

18 March 2026

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**APPEAL AGAINST WEST YORKSHIRE ICB
DECISION TO REFUSE AN APPLICATION BY
PHARMASEE LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING
UNFORESEEN BENEFITS UNDER REGULATION
18 AT BELLE ISLE ROAD, BALM ROAD, MOOR
ROAD AND PLAYFAIR ROAD, HUNSLET, LEEDS,
LS10 (BEST ESTIMATE)**

1 Outcome

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

A copy of this decision is being sent to:

Gordons Solicitors LLP, on behalf of Pharmasee Ltd
PCSE, on behalf of West Yorkshire ICB
Pharmacy Sales and Consultancy, on behalf of Varalakshmi Healthcare Ltd
Boots UK Ltd
Community Pharmacy West Yorkshire

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1 The Application

By application dated 20 May 2025, Pharmasee Ltd (“the Applicant”), through its representative Gordons Partnership Solicitors, applied to West Yorkshire ICB (“the Commissioner”) for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 at Belle Isle Road, Balm Road, Moor Road and Playfair Road, Hunslet, Leeds, LS10 (best estimate). In support of the application it was stated:

1.1 “Background”

1.2 The applicant is proposing to open a new pharmacy in the Inner South locality of Leeds. The city of Leeds has a population of approximately 812,000 (Census 2021) and is the 4th largest city in the UK. It has 3 universities, 7 hospitals and is the home of Yorkshire County Cricket Club. The best estimates location is largely residential with some commercial areas found within it. Near to the pharmacy is Hunslet Carr Sports & Social Club, Hunslet Rugby League Club and also a local ice skating rink – all of which increase the flow of population into the area of the proposed pharmacy.

1.3 It is understood that the Boots pharmacy previously at 1 Moor Road has closed since the PNA was published in 2022. At the time of the PNA, it was concluded there was sufficient provision to meet the needs of the local residents. The closure of the Boots pharmacy, along with other changes in the area, has left a gap in provision in the Leeds – Inner South area. The applicant will provide benefits and better access to the HWB area which will benefit the community.

1.4 The population within the Hunslet & Riverside area alone has grown by approximately 15% which is notably higher than the average population growth across the UK which was approximately 6% between the Census 2011 and the Census 2021. In addition to this, there is an ongoing development which is a 12 minute drive from the applicant’s best estimates location which has planning permission to create 1100 new dwellings increasing the population further which will increase the need for pharmaceutical provision in the area.

1.5 **Reg 18(1)(b) – PNA**

1.6 The improvements and better access that would be secured were not included in the relevant Pharmaceutical Needs Assessment (PNA) as the PNA does not

cover the closure and loss of the pharmacy service that was previously in the proposed location area.

1.7 Reg 18(2)(a)(i) and (ii) – Would granting the application cause significant detriment to the proper planning of, or the arrangements for, the provision of pharmaceutical services in the HWB’s area?

1.8 The proposed pharmacy would ensure that access to pharmaceutical services across the Leeds Inner South area is consistent and reliable and would not cause significant detriment to the provision of pharmaceutical services in the HWB’s area.

1.9 When considering the application, the NHSCB must have regard to the matters set out in paragraph (2) of the 2013 regulations. These include:-

1.10 Reg 18(2)(b)(i) – there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB

1.11 There is no reasonable choice with regard to pharmaceutical services in the inner south locality.

1.12 There are approximately 2 pharmacies and 3 doctors’ surgeries which are located within a 13 minute walk from the applicant’s best estimates location. The pharmacies closest to do not currently offer pharmaceutical services on a Saturday afternoon and no services on a Sunday. The applicant is proposing core hours on both Saturday and Sunday which will afford patients with reasonable choice of pharmaceutical services. The applicant is proposing to replace a service that has closed since the 2022 PNA was released and will be providing a benefit and better access in the provision of pharmaceutical services to the local community. 42.9% of households in the inner south locality do not own a car or van meaning their choice in pharmaceutical provision is significantly reduced to pharmacies accessible by foot, or by public transport. However public transport can also be expensive and relies on the individual being able to access their local bus stop. The opening of a pharmacy in the applicant’s best estimate location will be beneficial for local residents, in particular, to those living in the Hunslet area. In Hunslet and Riverside (Census 2021) 53.5% of households do not own a car or van and 54.3% of households are deprived in one of [sic] more dimensions, such as standard of living, housing quality and health leading to a higher need in pharmaceutical provision.

1.13 The nearest doctors’ surgery is Arthington Medical Centre, which is found within the applicant’s best estimate location. This surgery currently has 5,664 patients who would greatly benefit from a new pharmacy following the closure of the Boots pharmacy from 1 Moor Road.

1.14 Pharmacies located within 1km of LS10 2JJ

Pharmacy name	Address	Distance from 1 Moor Road	Opening times
WELL	17-18 Penny Hill Centre, Hunslet LS10 2AP	1km	<u>Monday to Friday</u> 8.30am to 6pm

			<u>Saturday</u> 9am to 1pm
Hunslet Pharmacy	Unit 1, Fraternity House, 52 Church Street, Hunslet LS10 2AR	1km	<u>Monday to Friday</u> 9am to 6pm <u>Saturday</u> 9am to noon

1.15 GP Surgeries located within 1km of LS10 2JJ

GP Surgery Name	Address	Distance from 1 Moor Road	Opening times	No. of patients (as at March 2025)
Arthington Medical Centre	5 Moor Road LS10 2JJ	40m	<u>Monday to Friday</u> 8am to 6pm	5,664
Dr S Hussain (Church Street Surgery)	57 Church St, Hunslet LS10 2PE	0.8km	<u>Monday to Friday</u> 8am to 6pm	3,071
South Bank Surgery	24 Church St, Hunslet LS10 2PT	1km	<u>Monday and Wednesday</u> 8am to 6.30pm <u>Tuesday and Thursday</u> 7am to 6.30am [sic] <u>Friday</u> 8am to 6pm	9,425

1.16 **Reg 18(2)(b)(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.**

1.17 Providing services at the proposed location would have a significant benefit for patients, particularly those who may have difficulty in accessing other areas. Within the inner south locality 57.8% of households are deprived in one or more dimensions (Census 2021 data). A further 42.9% of households in that area do not own a car or van meaning pharmacies needs to local and easily accessible by foot and/or public transport. This is even more pertinent given 28.8% of people living in the Inner South area work mainly at or from their own home, with 46.4% travelling less than 10km to their workplace.

1.18 Within the Leeds Inner South locality there are high rates of alcoholic liver disease, respiratory disease, circulatory diseases, smoking, preventable

causes, COPD, asthma, dementia, adult obesity, CHD and cancer. 28% of children of Year 6 age are obese. The locality is the second most [sic] deprived area in Leeds and 57.8% of its population is deprived in one or more dimension. Services that the applicant wishes to provide include all essential services, advanced services and commissioned services. The applicant already operates 1 pharmacy and at this has experience and the relevant accreditation in relation to the following:

- 1.18.1 Emergency contraception
- 1.18.2 NHS pharmacy contraception service
- 1.18.3 Stop smoking service
- 1.18.4 Stop smoking voucher service
- 1.18.5 Weight management
- 1.18.6 Inhaler disposal
- 1.18.7 Medical supplies (appliances)
- 1.18.8 Medical supplies review service (appliances)
- 1.18.9 Needle and syringe exchange
- 1.18.10 New medicine service
- 1.18.11 Prescription delivery service
- 1.18.12 Repeat prescription reminders by text message
- 1.18.13 NHS blood pressure check service
- 1.18.14 Flu vaccination service
- 1.18.15 Pharmacy First (including minor ailments)
- 1.18.16 Hypertension Case Finding Service
- 1.18.17 COVID-19
- 1.18.18 Palliative care
- 1.19 The applicant further offers a medical supplies review service for appliances which is not currently available at the nearest two pharmacies to the best estimates location.
- 1.20 **Reg 18(2)(b)(iii) – Providing an innovative approach to the delivery of pharmaceutical services**
- 1.21 The application is not made on the basis that it will provide an innovative approach to the delivery of services.

1.22 Conclusion

- 1.23 In summary, the applicant offers a combination of important services which will ensure the population of the HWB area have reasonable choice of pharmaceutical services and provide accessible pharmaceutical services in a deprived section of the HWB area.”

2 Applicant’s ‘14 day comments’ to the Commissioner

- 2.1 “Thank you for your letter dated 21 July 2025 enclosing the written representations received in relation to the above application.

- 2.2 We act on behalf of Pharmasee Ltd and are instructed to make comments in response to the representations made by Community Pharmacy West Yorkshire, Well Pharmacy, Boots Pharmacy and Hunslet Pharmacy. We will deal with each of these representations in turn.

2.3 Community Pharmacy West Yorkshire

- 2.4 *‘Leeds Health and Wellbeing Boards substantial work when developing the 2022 PNA did not identify that opening a new pharmacy in this area would secure improvements, or better access, to pharmaceutical services.’; ‘The new draft PNA for Leeds has just concluded its 60 day consultation period and following the in-depth review of provision across Leeds, and this particular area, the HWB still considers there to be adequate provision of pharmaceutical services.’*

- 2.5 While it is noted that the 2022 PNA did not identify opening a new pharmacy would secure improvements or better access, our client has made an unforeseen benefits application on this basis. Our client has made their application under the 2022 PNA and as such the new draft 2025 PNA should not be considered in line with this application, albeit our client’s application would still be relevant being an unforeseen benefits application, under the 2025 PNA, when published.

- 2.6 *‘The distance to pharmacy contractors and dispensing doctors to residents of this area has not changed since the publication of the 2022 PNA.’*

- 2.7 With the closure of the Boots Pharmacy in February 2024, the distance to pharmacy contractors and dispensing doctors to residents of this area has changed since the 2022 PNA.

2.8 Well Pharmacy

- 2.9 *‘The applicant states that there are only 2 pharmacies within 1km of 1 Moor Road LS10 2JJ, the location of the former Boots Pharmacy. This is incorrect; there are 3 pharmacies – Well Pharmacy LS10 2ARP [sic], Hunslet Pharmacy LS10 2AR and AllCare Pharmacy LS11 5HZ. A full range of opening hours across 7 days is provided by these pharmacies.’*

- 2.10 While it is submitted that the NHS Find a Pharmacy tool states All Care Pharmacy and Travel Clinic is 0.5 miles away; this is measured in a straight line and is not indicative of patients’ travel needs. When travelling by foot or by car (including public transport), Google Maps states All Care Pharmacy and

Travel Clinic, situated at 267 Dewsbury Rd LS10 5HZ, is more than 1 km from 1 Moor Road LS10 2JJ.

- 2.11 Neither Well Pharmacy nor Hunslet Pharmacy currently provide opening hours on a Sunday. Our client is proposing core opening hours of 9am to 2pm on Sundays with a total proposed opening hours of 9am to 3pm. Furthermore our client is also proposing to provide longer opening hours on Saturdays than Well Pharmacy and Hunslet Pharmacy; core opening hours 9am to 2pm and total proposed opening hours 9am to 3pm. This will afford better provision and choice to all patients within the locality of Leeds - Inner South.
- 2.12 *'The applicant states that 'providing services at the proposed location would have a significant benefit for patients, particularly those who may have difficulty in accessing other areas', however the applicant had not referred to/identified any specific patients groups that may wish to access a pharmacy at the proposed location that have expressed difficulty in accessing services in the area.'*
- 2.13 The Census 2021 data shows that within the Leeds – inner south locality, 57.8% of households are deprived in one or more dimensions (employment, education, health and disability and housing). Households without a car in the Leeds – inner south locality is 42.9% meaning it is all the more necessary that enough pharmaceutical provision is available via foot or by public transport. Our client's proposed location will support both of these.
- 2.14 *'This application does not provide a greater choice; services proposed to be offered are already available to patients at existing pharmacies in the area. In addition, the applicant has not proposed any innovative approaches in the delivery of pharmaceutical services.'*
- 2.15 We have reviewed our client's proposed pharmaceutical services to be offered against the services currently listed on the NHS Find a Pharmacy tool for the nearest two pharmacies to the best estimate location. We attach this comparison table at Appendix 1. The further services our client is offering compared to Well Pharmacy and Hunslet Pharmacy are highlighted in yellow being medical supplies review service (appliances), repeat prescription reminders by text message, hypertension case finding service, flu vaccination service, pharmacy first and palliative care. Our client is also willing to add to his pharmaceutical services in line with the needs of the area where indicated following the pharmacy opening.
- 2.16 In the Leeds – inner south locality there are high rates of alcoholic liver disease, respiratory disease, circulatory diseases, smoking, preventable causes, COPD, asthma, dementia, adult obesity, CHD and cancer. The percentage of children of Year 6 age who are obese is 28%; the average across England in 2023-2024 was approximately 23%. The services our client is proposing to offer will greatly benefit patients in their access to pharmaceutical services meeting their specific health needs.
- 2.17 Our client's application is not made on the basis that it will provide an innovative approach to the delivery of services. While the Committee may have regard to innovative approaches as part of their considerations, is it not a mandatory requirement for an unforeseen benefits application to be approved, under Regulation 18(2)(b).

