suburban community with high mobility, strong transport links, and ready access to a network of nearby pharmacies in Kettering, Burton Latimer, and surrounding areas. Prescribing data demonstrates that residents already make use of a wide and diverse range of providers, both multiple and independent, with no evidence of unmet demand or capacity constraint.
- 6.1.57 Taken together, the evidence shows that the application does not secure significant unforeseen benefits within the meaning of Regulation 18. Existing arrangements remain adequate, sustainable, and equitable across the HWB area. The refusal of the application was therefore appropriate and should be upheld.
- 6.1.58 I would like to take this opportunity to respond to any further representations provided by Healthcare Plus Consulting Ltd.”

7 Regulation 22

Regulation 22 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”) states that the relevant Pharmaceutical Needs Assessment (“PNA”) for the purpose of determining a pharmacy application is the PNA that is current at the time NHS Resolution makes the determination unless the only way to determine the application justly is with regard to an earlier PNA. Regulations 5 and 6 envisage there will be a revised PNA published by each Health and Wellbeing Board regularly. NHS Resolution noted that the original decision of the Commissioner in this matter was taken in relation to an earlier PNA. In the interests of transparency and fairness, NHS Resolution sought to rely on the discretion afforded in paragraph 7 of Schedule 3 of the Regulations to vary the normal procedures and to add an additional round of observations on this matter. No comments were received.