- 2.18 *'To conclude, there is no evidence to support the need for an additional pharmacy contract in this locality.'*
- 2.19 Our client would respectfully submit to the Committee that part of the criteria for an unforeseen benefits application is that there is not a stated need for an additional pharmacy in the PNA.
- 2.20 Boots Pharmacy
- 2.21 *'... it appears that the application is based on the closure of our Boots Pharmacy in the area in February 2024. As the deciding committee will be aware, the closure of a pharmacy does not automatically create a gap, and we are unaware of any amendment to the Leeds PNA or any supplementary statements produced identifying any needs in the locality. Should any gaps arise, PNAs should be updated to reflect this.'*
- 2.22 While it is highlighted in our client's application that the closure of the Boots Pharmacy at 1 Moor Road may have led to a gap in provision; our client's application is for unforeseen benefits. Primarily that patients will be afforded a reasonable choice in pharmaceutical provision and that those with a protected characteristic will have services available to them that meet their specific pharmaceutical needs, if our client's application is permitted.
- 2.23 We have outlined above in our response to Well Pharmacy that our client is proposing to offer additional services to patient's specific pharmaceutical needs as indicated by Census data. This will provide patients with protected characteristics with greater availability of services to meet their pharmaceutical needs.
- 2.24 *'... There are 7 pharmacies according to NHS.uk within a mile of the proposed premises. They all offer a variety of opening times and services as well as being operated by different contractors, we believe that this constitutes choice. Whilst choice is a consideration within the regulations relating to granting a new contract, it is not reason alone to approve an application.'*
- 2.25 It is our client's submission that there is not currently reasonable choice however this is not the sole reason for their application. As indicated above, our client is also able to offer substantial provision to those with protected characteristics.
- 2.26 The nearest two pharmacies to the best estimate location are not open on Sundays and our client is also proposing longer opening hours on Saturdays (9am to 2pm on Sundays with a total proposed opening hours of 9am to 3pm; core opening hours 9am to 2pm and total proposed opening hours 9am to 3pm). The NHS.uk website is not indicative of patient's realistic travel needs, as these distances are measured in a straight line. As indicated above, almost 50% of the Leeds – inner south households do not own a car.
- 2.27 There are two pharmacies located within 1km of the best estimate location (Well Pharmacy and Hunslet Pharmacy), Beyond these there is All Care Pharmacy and Travel Clinic – this pharmacy is also closed on Sundays with Saturday opening times of 9am to 1pm; Belle Isle Pharmacy – 22 minute walk from the best estimate location and closed on Sunday with Saturday opening

times of 9am to 1pm; Parkside Pharmacy & Health which is a 29 minute walk from the best estimate location and also closed on Saturdays and Sundays.

- 2.28 There is currently no local provision for Sundays and limited provision on Saturdays. Our client's application will afford patients in the local area with reasonable choice as to their pharmaceutical services and access to better provision.
- 2.29 *'The applicant has provided no evidence to suggest that residents in this locality experience difficulties when accessing the existing provision nor has the applicant provided any indication that patients who share a protected characteristic do not have access to services to meet any specific needs.'*
- 2.30 As indicated above in our response to Well Pharmacy's comments, in the Leeds – inner south locality there are high rates of alcoholic liver disease, respiratory disease, circulatory diseases, smoking, preventable causes, COPD, asthma, dementia, adult obesity, CHD and cancer. There is also a higher than average percentage of obesity in children of Year 6 age. Our client is proposing to offer pharmaceutical services including medical supplies review service, hypertension case finding service and palliative care which are not currently available from the two nearest pharmacies to the best estimate location. These services will assist patients with protected characteristics, including age and disability who do not currently have access through their local pharmacies.
- 2.31 *'... there is no evidence to suggest patients do not currently have access to a reasonable choice of pharmaceutical services or that the application is based on innovative approaches to the delivery of pharmaceutical services.'*
- 2.32 Please see our responses above on the comments from Well Pharmacy and the earlier comment from Boots Pharmacy. We have highlighted that there is no reasonable choice of pharmaceutical services and provided the proposed hours of our client's application in comparison with that of other local pharmacies, with particular emphasis on Saturdays and Sundays.
- 2.33 As above, our client's application is not made on the basis that it will provide an innovative approach to the delivery of services. While the Committee may have regard to innovative approaches as part of their considerations, is it not a mandatory requirement for an unforeseen benefits application to be approved, under Regulation 18(2)(b).
- 2.34 Hunslet Pharmacy
- 2.35 We have responded to the comments from Hunslet Pharmacy under the below relevant headings.
- 2.36 *Proposed opening location*
- 2.37 Please see our comments above. The PNA does not indicate insufficient pharmaceutical services for the local area and that is why our client has submitted an unforeseen benefits application in line with Regulation 18. Our client is offering an improvement in services being offered to patients in the locality with protected characteristics and affording patients with reasonable choice in the availability of pharmacies to them.

2.38 *Free delivery service*

2.39 It is noted that Hunslet Pharmacy provide a delivery service to their patients and that this is provided five days a week. There is currently limited or no provision for local pharmaceutical services over the weekend, our client's proposed opening hours would significantly improve the access to pharmaceutical services without patients having to travel further than necessary. Our client is also offering a delivery service to their patients which will be operating 7 days a week.

2.40 *Other services in the Inner South Leeds Locality*

2.41 As above, our client is offering local pharmaceutical services in order to improve the provision over the weekend. Our client is also offering additional services to those of the two pharmacies nearest the best estimate location which primarily serve the Hunslet & Riverside ward within the Leeds – inner south locality, please see Appendix 1.

2.42 *New developments*

2.43 There is reference here to the unpublished 2025-2028 PNA which should not be considered under Regulation 18 when determining this application. Our client is offering to improve and secure better access to pharmaceutical services that were not included in the relevant PNA. There is currently a large new development at *Land to East of Junction 45 of The M1 Motorway and South of Pontefract Lane, Leeds LS9 0AS* which is proposed to provide up to 1,100 new dwellings and there will only be more developments in the future leading to a higher occupancy of the local area and increased demands on pharmacies. The 2022 PNA suggests a further 3500 new homes were being built.

2.44 *Pharmacy viability*

2.45 Our client's application would not cause significant detriment to either the proper planning of the provision of pharmaceutical services in the area, or to the current arrangements NHS England has in place for the provision of pharmaceutical services in the area. Hunslet Pharmacy have made a number of general points relating to instability in commercial viability for their own and other pharmacies in the area. These points have not been supported by evidence of their current viability or any evidence indicating they are likely to close if our client's application is granted. Accordingly, these comments should be disregarded.

2.46 *Conclusion*

2.47 In all the circumstances, our client's case is that their unforeseen benefits application should be permitted.

2.48 If there is an oral hearing, our client would want to attend and be represented."

3 **The Decision**

The Commissioner considered and decided to refuse the application. The decision letter dated 4 November 2025 states:

- 3.1 “West Yorkshire 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.”

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

Decision report

- 3.2 **“Yorkshire & Humber Pharmaceutical Services Regulation Committee in Common (PSRC) considered the application at the meeting held 29 October 2025 for inclusion in the Pharmaceutical List Under Part 3, Regulation 18 of The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 – Application Offering Unforeseen Benefits (Best Estimate Application) on behalf of Pharmasee Ltd.**
- 3.3 PSRC **REFUSED** this application by **Pharmasee Ltd.**
- 3.4 **WY Unforeseen Benefit (Best Estimate)**
- 3.5 PSRC considered the application and supporting information submitted by **Pharmasee Ltd** and noted: Due to the closure of Boots Pharmacy at 1 Moor Road on 16th February 2024, the applicant proposes to open a new pharmacy ‘*at the same location or adjacent location*’ and has included a best estimate location comprising of 4 roads as illustrated on the map provided within Appendix A. The applicant has also provided supporting information (Appendix B).
- 3.6 Pharmasee Ltd is proposing to provide 50 core opening hours per week and 7 supplementary hours and proposing a range of services including the supply of appliances. A consultation room will be available within the pharmacy.
- 3.7 In making this application, Pharmasee Ltd is aware that, the offering to secure improvements or better access is not identified within the PNA (Pharmaceutical Needs Assessment) published in 2022 (nor included within the draft 2025 PNA).
- 3.8 The applicant asserts that the offer of the proposed hours of opening and services ‘*will ensure the population of the HWB area have reasonable choice of pharmaceutical services and provide accessible pharmaceutical services in a deprived section of the HWB area.*’
- 3.9 **Unforeseen Benefit Offered by the applicant as outlined in the Supporting Information to the application:**
- 3.10 *‘It is understood that the Boots pharmacy previously at 1 Moor Road has closed since the PNA was published in 2022. At the time of the PNA, it was concluded there was sufficient provision to meet the needs of the local residents. The closure of the Boots pharmacy, along with other changes in the area, has left a gap in provision in the Leeds – Inner South area. The applicant will provide benefits and better access to the HWB area which will benefit the community.*
- 3.11 *The population within the Hunslet & Riverside area alone has grown by approximately 15% which is notably higher than the average population growth*

across the UK which was approximately 6% between the Census 2011 and the Census 2021. In addition to this, there is an ongoing development which is a 12 minute drive from the applicant's best estimates location which has planning permission to create 1100 new dwellings increasing the population further which will increase the need for pharmaceutical provision in the area.'

- 3.12 PSRC reviewed all the information submitted by the applicant, the representations made and the response to those representations by the applicant. PSRC applied the information to the Regulations as follows:
- 3.13 **Regulation 31 – Same or adjacent premises**
- 3.14 Regulation 31 does not apply as there is no pharmacy at the same or adjacent premises
- 3.15 Regulation does not apply
- 3.16 **Regulation 32 – Is the application to be deferred arising out of LPS designations?**
- 3.17 This Regulation is not applicable to this application as there are no LPS designations.
- 3.18 Regulation is not applicable
- 3.19 **Regulation 41 – Is the relevant location in a reserved location?**
- 3.20 This is not a controlled locality, therefore not reserved
- 3.21 Regulation is not applicable
- 3.22 **Regulation 44 – Prejudice test**
- 3.23 N/A
- 3.24 Regulation is not applicable
- 3.25 **Regulation 50 – Discontinuation of arrangements for the provision of pharmaceutical services by Doctors**
- 3.26 N/A
- 3.27 Regulation is not applicable
- 3.28 **Regulation 65 – core opening hours conditions**
- 3.29 This regulation may only apply if the application is approved. Has the applicant offered to provide more than 40 core hours?
- 3.30 Yes. The applicant has proposed to provide additional 10 core hours (50 in total). If the application is granted, a direction would need to be issued for the additional core hours, as per Regulation 65.
- 3.31 Noted

- 3.32 **Regulation 66 – conditions relating to providing directed services**
- 3.33 This regulation is not applicable as West Yorkshire ICB does not intend to direct services to be provided.
- 3.34 Regulation is not applicable
- 3.35 **Paragraph 31 of Schedule 2 – conditional grant of applications where the address of the premises is unknown**
- 3.36 If the application were granted, the successful applicant would - in due course - have to notify of the precise location of its premises (in accordance with paragraph 31 of Schedule 2). It should be noted that 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.
- 3.37 Noted
- 3.38 **Regulation 18(1) – does the need on which the applicant based its application satisfy the elements of Regulation 18(1)?**
- 3.39 **Additional matters to which the NHSCB must have regard –**
- 3.40 **a) NHS England is satisfied that granting the application would secure improvements or better access, to pharmaceutical services, in the area of the relevant HWB;**
- 3.41 **b) Were the improvements / better access that would be secured included in the relevant PNA?**
- 3.42 **The 2022-2025 Leeds PNA** can be found here: [Leeds Pharmacy Needs Assessment 2025-2028 | Data Mill North](#). Specific information relating to the '10 Inner South locality' can be found on pages 120 to 33. With Leeds wide determinations set out in '19 Conclusions' from page 246:
- 3.43 *"Taking into account the range of information considered within this needs assessment, including current provision of services across the largely urban area and the results of the public survey, it can be concluded that there is appropriate provision of pharmaceutical services in Leeds.*
- 3.44 *The anticipated increase in housing developments in each locality area over the next three-year period until 2025/26 will not have a significant impact on the provision of, or access to, pharmaceutical services and at present it is not anticipated that additional pharmacy facilities will be required. Leeds Health and Wellbeing Board will ensure that as part of their ongoing planning, the provision of pharmaceutical services will be reviewed on a regular basis and supplementary statements to the PNA will be issued when necessary."*
- 3.45 The Leeds PNA further reports (pages 247, 248 & 249):
- 3.45.1 no current gaps in the provision of essential services during normal working hours have been identified in any of the localities.

- 3.45.2 no current gaps in the provision of essential services outside normal working hours have been identified in any of the localities.
- 3.45.3 no current gaps in the provision of advanced services have been identified in any of the localities.
- 3.45.4 no gaps in the need for the necessary services in specified future circumstances have been identified in any of the localities.
- 3.45.5 no gaps in the current provision of other relevant services (defined as Appliance Use Reviews, Stoma Appliance Customisation, the Community Pharmacy Hepatitis C antibody testing service and enhanced services) or in specified future circumstances have been identified in any of the localities.
- 3.45.6 no gaps have been identified in essential services, advanced services, or enhanced services that if provided either now or in the future would secure improvements, or better access, to essential services in any of the localities.
- 3.46 **The applicant's view with regards meeting the requirements of Reg 18(1)(b) – PNA**
- 3.47 *'The improvements and better access that would be secured were not included in the relevant Pharmaceutical Needs Assessment (PNA) as the PNA does not cover the closure and loss of the pharmacy service that was previously in the proposed location area.'*
- 3.48 The application is mainly based upon the closure of Boots Pharmacy at 1 Moor Road after the 2022 PNA was published. However, the draft 2025 PNA states that there are no current or future unmet needs regarding the provision of essential or necessary services by community pharmacies in the locality.
- 3.49 **The draft 2025 PNA** can be found here [Leeds Pharmacy Needs Assessment 2025-2028 | Data Mill North](#). Specific information relating to the '10 Inner South locality' can be found on page 108 onwards **10.8 Necessary services gaps in provision**
- 3.50 *'The Health and Wellbeing Board (HWB) has assessed whether the current pharmacy provision will meet the needs of the projected population in the locality between 2025 and 2028.*
- 3.51 *It is noted that major housing developments are planned in the area, all of which are within, or just outside a 9-minute walk of an existing pharmacy. This is particularly significant in an area where car or van ownership may be low.*
- 3.52 *Access to pharmacies in the locality is good in residential areas, especially so in the north with good coverage for pedestrians within a 12-minute walk or by car/van within a 5-minute drive. There are large parts of the locality in central and southern areas that do not have this level of on foot access, these areas are well covered by public transport and local pharmacies are all within 3-minute walk of a bus stop.*

- 3.53 *The HWB recognises that some residents, both now and during the lifetime of this document, may face challenges accessing pharmaceutical services, such as:*
- 3.53.1 *Lacking access to private transport when services are needed,*
 - 3.53.2 *Being unable to use public transport, or*
 - 3.53.3 *Being unable to walk to a pharmacy.*
- 3.54 *The HWB is confident that these residents can still access pharmaceutical services remotely through:*
- 3.54.1 *The delivery service mandated for all distance-selling pharmacies in England,*
 - 3.54.2 *Private delivery services offered by some pharmacies, and*
 - 3.54.3 *Remote access to services via telephone or online.*
- 3.55 *The HWB has reviewed the opening hours of existing pharmacies and considers them sufficient to meet the likely needs of residents in the locality. After evaluating the planned housing developments, the HWB has concluded that access to pharmacies will remain within reasonable time limits, whether by public transport, private transport, or walking.*
- 3.56 *Overall, the HWB has determined that there are no current or future unmet needs regarding the provision of essential or necessary services by community pharmacies in the locality.'*
- 3.57 **Other pharmaceutical provision within the area:**
- 3.58 There are currently eight other providers of pharmaceutical services within 1.6 miles of 1 Moor Road LS10 2JJ (the site of the former Boots branch). **Appendix E-IP list** detailed the eight pharmacies including the distances (Straight line and walking); the opening times and some of the NHS services they each provide.
- 3.59 Of the eight pharmacies, two are open until 9pm weekdays (at 0.5 mile and 1 mile away). Six of the eight pharmacies are open Saturdays (2 are open until 9pm). Two of the eight pharmacies are open on Sundays.
- 3.60 Reviewing some of the NHS advanced services provided by the pharmacies, all 8 provide: hypertension case finding; Pharmacy First and contraception services. 4 of the 8 provide Minor Ailments services, 6 of the 8 provide covid vaccinations and 5 of the 8 provide smoking cessation services.
- 3.61 PSRC considered the representations made:
- 3.62 **Boots UK Limited** did not offer support and wanted to be clear that the closure of the Boots branch does not automatically create a gap. Boots report '*The applicant has stated that there is no reasonable choice with regards to pharmaceutical services in the inner south locality, the area in which the application site sits. There are 7 pharmacies according to NHS.uk within a mile*

of the proposed premises. They all offer a variety of opening times and services as well as being operated by different contractors, we believe that this constitutes choice. Whilst choice is a consideration within the regulations relating to granting a new contract, it is not reason alone to approve an application.'

- 3.63 **Well Pharmacy** did not offer support and referenced how accessible other pharmacies are to patients. Well reports that there are 7 pharmacies located within one mile radius of the proposed location including the Well branch at the Penny Hill Centre LS10 2AP located 0.5 of a mile away - easily accessible by car (2 minute drive) or a 14 minute walk. Access is also available via bus service. Well noted that the applicant had not identified specific patient groups that have expressed difficulty in accessing services in the area.
- 3.64 **CPWY** provided representations and made the following observations:
- 3.65 *Leeds PNA (2022-2025) states, when making conclusions the PNA "there is appropriate provision of pharmaceutical services in Leeds." And "Throughout this PNA the provision of pharmaceutical services across Leeds has been considered in conjunction with the demography and health needs of the population. Analysis has been conducted as to whether the current provision meets the needs of the Leeds population, both as a whole and at a locality level, and whether there are any potential gaps in pharmaceutical service provision either now or within the lifetime of the document."*
- 3.66 *Leeds Health and Wellbeing Boards substantial work when developing the 2022 PNA did not identify that opening a new pharmacy in this area would secure improvements, or better access, to pharmaceutical services.*
- 3.67 *The distance to pharmacy contractors and dispensing doctors to residents of this area has not changed since the publication of the 2022 PNA.*
- 3.68 *There is no evidence that the needs of the population in the Inner South area of Leeds have significantly changed since the PNA was published and the Leeds HWB have also not judged it necessary to update the PNA due to significant changes in need.*
- 3.69 *The Boots Pharmacy at 1 Moor Road, Leeds LS10 2JJ closed on 16th February 2024.*
- 3.70 *The new draft PNA for Leeds has just concluded its 60 day consultation period and following the in-depth review of provision across Leeds, and this particular area, the HWB still considers there to be adequate provision of pharmaceutical services.*
- 3.71 **Hunslet Pharmacy** provided a comprehensive response on why the application should not be supported including:
- 3.72 *The applicant has mentioned that they will open on Saturday afternoons and Sundays to provide the provision. As per the PNA Draft 2025, there are four 100-hour pharmacies within the Inner South Leeds Locality and seventeen 40-hour pharmacies. There are 15 Saturday opening pharmacies with the earliest opening time at 7:30 a.m. and the latest closing time at 10:30pm. There are five Sunday opening pharmacies with the earliest opening time at 9 a.m. and the*

latest closing time at 10pm. 19 of the pharmacies are classed as evening openings (until 6 p.m. at least once a week). The earliest pharmacy opening time Monday to Friday is 7 a.m., and the latest closing time is 10:30pm. There are few other Pharmacies close to Leeds City Centre that provide the provision till midnight and on weekends as well. Most of these pharmacies provide most essential, advanced and locally commissioned services specified by the applicant. All the hours and provisions the applicant has specified are currently being met by the current Pharmacies in the area.'

- 3.73 And further reports
- 3.74 *'As per the application, there is a mention of upcoming new development in the area. The PNA document states that although there are new developments planned between 2025-2028, but with the high availability of Pharmacies in the area above the national average, these should not leave any gap in the provision of Pharmacy Services. The Health and Wellbeing Board (HWB) has also concluded that despite these planned developments, access to pharmacies will remain within reasonable time limits, whether by public transport, private transport, or walking. Overall, the HWB has determined that there are no current or future unmet needs regarding the provision of essential or necessary services by community pharmacies in the locality.'*
- 3.75 PSRC considered the response to representations by the Applicant (through their solicitors) as set out in (**Appendix J**) and provided a service comparison with Hunslet Pharmacy and Well Pharmacy (**Appendix K**).
- 3.76 PSRC determined that Regulation 18(1) was not met
- 3.77 **Regulation 18(2)(a) – is NHS England satisfied that granting the application would cause significant detriment to:**
- 3.78 **(i) Proper planning in respect of the provision of pharmaceutical services in the area; or**
- 3.79 **(ii) The arrangements it has in place for the provision of pharmaceutical services in the area**
- 3.80 **The applicant's view with regards meeting the requirements of Reg 18 (2)(a)(i)&(ii)** The proposed pharmacy would ensure that access to pharmaceutical services across the Leeds Inner South area is consistent and reliable and would not cause significant detriment to the provision of pharmaceutical services in the HWB's area.
- 3.81 PSRC considered with regards to Regulation 18(2) (i), there are no identified plans or needs in respect of the provision of pharmaceutical services in the area. However, the Committee would need to consider that if the application were to be granted and the pharmacy open, would the ability to plan for the provision of services be affected in a significant way.
- 3.82 PSRC considered whether the applicant offered to secure improvements or better access over and above those already provided within the area and concluded that it did not. No supporting information has been provided that residents within the area are experiencing difficulty in accessing pharmaceutical services. There are eight pharmacies to choose from within 1.6

miles. Six providing Saturday opening and two providing Sunday opening. All provide a good range of NHS Services.

- 3.83 PSRC determined
- 3.84 **Regulation 18(2)(b) –**
- 3.85 **(a) whether notwithstanding that the improvements or better access were not included in the relevant PNA, NHS England is satisfied that, having regard in particular to the desirability of—**
- 3.86 **(i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area;**
- 3.87 **(ii) people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area, are difficult for them to access**
- 3.88 **(iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services granting the application would confer significant benefits on persons in the area which were not foreseen when the relevant pharmaceutical needs assessment was published.**
- 3.89 **The applicant's view with regards meeting the requirements of Reg 18 18(2)(b)(i)** *'There is no reasonable choice with regards to pharmaceutical services in the inner south locality. There are approximately 2 pharmacies and 3 doctors' surgeries which are located within a 13 minute walk from the applicant's best estimates location. The pharmacies closest to do not currently offer pharmaceutical services on a Saturday afternoon and no services on a Sunday. The applicant is proposing core hours on both Saturday and Sunday which will afford patients with reasonable choice of pharmaceutical services. The applicant is proposing to replace a service that has closed since the 2022 PNA was released and will be providing a benefit and better access in the provision of pharmaceutical services to the local community. 42.9% of households in the inner south locality do not own a car or van meaning their choice in pharmaceutical provision is significantly reduced to pharmacies accessible by foot, or by public transport. However public transport can also be expensive and relies on the individual being able to access their local bus stop. The opening of a pharmacy in the applicant's best estimate location will be beneficial for local residents, in particular, to those living in the Hunslet area. In Hunslet and Riverside (Census 2021) 53.5% of households do not own a car or van and 54.3% of households are deprived in one of more dimensions, such as standard of living, housing quality and health leading to a higher need in pharmaceutical provision.*
- 3.90 *The nearest doctors' surgery is Arthington Medical Centre, which is found within the applicant's best estimate location. This surgery currently has 5,664 patients who would greatly benefit from a new pharmacy following the closure of the Boots pharmacy from 1 Moor Road.'*
- 3.91 **The applicant's view with regards meeting the requirements of Reg 18(2)(b)(ii)**

- 3.92 *'Providing services at the proposed location would have a significant benefit for patients, particularly those who may have difficulty in accessing other areas. Within the inner south locality 57.8% of households are deprived in one or more dimensions (Census 2021 data). A further 42.9% of households in that area do not own a car or van meaning pharmacies needs to local and easily accessible by foot and/or public transport. This is even more pertinent given 28.8% of people living in the Inner South area work mainly at or from their own home, with 46.4% travelling less than 10km to their workplace.*
- 3.93 *Within the Leeds Inner South locality there are high rates of alcoholic liver disease, respiratory disease, circulatory diseases, smoking, preventable causes, COPD, asthma, dementia, adult obesity, CHD and cancer. 28% of children of Year 6 age are obese. The locality is the second most deprived area in Leeds and 57.8% of its population is deprived in one or more dimension.*
- 3.94 *Services that the applicant wishes to provide include all essential services, advanced services and commissioned services. The applicant already operates 1 pharmacy and at this has experience and the relevant accreditation in relation to the following:*
- 3.94.1 *Emergency contraception*
 - 3.94.2 *NHS pharmacy contraception service*
 - 3.94.3 *Stop smoking service*
 - 3.94.4 *Stop smoking voucher service*
 - 3.94.5 *Weight management*
 - 3.94.6 *Inhaler disposal*
 - 3.94.7 *Medical supplies (appliances)*
 - 3.94.8 *Medical supplies review service (appliances)*
 - 3.94.9 *Needle and syringe exchange*
 - 3.94.10 *New medicine service*
 - 3.94.11 *Prescription delivery service*
 - 3.94.12 *Repeat prescription reminders by text message*
 - 3.94.13 *NHS blood pressure check service*
 - 3.94.14 *Flu vaccination service*
 - 3.94.15 *Pharmacy First (including minor ailments)*
 - 3.94.16 *Hypertension Case Finding Service*
 - 3.94.17 *COVID-19 vaccination*

3.94.18 *Palliative care*

- 3.95 *The applicant further offers a medical supplies review service for appliances which is not currently available at the nearest two pharmacies to the best estimates location.'*
- 3.96 **The applicant's view with regards the requirements of Reg 18(2)(b)(iii)** *'The application is not made on the basis that it will provide an innovative approach to the delivery of services.'*
- 3.97 PSRC considered with regards to Regulation 18 (2)(b)(i)-(iii), the main substance for this application is in response to the closure of the Boots pharmacy. This factor is not included in the PNA but there is the argument that the closure has reduced choice to residents, however, as identified in **Appendix E**, there does remain choice of providers in the area. The applicant has considered people who share protected characteristics but not provided any evidence of any struggle of having to access services. It seems that there is the assertion that this be more difficult for patients since the closure of the Boots pharmacy – there does not appear to have been any complaints since the closure in February 2024.
- 3.98 PSRC determined
- 3.99 **Regulation 18(2)(c) whether NHS England 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.**
- 3.100 And,
- 3.101 **Regulation 18(2)(d) whether NHS England 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.**
- 3.102 Not applicable
- 3.103 Regs not applicable
- 3.104 **Regulation 18(2)(e) whether NHS England 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.**
- 3.105 Not applicable
- 3.106 Regulation is not applicable
- 3.107 **Regulation 18(2)(f) whether the application needs to be deferred or refused by virtue of any provision of Part 5 to 7**
- 3.108 **Part 5 sets out three specific grounds for refusal or deferral of routine applications submitted under Parts 3 and 4 of the Regulations, which are not linked to fitness grounds:**

- 3.109 **1. Refusal: on the basis of language requirement** – not applicable to this application
- 3.110 **2. Refusal for same or adjacent premises** – not applicable as noted above.
- 3.111 **3. Deferrals arising out of LPS designations** - not applicable to this application
- 3.112 **Part 6 makes provision for refusal, deferral, and conditional inclusion in the pharmaceutical list on fitness to practice (FtP) grounds.**
- 3.113 This is not applicable, already included in respect of other premises.
- 3.114 **Part 7 deals with controlled locality areas or reserved locations and new pharmacies opening within them** – Not applicable, this is not a controlled location.
- 3.115 Regulation is not applicable
- 3.116 PSRC Decision:
- 3.117 Following consideration of all the information presented, the PSRC agreed to **REFUSE** the application and determined that the requirements of **Regulation 18** of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 were not satisfied.
- 3.118 The PSRC concluded that, there already exists reasonable choice in obtaining pharmaceutical services within the area.
- 3.119 There was no evidence presented by the applicant that, people who shared a protected characteristic, within the area, experience any problems in accessing pharmaceutical services that meet their specific needs.
- 3.120 The proposed improvements or better access were not included in the relevant PNA published in 2022 and the draft version in 2025.
- 3.121 The granting the application would not confer significant benefits on persons in the area which were not foreseen when the relevant pharmaceutical needs assessment was published.
- 3.122 Appeal rights:
- 3.123 Appeal rights are granted to Pharmasee Ltd.”

4 **The Appeal**

In a letter dated 3 December 2025 addressed to NHS Resolution, the Applicant, through its representative Gordons Partnership Solicitors, appealed against the Commissioner’s decision. The grounds of appeal are:

- 4.1 “We act for Pharmasee Ltd and we are instructed by our client to appeal against the refusal of its application offering unforeseen benefits at best estimate Belle Isle Rd, Balm Rd, Moor Rd and Playfair Rd, Hunslet, Leeds, LS10.

- 4.2 The application is made under regulation 18 of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”).
- 4.3 The Decision
- 4.4 Yorkshire & Humber Pharmaceutical Services Regulation Committee in Common meeting for West Yorkshire ICB determined that the application should be refused on the following basis:
- 4.5 *Following consideration of all the information presented, the PSRC agreed to REFUSE the application and determined that the requirements of Regulation 18 of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 were not satisfied.*
- 4.6 *The PSRC concluded that, there already exists reasonable choice in obtaining pharmaceutical services within the area.*
- 4.7 *There was no evidence presented by the applicant that, people who shared a protected characteristic, within the area, experience any problems in accessing pharmaceutical services that meet their specific needs.*
- 4.8 *The proposed improvements or better access were not included in the relevant PNA published in 2022 and the draft version in 2025.*
- 4.9 *The granting the application [sic] would not confer significant benefits on persons in the area which were not foreseen when the relevant pharmaceutical needs assessment was published.*
- 4.10 The Appeal
- 4.11 The ground of this appeal is that the committee misdirected itself and made an incorrect determination in relation to Regulation 18 of the Regulations and the significant benefit to be offered by this application. In addition, there is a procedural irregularity in that the decision was made on 29 October 2025 on the basis of the 2022 PNA and the draft 2025 PNA, when the 2025 PNA (published in final form on 15 September) was actually in force at the time that the decision was made on this application.
- 4.12 Our client’s position is that the decision by the ICB should be quashed and redetermined with a grant of our client’s application.
- 4.13 We note that the Committee did not determine specifically whether Regulation 18(2)(a) and 18(2)(b) were met. These Regulations are addressed again below for this reason.
- 4.14 Background
- 4.15 It may be helpful for Primary Care Appeals to understand the context of this application. Pharmasee Ltd made its application following the closure of the Boots Pharmacy previously located at 1 Moor Road, after the publication of the 2022 PNA. This closure reduced the provision of pharmaceutical services in Leeds generally and particularly within the Inner South area. However, this

application is not made solely due to the closure of Boots, but also because there is ongoing population growth and other needs in this residential area.

- 4.16 Turning to the specific regulatory criteria in relation to the application by our client that was considered by the ICB: -
- 4.17 Regulation 18(1)
- 4.18 There being no identified unforeseen benefits
- 4.19 The improvements and better access that Pharmasee Ltd would secure were not included in the relevant PNA. Both the 2022 and 2025 PNA indicate that there are no gaps in provision in Leeds.
- 4.20 Yorkshire & Humber Pharmaceutical Services Regulation Committee in Common's decision states that: *"The application is mainly based upon the closure of Boots Pharmacy at 1 Moor Road after the 2022 PNA was published. However, the draft 2025 PNA states that there are no current or future unmet needs regarding the provision of essential or necessary services by community pharmacies in the locality."*
- 4.21 We agree that the improvements and better access offered by the application are not addressed in either the 2022 or 2025 PNA. The impact of the closure of the Boots Pharmacy at 1 Moor Road after the publication of the 2022 PNA has not been addressed in any supplementary statements or in the 2025 PNA.
- 4.22 Reg 18(2)(a)(i) and (ii)
- 4.23 Would granting the application cause significant detriment to the proper planning of, or the arrangements for, the provision of pharmaceutical services in the HWB's area?
- 4.24 There is no evidence to suggest that the granting of Pharmasee Ltd's application would cause significant detriment to the proper planning of, arrangements for or the provision of pharmaceutical services. Instead, the proposed pharmacy would secure improved access to pharmaceutical services for residents by providing essential, advance and commissioned services across opening hours that go beyond those of current pharmacies within the area.
- 4.25 Regulation 18(2)(b)(i)
- 4.26 There being reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB
- 4.27 As outlined in our client's application, there is not reasonable choice in the area of the relevant HWB. The closure of the Boots Pharmacy at 1 Moor Road has reduced patient choice in the area, with the next nearest pharmacies to this location both located 0.5 miles away. Additionally, the Hunslet & Riverside ward population has increased by approximately 11%, which is significantly higher than the average population growth of 6% across the UK between the 2011 and 2021 Censuses. The population will continue to grow with the planned housing developments, so the proposed pharmacy would be beneficial now and in the future as the population continues to grow.

4.28 Housing developments

4.29 A significant number of new developments are to be built within 1-2 miles of the proposed location. These will increase the overall pressure on services in the immediate area.

4.30 There are several developments located in the vicinity of the proposed location. These include the following:

4.30.1 Points Cross (123–125 Hunslet Road) which is a large mixed-tenure housing scheme. Full planning permission for up to 928 apartments in Hunslet Road (LS10 1LD) was approved on 4 June 2025. The development is 1.09 miles (straight-line) north-northwest of 1 Moor Road. It sits beside Leeds Dock / Leeds South Bank on Hunslet Road — roughly a 20–30 minute walk depending on route. [Map of route provided]

4.30.2 Aire Park - 1,350 homes for over 3,000 residents at Aire Park (Crown Point Road) (former Tetley Brewery site) which is 1.6 miles (straight-line) north of 1 Moor Road. It will be a large mixed-use district comprising a 24-acre master development with a new city-centre park, approximately 1,300–1,400 homes on completion and residential and office/commercial space. It is being delivered in multiple phases with the residential and commercial phases being completed/let during 2023–2026+ depending on phase.

4.30.3 Meadow Lane - Meadow Lane is a small plot at the gateway to South Bank (adjacent to Aire Park). 0.6 miles (straight-line) north of 1 Moor Road — Meadow Lane sits between the Tetley / Crown Point area and the river, i.e. closer to Moor Road than Points Cross/Aire Park central zones. Subject to detailed planning and build programme; not all plots have immediate completion dates but the site is being actively progressed.

4.30.4 Overall the Leeds South Bank masterplan indicates that there are plans to build 13000 homes in the Leeds South Bank area, which spans between Holbeck and Leeds Dock, although some of this total number of homes may include the Aire Park development. South Bank covers a wide area immediately north and northwest of Moor Road — many of the new homes will sit within 0.3 –1.5 miles of 1 Moor Road depending on the parcel (Meadow Lane and Aire Park are particularly close).

4.30.5 Hunslet Moor House — Hunslet Hall Road, Beeston (near Hunslet Carr) which is 63 extra-care apartments (51 x 1-bed, 12 x 2-bed). It was completed / open in early 2025.

4.30.6 There are also local Moor Road / Hunslet industrial sites with smaller local planning activity which are directly on/near Moor Road. These smaller plots, when redeveloped, cumulatively increase the population.

4.31 The 2025 PNA has commented about the developments in general terms but has not taken into account the impact on residents in the Moor Road area where they have already lost a provider of pharmaceutical services.

4.32 Our client has received many letters of support in relation to this application. Copies of these are enclosed with this appeal. These letters highlight that many members of the community strongly support this proposed pharmacy and that there is not reasonable choice with regard to obtaining pharmaceutical services at present. We also enclose notes that our client took from Resident's association meetings where difficulties with access were discussed.

4.33 *Access – hours*

4.34 Pharmasee Ltd have proposed opening hours of 09:00-18:00 Monday to Friday and 09:00-15:00 Saturday to Sunday. The opening hours of the two other pharmacies within 0.6 miles (1 km) of 1 Moor Road are included below. These existing pharmacies do not open after 1pm on Saturdays and do not open at all on Sundays, so the proposed pharmacy would greatly improve access to pharmaceutical services at these times.

4.35 **Pharmacies located within 0.6 miles of LS10 2JJ**

Pharmacy name	Address	Distance from 1 Moor Road	Opening times
WELL	17-18 Penny Hill Centre, Hunslet LS10 2AP	0.5 miles	<u>Monday to Friday</u> 8.30am to 6pm <u>Saturday</u> 9am to 1pm
Hunslet Pharmacy	Unit 1, Fraternity House, 52 Church Street, Hunslet LS10 2AR	0.6 miles	<u>Monday to Friday</u> 9am to 6pm <u>Saturday</u> 9am to noon

4.36 It can be seen from the map below that the area of Hunslet is a reasonably contained location within Leeds with the M621 between the location and the city centre. There are of course underpasses but the area around the proposed site has its own community identity.

4.37 Both of the nearest pharmacies are located to the north of the proposed location. To the East of the proposed site there are no pharmacies until Swillington Pharmacy approximately 6 miles away. The majority of other pharmacies are concentrated in Leeds city centre to the west of the proposed location which face all the problems with access that are identified in the discussion on transport below. [Map provided]

4.38 *Services*

- 4.39 Pharmasee Ltd is offering to provide all the NHS services offered by WELL and Hunslet Pharmacy, increasing patient choice for access to these services. Additionally, there is already pressure on both existing pharmacies following the closure of Boots Pharmacy at 1 Moor Road and a new pharmacy would help to ease this pressure. Our client has been contacted directly both in writing and during residents' meetings by patients with concerns about delays and limited service capacity. Several patients have reported waiting multiple days to receive their medication, and many have stated that nearby pharmacies are unable to take on new patients who require monitored dosage systems to support their use of medication.
- 4.40 Our client proposes to provide all essential, advanced and enhanced services, which will go beyond the services offered at the existing pharmacies. These new services to be provided would include medical supplies review service (appliances), repeat prescription reminders by text message, hypertension case finding service, flu vaccination service, Pharmacy First, palliative care which are not currently offered by the two closest pharmacies. Our client would want to offer any other services as required. Increasing the services available to patients will, of course, be of significant benefit to the community.
- 4.41 *Access from GP surgeries*
- 4.42 Patients at Arthington Medical Centre will particularly benefit from this proposed pharmacy, which will be located much closer than the existing pharmacies that are 0.5 miles away from the Practice. A letter of support from the practice is enclosed with this letter. (Please see page 23 of the bundle).
- 4.43 The Pharmacy will be easily accessible on foot for any patients of the Practice who do not have access to a vehicle. This will ensure that patients who are prescribed acute medicine will be able to access the pharmacy to dispense their medication immediately.
- 4.44 The location of the local GP surgeries are shown in the chart below and it can be seen that all are likely to have patients who live in the Hunslet Carr side of Hunslet where the pharmacy is located.
- 4.45 **GP Surgeries located within 0.6 miles of LS10 2JJ**

GP Surgery Name	Address	Distance from 1 Moor Road	Opening times	No. of patients (as at March 2025)
Arthington Medical Centre	5 Moor Road LS10 2JJ	177ft	<u>Monday to Friday</u> 8am to 6pm	5,664
Dr S Hussain (Church Street Surgery)	57 Church St, Hunslet LS10 2PE	0.6 miles	<u>Monday to Friday</u> 8am to 6pm	3,071
South Bank Surgery	24 Church St, Hunslet LS10 2PT	0.6 miles	<u>Monday and Wednesday</u> 8am to 6.30pm	9,425

			<u>Tuesday and Thursday</u> 7am to 6.30am [sic]	
			<u>Friday</u> 8am to 6pm	

4.46 *Transport arrangements*

- 4.47 Census data from 2021 shows that 28.7% of households in Leeds do not have a car or a van. This is significantly higher than the national average of 23.5% of households. Additionally, Census data for the Hunslet & Riverside area, which contains the proposed pharmacy location, has lower rates of car ownership with 53.5% of households not owning a car or van. Therefore, the local population in this area are particularly reliant on having accessible choice of pharmaceutical services at a local level.
- 4.48 There are bus stops on both sides of Moor Road. The nearest bus stop to Well and Hunslet Pharmacy is Hunslet Centre which is located on Church Street. The price of a adult single bus ticket in Leeds is approximately £2.50 with a return ticket for an adult up to £5. For patients regularly visiting the existing pharmacies by bus, this would be a significant expense. Please find enclosed the bus departure times from Moor Road on a weekday and the bus timetables for each route, which show that services are slightly less frequent at weekends. The routes from Moor Road pass through the Hunslet Centre stop.
- 4.49 Screenshots of the walking routes from 1 Moor Road to Well and Hunslet Pharmacy are included below. It is a 12 minute walk to Well Pharmacy and a 13 minute walk to Hunslet Pharmacy. Although some patients will be able to walk this far, patients with mobility issues or who are unwell are likely to find this walk difficult. It should be noted that Moor Road is busy, and some of the pavement and road surfaces are uneven. [Image and map provided]
- 4.50 For the provision of services that our client will offer on a Sunday both of the above pharmacies are closed and the closest provision is then in the city centre where parking can be limited and often expensive and public transport options are not always suitable for those who have mobility or other issues.
- 4.51 Regulation 18(2)(b)(ii)
- 4.52 Regard to the desirability of people who share a protected characteristic have access to services that meet specific needs for pharmaceutical services that, in the area of the HWB, are difficult for them to access.
- 4.53 The population at the proposed pharmacy are some of the least able in Leeds to be able to manage with the loss of one of their pharmacies. It is a highly deprived neighbourhood and in Hunslet and Riverside (Census 2021) 54.3% of households are deprived in one of more dimensions, such as standard of living, housing quality and health leading to a higher need in pharmaceutical provision. This must be considered in the context of the significantly lower car ownership levels. There is also a significant elderly population who need

accessible services. A relevant example is Leasowe Court (Woodhouse Hill Road) which is a small retirement block (approximately 20 apartments) located in Hunslet Carr. For these people the walk to the pharmacy would be short at approximately 6 minutes rather than [sic] a walk of over double that to Hunslet Pharmacy. [Map of route provided]

- 4.54 It is crucial that patients who are not in good health and without access to a vehicle are able to easily access pharmaceutical services by foot or by public transport. A local pharmacy in the proposed location would provide such services.
- 4.55 The PNA lists the health needs in the area and our client set out the services he would wish to provide to meet these health needs in its application.
- 4.56 In the bundle of supportive documents attached it can be seen that the comments on the need for a pharmacy in the location include some very moving accounts of people with protected characteristics who are unable to access the pharmaceutical services that meet their needs.
- 4.57 *"Firstly this part of Hunslet Carr has a very large elderly population, with sheltered housing and elderly residential properties in the area. Many of these people have mobility issues and require access to a pharmacy on their doorstep."*
- 4.58 *"Personally, I have regular need of a pharmacy for ongoing and lifelong conditions. One issue I suffer from is anxiety and whilst I can travel for my medication, there are many times this is problematic and causes me personal anxiety. On some occasions I've delayed collecting my medication owing to my mental health preventing me from going to a distance to collect it. Having a pharmacy close by would help me massively when I'm having a bad time with my mental health."*
- 4.59 *"As an asthmatic and COPD sufferer it is difficult to travel. As the Boots Chemist was just across the road from my address it was easy for me to collect my prescriptions and ask for advice"*
- 4.60 *"We are now both in our 80's I am partially sighted, and my husband has mobility issues, so a local chemist would be extremely helpful."*
- 4.61 *"Next door to the chemist shop is an opticians, Hunslet Carr Vision Centre, that can issue prescriptions as part of the eye care treatment so would be ideally located as well as Arthington Medical Centre at 5 Moor Road only a few yards away from the chemists. All the medical centres that I can think of have a chemist within a short distance of the medical centre but as it stands Hunslet Carr no longer has this."*
- 4.62 *"I used to get my medication every 4 weeks from the pharmacy on moor road and did for about 7 years without a problem .since it closed it has been nothing but trouble. I'm on a controlled drug plus other meds and at times I'm having to go without it because getting the prescription sorted I'm on my second pharmacy and still having problems and have to go every week to the doctor's just to check the medication has been ordered .I had to beg to be taken on by the second pharmacy because due to mental health I need a dosset and because of which doctors I'm withthe lost [sic] of the pharmacy on 1 moor"*

road has effected the care of my health both on a physical and mental as a lot of the time I'm unable to get out of the house or mentally I'm not up to talking with people."

- 4.63 From the bundle attached it can be seen that there is also support from the local councillors and the Hunslet Carr Residents Association.
- 4.64 In summary, this application will provide significant benefits to the provision of pharmaceutical services in the area. We ask NHS Resolution to allow our client's appeal and to quash the decision by NHS England and redetermine and grant our client's application. If an oral hearing is arranged our client would want to attend and be represented."

5 Summary of Representations

After reviewing the paperwork to the Commissioner, it was noted that the comments made by the Applicant in response to the representations on the application [see 2.1-2.48 above] had not been circulated or seen by parties. NHS Resolution therefore applied its discretion under Schedule 3, Part 3, paragraph 7 and allowed parties the opportunity to make comments on these.

Further, 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 and allowed parties the opportunity to make comments on this matter.

This is a summary of representations received.

5.1 The Commissioner

- 5.1.1 "The ICB has complied with the request to provide all PSRC documentation relating to the consideration of the Unforeseen Benefits application and will not be submitting any further representations.
- 5.1.2 As requested, the latest Pharmacy Health Needs Assessment for Leeds can be accessed via the following link: [Leeds Observatory – Health & Wellbeing – Leeds public health needs assessments](#)
- 5.1.3 We look forward to receiving the decision from NHS Resolution in due course."

5.2 Community Pharmacy West Yorkshire

- 5.2.1 "Community Pharmacy West Yorkshire members still feel that their comments made in their letter to CH on 23rd June 2025 are valid. These were as follows.

5.2.2 *Members noted that this was an application for “unforeseen benefits” and fell to be considered under the provisions of Regulation 18 of the National Health Service (Pharmaceutical Services) Regulation 2013.*

5.2.3 *CPWY members made the following observations:*

5.2.3.1 *Leeds PNA (2022-2025) states, when making conclusions the PNA “there is appropriate provision of pharmaceutical services in Leeds.” And “Throughout this PNA the provision of pharmaceutical services across Leeds has been considered in conjunction with the demography and health needs of the population. Analysis has been conducted as to whether the current provision meets the needs of the Leeds population, both as a whole and at a locality level, and whether there are any potential gaps in pharmaceutical service provision either now or within the lifetime of the document.”*

5.2.3.2 *Leeds Health and Wellbeing Boards substantial work when developing the 2022 PNA did not identify that opening a new pharmacy in this area would secure improvements, or better access, to pharmaceutical services.*

5.2.3.3 *The distance to pharmacy contractors and dispensing doctors to residents of this area has not changed since the publication of the 2022 PNA.*

5.2.3.4 *There is no evidence that the needs of the population in the Inner South area of Leeds have significantly changed since the PNA was published and the Leeds HWB have also not judged it necessary to update the PNA due to significant changes in need.*

5.2.3.5 *The Boots Pharmacy at 1 Moor Road, Leeds LS10 2JJ closed on 16th February [sic] 2024.*

5.2.3.6 *The new draft PNA for Leeds has just concluded its 60 day consultation period and following the in-depth review of provision across Leeds, and this particular area, the HWB still considers there to be adequate provision of pharmaceutical services.*

5.2.4 *The committee had no further comments to make on this application.*

5.2.5 *Members wish these comments to be taken into consideration by the Authority and wish to be notified of the decision.”*

5.3 Boots UK Ltd

5.3.1 *“Thank you for your letter dated 17th December 2025 informing us of the above appeal.*

5.3.2 *We agree with the decision of the West Yorkshire ICB to refuse this application. We stand by our original comments and include these for your information.*

- 5.3.3 We would also like to add the following comments.
- 5.3.4 Since the application was originally submitted, the new Pharmaceutical Needs Assessment (PNA) 2025-2028 for West Yorkshire has been published. Whilst the previous PNA was in place when this application was submitted, and there may be some discussion around which PNA is relevant, the fact remains the same that neither PNA identified any gaps in pharmaceutical provision in the area. Whilst we appreciate that the application was submitted under the unforeseen benefit regulation, we fail to understand what unforeseen benefit this application would fulfil.
- 5.3.5 The application sits within the Inner South Ward, and the findings and needs of this ward are outlined in chapter 10, page 101 onwards, of the 2025-2028 PNA.
- 5.3.6 Boots UK LTD closed a pharmacy in this locality and as stated in the appeal, this is one of the reasons prompting the application. That, and the ongoing population growth.
- 5.3.6.1 We submit that the closure of the Boots pharmacy has been addressed and would have been considered when the PNA for 2025-2028 was drafted and subsequently published.
- 5.3.6.2 The housing developments are mentioned in section 10.3 of the PNA and recognise that there is a very large increase in housing expected, but then goes on to say that development areas are all within or just outside a 9-minute walking distance of an existing community pharmacy.
- 5.3.7 The PNA concludes on page 109 the following;
- 5.3.7.1 *The HWB has reviewed the opening hours of existing pharmacies and considers them sufficient to meet the likely needs of residents in the locality.*
- 5.3.7.2 *After evaluating the planned housing developments, the HWB has concluded that access to pharmacies will remain within reasonable time limits, whether by public transport, private transport, or walking.*
- 5.3.7.3 *Overall, the HWB has determined that there are no current or future unmet needs regarding the provision of essential or necessary services by community pharmacies in the locality.*
- 5.3.8 We fail to see how the appellant can believe that there is any unforeseen benefit in approving a new pharmacy contract in this location. The PNA has clearly considered the needs of the patients, current and future, and the housing developments and increase in housing.
- 5.3.9 Boots UK Ltd have no further comments to make but we submit that this appeal should be dismissed and the application refused. We respectfully ask that NHS Resolution inform us of the decision in due

course and we will attend an oral hearing should one be deemed necessary.”

Letter to the Commissioner dated 17 July 2025

5.3.10 “Thank you for your letters dated 3rd June 2025 and the above application. Boots UK Limited have the following comments to make.

5.3.11 Whilst we accept that the application is based on benefits not foreseen when drafting the Pharmaceutical Needs Assessment (PNA), it appears that the application is based on the closure of our Boots Pharmacy in the area in February 2024. As the deciding committee will be aware, the closure of a pharmacy does not automatically create a gap, and we are unaware of any amendment to the Leeds PNA or any supplementary statements produced identifying any needs in the locality. Should any gaps arise, PNAs should be updated to reflect this.

5.3.12 The applicant has stated that there is no reasonable choice with regards to pharmaceutical services in the inner south locality, the area in which the application site sits. There are 7 pharmacies according to NHS.uk within a mile of the proposed premises. They all offer a variety of opening times and services as well as being operated by different contractors, we believe that this constitutes choice. Whilst choice is a consideration within the regulations relating to granting a new contract, it is not reason alone to approve an application.

5.3.13 The applicant has provided no evidence to suggest that residents in this locality experience difficulties when accessing the existing provision nor has the applicant provided any indication that patients who share a protected characteristic do not have access to services to meet any specific needs.

5.3.14 Furthermore, there is no evidence to suggest patients do not currently have access to a reasonable choice of pharmaceutical services or that the application is based on innovative approaches to the delivery of pharmaceutical services.

5.3.15 In conclusion we submit that the application should be refused as it will not confer significant benefits on persons in the area of the relevant Health and Wellbeing Board which were not foreseen when the relevant Pharmaceutical Needs Assessment was published.

5.3.16 Please be aware that we may wish to make further representations at a later stage and attend any oral hearing that may be held.”

5.4 Pharmacy Advice and Consultancy Ltd (“PSC”), on behalf of Varalakshmi Healthcare Limited, t/a Hunslet Pharmacy

5.4.1 “We act for Varalakshmi Healthcare Limited, t/a Hunslet Pharmacy, and have enclosed a letter of authorisation confirming our instructions in this matter.

5.4.2 We have been passed a copy of your letter dated 17th December 2025 informing our client of the above appeal. Our client continues to object to this application and has instructed us to respond on its behalf.

5.4.3 Regulatory tests

5.4.4 This application has been submitted pursuant to Regulation 18 of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (as amended).

5.4.5 The Primary Care Appeals Committee of NHS Resolution (“The Committee”) is required to determine whether granting the application would secure improvements in, or better access to, pharmaceutical services in the Health and Wellbeing Board’s (“HWB”) area which were not included in the relevant pharmaceutical needs assessment.

5.4.6 The Committee must have particular regard to the matters set out in regulation 18(2). It must consider whether it is satisfied, having regard in particular to the desirability of –

5.4.6.1 There being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB;

5.4.6.2 People who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access;

5.4.6.3 There being innovative approaches taken with regard to the delivery of pharmaceutical services

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

5.4.8 To the extent that there is a burden of proof, it is submitted that this rests with the applicant. That is, it is for the appellant to demonstrate to the Committee that the application meets the regulatory test, not for our client to demonstrate that it does not meet the relevant regulatory test.

5.4.9 We submit that the information provided by the applicant in this case is not sufficient to satisfy the Committee that the requirements of Regulation 18 have been met.

5.4.10 **Background and initial comments**

5.4.11 Our client submitted in objection to the original application to NHS England. In order to limit repetition we have included a copy of that response and we ask that the Committee takes those comments into account when considering this appeal. Responses to this application were also submitted by several other parties, and the applicant responded to these in a letter dated 4th August 2025.

- 5.4.12 As our client had not seen these additional comments from the appellant prior to receiving this appeal, we wish to begin by taking the opportunity to respond to those comments. We respond using the same headings that were used by the appellant in that letter, which have been provided by NHS Resolution, and it titled “14 day comments to commissioner”. [sic]
- 5.4.13 Community Pharmacy West Yorkshire
- 5.4.14 We note that the 2025 Leeds Pharmaceutical Needs Assessment was published in September 2025, so it is clear that this, the *current* PNA, should be the relevant PNA to consider when determining this application. That being the case, any reference to the 2022 PNA or the 2025 *draft* PNA in prior representations is no longer relevant.
- 5.4.15 The comment made by the appellant’s representative is that [regardless of which PNA is deemed to be current] “*our client’s application would still be relevant*”.
- 5.4.16 This application has been submitted in respect of *unforeseen benefits*. In other words, the needs the applicant claims it will meet were not included in the PNA. The purpose of regulation 18 is to allow the commissioner to consider locations where there has been a change of circumstances since the PNA was published i.e. the HWB were not aware that this need might arise when the PNA was published. It is intended to allow applications to be approved when something has arisen, such as a pharmacy closure or sudden expansion of population, that was not foreseen by the authors of the PNA.
- 5.4.17 The current Leeds PNA was published on 12th September 2025 and came into effect on 15th September, i.e. less than 3 months prior to the date of this appeal (and after the application was submitted to NHS England).
- 5.4.18 The PNA’s findings in respect of current provision are summarised in the first paragraph of the Executive Summary on page 4, which states:
- 5.4.19 ***The Leeds Pharmaceutical Needs Assessment (PNA) concludes that the current provision of pharmaceutical services will be sufficient to meet residents’ needs over the next three years.***
- 5.4.20 Detailed analysis of the ‘Inner South Locality’, in which the proposed best estimate area is located, is provided from page 101 of the PNA and concludes:
- 5.4.21 ***10.8 Necessary services gaps in provision***
- 5.4.22 *The Health and Wellbeing Board (HWB) has assessed whether the current pharmacy provision will meet the needs of the projected population in the locality between 2025 and 2028. It is noted that major housing developments are planned in the area, all of which are within, or just outside a 9-minute walk of an existing pharmacy. This is particularly significant in an area where car or van ownership may be low.*

- 5.4.23 *Access to pharmacies in the locality is good in residential areas, especially so in the north with good coverage for pedestrians within a 12-minute walk or by car/van within a 5-minute drive. There are large parts of the locality in central and southern areas that do not have this level of on foot access, these areas are well covered by public transport and local pharmacies are all within 3-minute walk of a bus stop.*
- 5.4.24 *The HWB recognizes that some residents, both now and during the lifetime of this document, may face challenges accessing pharmaceutical services, such as:*
- 5.4.24.1 *Lacking access to private transport when services are needed,*
- 5.4.24.2 *Being unable to use public transport, or*
- 5.4.24.3 *Being unable to walk to a pharmacy.*
- 5.4.25 *The HWB is confident that these residents can still access pharmaceutical services remotely through:*
- 5.4.25.1 *The delivery service mandated for all distance-selling pharmacies in England,*
- 5.4.25.2 *Private delivery services offered by some pharmacies, and*
- 5.4.25.3 *Remote access to services via telephone or online.*
- 5.4.26 *The HWB has reviewed the opening hours of existing pharmacies and considers them sufficient to meet the likely needs of residents in the locality.*
- 5.4.27 *After evaluating the planned housing developments, the HWB has concluded that access to pharmacies will remain within reasonable time limits, whether by public transport, private transport, or walking.*
- 5.4.28 ***Overall, the HWB has determined that there are no current or future unmet needs regarding the provision of essential or necessary services by community pharmacies in the locality.***
- 5.4.29 *Given that the PNA was published so recently, it is highly unlikely to be the case that there has been any significant change to the pharmaceutical needs of the local population in the short time since the PNA came into force. The burden will be on the applicant to provide evidence in this respect if it claims that there *has* been a significant change.*
- 5.4.30 *Ordinarily, when considering an unforeseen benefits application, the decision maker may have relatively little regard to the contents of the PNA, as the applicant may make a case that the document is now out of date. However, in our opinion, at this point in time the Committee should place significant weight on the fact the PNA was published very recently and has concluded that there is no need for any additional provision across the whole of Leeds, including within the Inner South Locality.*

- 5.4.31 For the avoidance of doubt, our client is not making a case that the application should automatically fail on Regulation 18(1), which requires the decision maker to consider whether the specific need the applicant proposes to meet has already been considered by the PNA. However, in our opinion it *is* relevant that the PNA has very recently (and importantly after the closure of the Boots pharmacy referred to by the appellant) considered this part of Leeds in detail and concluded that there are no gaps in provision.
- 5.4.32 The appellant makes the argument that “the distance to pharmacy contractors and dispensing doctors to the residents of this area has changed since the 2022 PNA”, but clearly it is not changed since the publication of the *current* (2025) PNA.
- 5.4.33 Well Pharmacy
- 5.4.34 Whilst we discuss the distance and journey to existing pharmacies in more detail later, the appellant appears to accept that there are two existing pharmacies within 1km of postcode LS10 2JJ, the site of the former Boots Pharmacy, which is central to its best estimate area.
- 5.4.35 In respect of the third pharmacy discussed, namely All Care Pharmacy, it is accepted that the distance to this pharmacy using the shortest practicable route is more than 1km from the proposed site (the actual distance being 1.3km or 0.8 miles). However, it is also important to note that there is nothing special about a distance of 1km. The walking time for a person of average mobility from the former Boots site to All Care Pharmacy is approximately 18 minutes, well within the 20-minute walk time often considered to be a reasonable walking distance and which is referred to on page 65 of the Leeds PNA as follows:
- 5.4.36 *“Nationally, a common aim is for access to a pharmacy for 99% of the population, including those living in the most deprived areas, to be possible within 20 minutes whether by walking, driving, or public transport.”*
- 5.4.37 The appellant then goes on to discuss the opening hours of our client’s pharmacy and Well, stating that neither has opening hours on a Sunday.
- 5.4.38 Firstly, it is worth noting that All Care Pharmacy, which is within a 20-minute walk time, *is* open from 11am to 4pm on Sundays, and these are core hours given that this is a former 100-hour pharmacy.
- 5.4.39 Secondly the appellant has failed to provide any evidence whatsoever that there is actually a demand for pharmaceutical services on Sundays. The appellant makes much of these Sunday opening hours but they are irrelevant if patients do not require them.
- 5.4.40 Within its appeal letter the appellant discusses Arthington Medical Centre, which is close to its proposed site. It is noteworthy that this medical centre has no weekend opening hours, so there is no prescribing in this area on Saturdays or Sundays. Patients of this

medical centre who require 'out of hours' GP services are directed to NHS 111.

5.4.41 The appellant then goes on to provide some limited census data. We discuss the demographic profile of the area in more detail later. However, as a general point, the appellant has not explained how deprivation in dimensions such as employment, education and housing have any relevance to the extent to which residents require pharmaceutical services and their ability to access these.

5.4.42 In response to the point raised by Well regarding the services provided by existing pharmacies in the area, the appellant provides a table which discusses the services its client proposes to provide and compares these to the services listed on the 'NHS Find a Pharmacy tool' for the nearest two pharmacies, namely Hunslet Pharmacy and Well.

5.4.43 As a preliminary point on this matter, we remind the Committee that the 2013 National Health Service (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 (as amended) discuss *pharmaceutical services*. These are defined within the Pharmaceutical Services (Advanced and Enhanced Services) (England) Directions 2013 (as amended) and correlate with the Community Pharmacy contractual framework. Any other services, such as those which are commissioned by the local authority are out of scope when considering the relevant tests for inclusion in the pharmaceutical list.

5.4.44 The current national NHS Advanced and Enhanced services are as follows:

5.4.45 *Advanced*

5.4.45.1 Pharmacy First Service

5.4.45.2 Flu Vaccination Service

5.4.45.3 Pharmacy Contraception Service

5.4.45.4 Hypertension Case-Finding Service

5.4.45.5 New Medicine Service (NMS)

5.4.45.6 Smoking Cessation Service

5.4.45.7 Appliance Use Reviews

5.4.45.8 Stoma Customisation Service

5.4.45.9 Lateral Flow Device Service

5.4.46 *Enhanced Services*

5.4.46.1 Covid-19 Vaccination Service

5.4.46.2 RSV and Pertussis Vaccination Service

5.4.47 There may also be other NHS Local Enhanced Services (LES) which are commissioned to meet specific needs in an area.

5.4.48 In its application, the appellant has proposed the following services:

- 5.4.48.1 Emergency contraception
- 5.4.48.2 NHS pharmacy contraception service
- 5.4.48.3 Stop smoking service
- 5.4.48.4 Stop smoking voucher service
- 5.4.48.5 Weight management
- 5.4.48.6 Inhaler disposal
- 5.4.48.7 Medical supplies (appliances)
- 5.4.48.8 Medical supplies review service (appliances)
- 5.4.48.9 New Medicine Service (NMS)
- 5.4.48.10 Needle and syringe exchange
- 5.4.48.11 Prescription delivery service
- 5.4.48.12 Repeat prescription reminders by text message
- 5.4.48.13 Palliative Care
- 5.4.48.14 NHS blood pressure check service
- 5.4.48.15 Flu vaccination service
- 5.4.48.16 Pharmacy First (including minor ailments)
- 5.4.48.17 Hypertension Case Finding Service
- 5.4.48.18 COVID-19

5.4.49 The services highlighted in red on this list are not NHS pharmaceutical services so have no relevance to the regulatory tests.

5.4.50 With regard to the services highlighted in blue, the appellant states in part 4 of its application form that the provision of appliances will be “APPLIANCES LISTED IN PART IX OF THE DRUG TARIFF”. This therefore includes all appliances approved by the NHS (where prescribed appropriately). To be clear this is no different to the vast majority of pharmacies, including our client’s pharmacy, which supply the full range of appliances (from dressings to incontinence and stoma equipment) where there [sic] are prescribed.

5.4.51 The appellant also proposes to offer a “Medical supplies review service (appliances)”. However, there is no NHS pharmaceutical services with this name. It may be that the appellant intended to say “Appliance Use Reviews (AURs)” but this should have been clarified by NHS England when the application was first submitted. Should the application be approved it is not clear that the applicant would be under any obligation to provide AURs, so in our opinion this service should be disregarded. In any event, the applicant has not provided any information to suggest there is an unmet need for this particular service.

5.4.52 Contrary to the information provided by the appellant, the NHS Advanced and Enhanced services provided by Hunslet Pharmacy are as follows:

5.4.52.1 Pharmacy First

5.4.52.2 Hypertension case finding including ambulatory blood pressure measurement

5.4.52.3 Emergency Contraception Service

5.4.52.4 Pharmacy Contraception Service

5.4.52.5 Stop Smoking Service

5.4.52.6 Stop Smoking Voucher

5.4.52.7 New Medicine Service

5.4.52.8 Covid 19 Lateral Flow Tests

5.4.52.9 Covid 19 Vaccination Service: Walk in and Booking via NBS 18 and overs

5.4.52.10 Flu Vaccination Service: Walk in and Booking via NBS 2-3 yrs old and 18 and overs

5.4.53 It was acknowledged on page 4 of the ICB’s decision report that all 8 pharmacies within 1.6 miles of the proposed site provide Hypertension Case Finding, Pharmacy First and Contraception services.

5.4.54 The appellant then goes on to provide the following statement:

5.4.55 *“In the Leeds – inner south locality there are high rates of alcoholic liver disease, respiratory disease, circulatory diseases, smoking, preventable causes, COPD, asthma, dementia, adult obesity, CHD and cancer. The percentage of children of Year 6 age who are obese is 28%; the average across England in 2023-2024 was approximately 23%.*

5.4.56 *The services our client is proposing to offer will greatly benefit patients in their access to pharmaceutical services meeting their specific health needs.”*

5.4.57 It is not at all clear from the information provided by the appellant how any of the pharmaceutical services it proposes will “*greatly benefit*” patients with any of these conditions, other than through the provision of dispensing, or smoking cessation services, both of which are provided by nearby pharmacies. Similarly the appellant has not explained how it will reduce levels of obesity in school-aged children.

5.4.58 Boots Pharmacy

5.4.59 The appellant discusses the closure of the Boots pharmacy at 1 Moor Road and states that it “may have led to a gap in provision”. As stated previously this was not the conclusion of the HWB when the PNA was published. We disagree with the assertion that patients in the area highlighted by the appellant do not currently have reasonable choice in respect of pharmaceutical provision in terms of the location of pharmacies, their opening hours and the services they provide, as we discuss in more detail later.

5.4.60 In respect of patients who share protected characteristics we discuss this matter later in relation to the applicant’s letter of appeal.

5.4.61 We have already addressed the matter of Sunday opening hours and discuss the distances and journeys to nearby pharmacies later in this document. However, we note that the appellant discusses All Care Pharmacy and Travel Clinic, and states that it does not open on Sundays. That is incorrect; the pharmacy opens from 11am to 4pm on Sundays, and is contractually obliged to do so, as these are core hours.

5.4.62 We have also already addressed the matter of the services the appellant proposes to provide and their relevance in respect of the local health issues highlighted.

5.4.63 Hunslet Pharmacy

5.4.64 As stated by our client in its letter of objection, the failure of the PNA (or the draft PNA as it was at the time) to identify a gap in pharmaceutical services provision following the closure of the Boots pharmacy is an entirely relevant consideration.

5.4.65 In respect of the provision of services over the weekend, we have discussed this briefly above and will discuss in more detail later. We do note, however, that delivery services are not contractual and whilst our client does not offer deliveries over the weekend, the appellant will be under no obligation to offer them either should this application be granted.

5.4.66 We also note the general point made in the PNA that distance selling pharmacies do already have a contractual obligation to deliver to patients.

5.4.67 The appellant refers to the benefits of improving “*the access to pharmaceutical services without patients having to travel further than necessary*”. We submit that the phrase ‘further than necessary’ has no relevance to the appropriate regulatory tests.

5.4.68 In respect of new housing developments, the appellant discusses these in more detail in its letter of appeal so we address this matter later. We do note, however, the comment made in the PNA that “*major housing developments are planned in the area, all of which are within, or just outside a 9-minute walk of an existing pharmacy*”.

5.4.69 In respect of our client’s comments on viability, whilst these are genuine and heartfelt we accept that the onus is on the party claiming detriment to provide evidence accordingly. We also wish to point out that our client’s pharmacy dispensed an average of 6,780 prescription items per month in the 6 months to September 2025. This is lower than the national average level of dispensing, so does not suggest the pharmacy is under any pressure in respect of dispensing numbers that might lead to issues with service levels. The Well Pharmacy nearby dispensed 8,138 items per month over the same period, just over the national average.

5.4.70 **Demographic profile of the area**

5.4.71 Before addressing the points raised in the applicant’s letter of appeal, we wish to provide additional demographic information for the location proposed by the appellant, to assist the Committee to better understand the area.

5.4.72 Firstly we accept the assertion that the proposed area is deprived. According to the 2025 Index of Multiple Deprivation, the Lower Super Output area (LSOA) in which the proposed best estimate area is located was ranked 3,655 out of 33,755 LSOAs in England, where 1 is the most deprived. So, it is within the top 20% most deprived areas in England but not within the top 10%.

5.4.73 However, it is also important to note the deprivation does not automatically lead to the conclusion that residents do not have reasonable choice of pharmacy provision, or that people who share a protected characteristic do not have access to services that meet specific needs for pharmaceutical services.

5.4.74 We have therefore considered the demographic profile of the area in the context of the relevant regulatory tests. We have considered the Hunslet & Riverside electoral ward, in which the proposed best estimate is located. The data below is sourced from www.nomisweb.co.uk and relates to the 2021 census.

5.4.75 Age

5.4.75.1 7.1% of residents were aged 65 or over, compared to the national average of 18.1%

5.4.75.2 19.8% of residents were aged under 16 compared to the national average of 18.5%

5.4.76 Disability

5.4.76.1 6.6% of residents classed their day to activities limited a lot by disability compared to the national average of 7.3%

5.4.76.2 8.2% of residents classed their day to activities limited a lot by disability compared to the national average of 10.0%

5.4.77 General Health

5.4.77.1 4.3% of residents classed their general health as 'bad' compared to the national average of 4.0%

5.4.77.2 1.1% of residents classed their general health as 'very bad' compared to the national average of 1.2%

5.4.78 Car ownership

5.4.78.1 53.6% of households did not have a car or van compared to the national average of 23.5%

5.4.79 The profile of the area can therefore be summarised as follows:

5.4.80 Most notably, the population is significantly younger than average. Whilst the number of residents under the age of 16 is only slightly above the national average, the number of people over the age of 65 is very substantially below average. It follows, therefore, that the number of people living within this ward aged between 16 & 64 is higher than the national average. This is relevant when considering comments made in the appeal regarding the number of elderly residents.

5.4.81 It is also noteworthy (probably is result of the relatively young population) that the number of residents who are classified as disabled under the Equality Act is also significantly lower than the national average. Clearly that is relevant when considering whether these residents would have undue difficulties walking to a pharmacy.

5.4.82 Levels of bad or very bad health are almost in line with the national average so are not exceptional in any way.

5.4.83 As has been stated by the applicant and by the HWB, levels of car ownership are significantly lower than the national average but that is not in itself unusual within a large city where residents are far more likely to be reliant on using public transport. Having said that we accept that there is likely to be a correlation between the level of economic deprivation and the ability of residents to afford a car. The Committee will therefore be mindful of how residents without access to a private vehicle are able to access pharmaceutical services.

5.4.84 The Appeal

5.4.85 The appellant submits that the ICB misdirected themselves "*and made an incorrect determination in relation to Regulation 18 of the Regulations and the significant benefit to be offered by this application.*"

- 5.4.86 The appellant has provided no evidence that supports the assertion that the ICB did not properly consider the regulatory tests; in fact the decision report provided by NHS England is very thorough. A simpler explanation is that the ICB fully considered these matters and found that the regulatory tests had not been met.
- 5.4.87 The appellant further raises a procedural irregularity in that the decision report fails to have regard to the 2025 PNA, which would come into force at the time the decision was made. Whilst we agree with the appellant that the report should have referred to the 2025 PNA (which was no longer in draft form at that point), for the reasons we have set out previously, the outcome of the application would have been no different because the ICB had taken into account matters in the draft PNA that were subsequently included in the published PNA.
- 5.4.88 So whilst the Committee may decide that the decision made by the ICB should be quashed, we submit that on, upon re-determination, the Committee should refuse this application.
- 5.4.89 We go on to address the further points made by the appellant in its letter using the same headings.
- 5.4.90 Background
- 5.4.91 It is clear from the application and the comments made by the appellant that its case largely rests on the closure of the Boots pharmacy formerly located at 1 Moor Road. As we discussed earlier, the current PNA was published after that closure had taken effect so the HWB considered the level of pharmaceutical services provision in the knowledge that there was no longer a pharmacy located on Moor Road. For this reason we say that the Committee should place little weight on the fact there was previously a pharmacy located in this area.
- 5.4.92 The appellant states that the Boots closure “*Reduced the provision of pharmaceutical services indeed generally and particularly within the Inner South area*”.
- 5.4.93 When considering the level of provision within the locality, the current PNA (which of course takes into account the closure of Boots), states the following:
- 5.4.94 *There are 19 community pharmacies within the locality these are shown in Figure 61. There is good correlation between the population density and the number of pharmacies in this locality. The most recent estimate of the population of Inner South is 88,23358 this equates to 22 pharmacies per 100,000 people, which is slightly higher than the England average (20.2 per 100,00).*
- 5.4.95 The PNA then goes on to consider the number of additional pharmacies within a 1km ‘buffer zone’ but even disregarding this buffer zone it is clear that, based on the number of pharmacies per head of population, there is no evidence of under provision within the Inner South locality.
- 5.4.96 We discuss ongoing population growth later.

5.4.97 Regulation 18(1)

5.4.98 There being no identified unforeseen benefits

5.4.99 We accept that the application is made for *unforeseen benefits* and that the specific location proposed by the applicant was not discussed in the current PNA. For that reason it is not our case that the application should automatically fail in accordance with Regulation 18(1).

5.4.100 However, as we have set out previously, it *is* our case that weight should be placed on the fact the PNA has specifically considered this locality within the last three months and has concluded that there are no gaps in provision.

5.4.101 Reg 18(2)(a)(i) and (ii)

5.4.102 Would granting the application cause significant detriment to the proper planning of, or the arrangements for, the provision of pharmaceutical services in the HWB's area?

5.4.103 Our client is not seeking to make a case of significant detriment. Our client commented previously on the unprecedented financial pressures on the sector at present and the likely impact of granting an application. However, we accept that this alone does not meet the threshold for significant detriment.

5.4.104 However we dispute the assertion that “*the proposed pharmacy would secure improved access to pharmaceutical services for residents by providing essential, advance [sic] and commissioned services across opening hours that go beyond those of current pharmacies within the area*”. As we have commented earlier there is a pharmacy within a less than 20-minute walk of the proposed location that opens for 72 hours per week including five hours on a Sunday. This pharmacy also opens for 12 hours on a Saturday.

5.4.105 Regulation 18(2)(b)(i)

5.4.106 There being reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB

5.4.107 The appellant begins by stating, as a matter of fact, that there is not reasonable choice in the area of the relevant HWB. Our client strongly disputes this assertion.

5.4.108 It is stated that the closure of the Boots pharmacy has “*reduced patient choice*”. It is a matter of common sense that when one pharmacy closes there will be some reduction in patient choice. However, the regulatory test is not whether choice been reduced, it is whether the choice that remains is *reasonable*.

5.4.109 The appellant acknowledges that there are two pharmacies located 0.5 miles away from its proposed site. It is our client's position that this in itself is evidence that patients already have reasonable choice in respective access to pharmaceutical services. A distance of 0.5 miles

(or 800m) is not significant within an urban area where residents are accustomed to travelling to different parts of the city to access the amenities they require when going about their daily lives.

5.4.110 The image below shows the small shopping parade within which the Boots pharmacy was formerly located. As can be seen in the image, this is typical of thousands of similar shopping parades located throughout the country. Most of these parades do not have, or require, a community pharmacy. [Photograph provided]

5.4.111 Supporting shops within the best estimate area identified by the appellant are limited to the following:

5.4.111.1 Convenience store

5.4.111.2 Fish and Chip shop

5.4.111.3 Newsagent

5.4.111.4 Barbers

5.4.111.5 Optician

5.4.111.6 Public Houses

5.4.111.7 Bakery

5.4.111.8 Bathroom Clearance shop

5.4.112 Notably there is no post office, supermarket, secondary school, nursery, bank, hairdresser, café, community centre or any other amenity that would suggest local residents can meet their regular needs without travelling out of this area.

5.4.113 The appellant then goes on to cite an 11% increase in the population of the Hunslet and Riverside ward over a 10-year period between the last two censuses. No information is provided whatsoever in respect of where this population growth has come from, but it is clear that an increase of approximately 1% per year does not amount to rapid growth of the population regardless of the national average. Furthermore, no information is provided in respect of where these additional people live within the ward. We are not aware that there has been any notable housing development within, or close to, the area proposed by the appellant in the period since 2011. Most of the housing stock in Hunslet Carr appears to be post-war through to the 1970s at the latest.

5.4.114 It is also noteworthy, as discussed earlier, that neither my client's pharmacy nor Well dispense more than the average number of prescriptions in broad terms. There is no evidence therefore of a significant demand that has arisen as a result of population growth. Furthermore, the Boots pharmacy that closed dispensed no more than approximately 5,500 items per month - significantly below the national average.

5.4.115 *Housing developments*

5.4.116 The appellant states that *“a significant number of new developments are to be built within 1-2 miles of the proposed location. These will increase the overall pressure on services in the immediate area.”*

5.4.117 It is notable that the appellant takes the position here that developments that may be located up to 2 miles away should be considered as being “in the immediate area” of the proposed location. This is a very different position to that taken by the appellant when considering the location of alternative pharmacies.

5.4.118 We note that the NHS England decision report comments, on page 4, that there are currently eight other providers of pharmaceutical services within 1.6 miles of 1 Moor Road (straight line and walking). It would appear, therefore, from the appellant’s comments about the ‘immediate area’ that it accepts there are at least 8 pharmacies within that area. We submit that this constitutes significant choice for patients.

5.4.119 It is also noteworthy that the appellant states that these developments are **“to be built”**. i.e. these are future developments that may or may not materialise. The Committee will be aware that it would be unusual to place significant weight on developments which are only at the planning stage at present. [PSC’s emphasis]

5.4.120 Page 104 of the PNA provides a very useful map when considering planned developments. We have reproduced this map below and highlighted the proposed best estimate area for this application with a red star.

5.4.121 *In Figure 60 Pharmacies are shown as green dots, and the areas that can reach a pharmacy within a 9-minute walk are shaded bright green. The dark grey markers show locations and counts of planned housing. [Map provided]*

5.4.122 This map very clearly shows that the developments highlighted within the PNA are significantly closer to other pharmacies, including those owned by our client and Well, than they are to the appellant’s proposed site.

5.4.123 The appellant’s case appears to be that this future population growth, which may or may not happen, will place on due [sic] pressure on existing pharmacy provision such that it will justify the granting of this application. Not only is it speculative to assume that the developments highlighted will actually come to fruition, it is highly speculative to then leap to the conclusion that the pharmacies closest to those developments will be unable to cope with any additional workload.

5.4.124 We submit that the developments listed by the appellant will have no bearing on the extent of demand for pharmaceutical services in the area it proposes to open its pharmacy.

5.4.125 In a similar vein, Hunslet Moor House referred to by the appellant is located to the west of the M621 motorway, significantly closer to All Care Pharmacy than the proposed site.

5.4.126 The appellant states that the PNA has not taken into account the impact of these developments on the residents of the Moor Road area. This appears to be strange logic when it is clear that the developments are located a substantial distance away from that area so there is no rational reason while the authors of the PNA would pay particular attention to these residents when considering new housing developments.

5.4.127 The appellant then refers to the letters of support it received. We comment on these letters in more detail later, but we wish to make the point that there is a significant difference between supporting the principle of a new pharmacy and providing evidence that residents do not currently have reasonable choice in respective pharmaceutical services provision.

5.4.128 With respect to the appellant, we asked [sic] the committee to treat notes taken at Residents' Association meetings with caution. Whilst we do not necessarily dispute the fact that comments about access were made at these meetings, without a full transcript which sets out these discussions in detail, no context for these comments is provided. For example, it is not clear what comments the appellant made to the association members that may have influenced these conversations. It would be very easy for the appellant in these circumstances, perhaps inadvertently, to coach the members of the meeting in respect of what they should say to help the chances of an application being approved.

5.4.129 We also note that some of the written representations submitted refer to having received a letter from the appellant. It might be useful for the Committee to see that letter to understand how residents were asked to express their support.

5.4.130 Access – hours

5.4.131 The appellant compares the core opening hours it has provided within its application to those offered by our client, Hunslet Pharmacy, and Well. Whilst we accept that the hours provided in the table correctly reflect those offered by these two pharmacies, we dispute the assertion that it automatically follows that granting the application “*would **greatly improve** access to pharmaceutical services at these times*”. [PSC's emphasis]

5.4.132 We have commented earlier on the lack of evidence provided by the appellant in respect of demand for services on Saturday afternoons or Sundays, but setting that aside it is clear that there is existing provision already for those residents who do wish to access services at the weekends.

5.4.133 We note that the appellant describes the area of Hunslet as “*a reasonably contained location within Leeds with the M621 between the location and the city centre*”. However the appellant also acknowledges

that there are underpasses that allow residents travelling on foot to access areas to the western side of the motorway, and it does not provide any evidence that there are significant physical barriers that prevent patients from accessing the areas beyond that immediately around its proposed location.

5.4.134As we have set out previously, the nearest extended-hours pharmacy to the proposed location is All Care Pharmacy on Dewsbury Road. Despite the appellant's previous assertions, this pharmacy opens all day on Saturday and for 5 hours on Sunday and these are core hours.

5.4.135The walking time from a point central on Moor Road to this pharmacy is 18 minutes. It should be remembered that this is in the context of an area with a young population and lower than average levels of disability, so for the majority of residents, walking this distance is unlikely to present any challenges.

5.4.136It is also relevant that demand for pharmaceutical services on Saturday afternoons and Sundays is invariably lower than at other times of the week, not least because the only medical centre in the area highlighted by the appellant does not open over the weekends. Relatively few people, therefore, are likely to **require** access a pharmacy during these times. [PSC's emphasis]

5.4.137The map below shows the walking route from Moor Road to All Care Pharmacy. It is also noteworthy that this map shows the location of an Aldi supermarket on this route which is the nearest supermarket for residents of the Moor Road area. These residents are therefore likely to make this journey regularly for their food shopping. Given that we acknowledge the area is deprived we would submit that it is unlikely residents would wish to be reliant on the local convenience store for the majority of their groceries. [Map of route provided]

5.4.138This map also shows that there is a network of footpaths at the motorway junction that facilitates easy crossing beneath the motorway for pedestrians. The route between Moor Road and All Care Pharmacy benefits from wide pavements along its length, dedicated crossing points with dropped kerbs and street lighting throughout. The route shown above does involve using a footpath across Hunslet Lake Park (at the south-eastern end of the route) but for any residents who do not wish to cross the park, they can simply avoid this by remaining on Moor Road. This only adds 1 minute to the journey. On Saturday afternoons and Sundays there would be no reason to make this journey in the dark.

5.4.139Furthermore, the topographic map provided below, where All Care is marked with a blue star and Moor Road with a red star, shows that whilst there are hills to the west beyond All Care pharmacy, and to the south below the A61, the Hunslet area is essentially flat. [Map provided]

5.4.140For residents who do have access to a car, which is either their own or provided by family or friends, there is free parking available immediately outside All Care pharmacy and the journey by car would take no more than 5 minutes.

5.4.141 Whilst there is no direct public transport route between Moor Road and All Care Pharmacy, there are pharmacies within Leeds City centre open throughout the weekend that can be accessed by public transport. We discuss the local bus service later.

5.4.142 Services

5.4.143 The applicant states that it is offering to provide all the NHS services offered by Well and Hunslet Pharmacy, but we submit that there is already reasonable choice in respect of the provision of these services.

5.4.144 Our client strongly rebuts the suggestion that there are any pressures at all on the service it provides from its pharmacy and, as we have demonstrated previously, prescription numbers are in line with the England average, so there is no reason whatsoever why the pharmacy would have capacity issues.

5.4.145 We have provided below all Google reviews received by our client's pharmacy over the last year: [screenshot provided]

5.4.145.1 *"Nice friendly and helpful, used to go to boots chemists but switched to here."*

5.4.145.2 *"Best chemist any place that had before fortunate enough to have delivery let alone blessed its done free don't mind it late or early I'm thankful for it and to all the staff and drivers friendly caring will chat explain any issues you have others well known places don't and charge those who get delivery that's a if" [sic]*

5.4.145.3 *"There very good and always been there for me when I've phoned up also I find them polite too" [sic]*

5.4.146 So, whilst there have not been many reviews, it is noteworthy that the five reviews received over the last year are all 5 stars with the exception of one which is 4 stars. This is not indicative of a pharmacy which has difficulties with service levels.

5.4.147 The appellant again lists the services it proposes to provide, but as we have discussed before some of these are not *pharmaceutical services* ('repeat prescription reminder by text message' and 'palliative care') and others (Hypertension Case Finding, Flu Vaccinations and Pharmacy First) are provided by our client's pharmacy. The proposed 'medical supplies review service' is not a recognised service at all and even if the applicant actually means Appliance Use Reviews (AURs), it has provided no evidence whatsoever that there is unmet demand for this service.

5.4.148 Access from GP Surgeries

5.4.149 In respect of patients attending Arthington Medical Centre, whilst we accept that the proposed location is closer to the surgery we do not accept the patients attending this medical centre do not already have reasonable choice given that there are two pharmacies located within

0.5 miles. As we have discussed previously this medical centre opens from Monday to Friday as do the two pharmacies located half a mile away.

5.4.150 The map below shows the walking distance and time from this medical centre to our client's pharmacy. The journey on foot takes no more than 13 minutes. [Map of route provided]

5.4.151 Again this journey is level, benefits from wide pavements and street lighting throughout. It is necessary to cross the railway to access our client's pharmacy but this is straightforward, as the bridge over the railway is wide and benefits not only from a protected pedestrian route, but also a dedicated cycle-way. [Image provided]

5.4.152 It should also be remembered that nobody actually lives at the medical centre, so patients will have travelled from home to access the surgery. As is apparent from the various maps provided, most of the housing in the area highlighted by the appellant is located to the north of Moor Road, i.e. closer to our client's pharmacy and Well, so the journeys from patients homes these pharmacies is shorter than that described above.

5.4.153 In terms of the other two medical centres listed by the appellant, as can be seen from the map provided by NHS Resolution, each of these is very close to Hunslet Pharmacy and Well, so it is clear that patients attending these medical centres will easily be able to access one of these pharmacies on their way home.

5.4.154 *Transport arrangements*

5.4.155 We accept that car ownership levels within the Hunslet and Riverside ward are lower than the national average and we have commented on this already.

5.4.156 For the reasons we have provided previously we submit that the vast majority of people who do not own a car would have no difficulties walking to Hunslet or Well pharmacies. In fact, we would suggest that it is likely that the relatively low number of people that do have mobility difficulties are those who are most likely to own a car because there are insufficient amenities within the immediate area to meet their daily needs.

5.4.157 The national Motability scheme allows people who receive the higher rate mobility component of Personal Independence Payment (PIP) or Disability Living Allowance (DLA) to lease either a car or a mobility scooter as appropriate to allow them to access the facilities they need.

5.4.158 In terms of bus travel, as the appellant acknowledges, there are direct bus services (routes 12, 13 and 13A) between Moor Road and Hunslet Centre, which is less than 50m from our client's pharmacy. These buses travel at least every 10 minutes on weekdays and on Saturdays, so this is a very frequent service. The journey takes approximately 10 minutes.

5.4.159 For residents who are disabled or blind, a bus pass is available (<https://www.wymetro.com/tickets-and-passes/blind-disabled/>) that

provides free off-peak travel across West Yorkshire. It is clear, therefore, that those residents whose disability prevents them from walking to the nearest pharmacy and who cannot afford the bus fare are able to travel to a pharmacy without incurring any costs whatsoever.

5.4.160 Those residents who are not entitled to one of these passes are unlikely to have any difficulties walking to pharmacies but if they choose to use public transport, most who are reliant on this are likely to buy a daily, weekly or monthly pass which provides unlimited travel, with prices ranging from £6.00 for a day pass to £93.00 for a monthly pass.

5.4.161 We dispute the assertion that there are any barriers to movement for pedestrians as a result of Moor Road being “busy” or having uneven pavements and road surfaces. In fact the image provided by the appellant shows a dedicated pedestrian crossing with tactile paving [sic] to assist visually impaired pedestrians. The onus is on the applicant to provide evidence to support its case in respect of barriers to access but it is not able to do so.

5.4.162 In respect of Sunday access, as we have discussed earlier Sunday opening hours are available from All Care Pharmacy which can be accessed by car within a few minutes and on foot within less than 20 minutes. Most residents who require pharmaceutical services on a Sunday will not, therefore, have any need to travel into the city centre.

5.4.163 For those residents who are reliant on public transport, not only can they travel to the city centre directly from Moor Road, the bus timetables provided by the appellant show that route 12 travels to and from The White Rose centre, where there is a branch of Boots which opens from 11am to 5pm on Sundays. These buses run approximately every half an hour and the journey time is 25 minutes. Buses to the city centre take approximately 30 minutes and run every 10-15 minutes on a Sunday.

5.4.164 Regulation 18(2)(b)(ii)

5.4.165 Regard to the desirability of people who share a protected characteristic have access to services that meet specific needs for pharmaceutical services that, in the area of the HWB, are difficult for them to access.

5.4.166 Again the appellant makes the error of conflating deprivation with the inability to access pharmaceutical services. As stated previously we accept that the area is deprived but the census data shows that levels of disability and poor health are, in fact, in line with, or lower than, the national average.

5.4.167 In terms of the number of elderly residents, as we have shown the number of residents over the age of 65 within this ward is, in fact, substantially lower than the national average. The appellant highlights a “small retirement block” with approximately 20 apartments but this is clearly not representative of the population as a whole. It would be inappropriate to grant an application based on the potential needs of a very small group of people. It is also relevant, as discussed earlier, that

the nearest post office (a facility more likely to be relied upon by older residents), is located a very short distance from Hunslet Pharmacy.

5.4.168 *Letters of support and representations from local residents*

5.4.169 Finally, we wish to discuss the letters of support provided by the appellant both in the context of support generally and patients who share protected characteristics.

5.4.170 As a general point we would comment that it is not unusual for residents to be disappointed when a pharmacy closes and to express their desire for a new pharmacy to open in its place; this is quite natural. However, this support does not diminish in any way the requirement of the appellants to demonstrate that the regulatory tests have been met.

5.4.171 We also note that none of the correspondence provided appears to show where these residents live, even at postcode level. As discussed earlier, much of the residential area described by the appellant is to the north of Moor Lane, so many of these residents will find that the distance to Hunslet Pharmacy would not be significantly greater than the distance to the proposed site.

5.4.172 Taking some of the individual representations:

5.4.173a) *Letter from councillors Iqbal & Wray*

5.4.173.1 It is unsurprising that local councillors support the principle of an additional pharmacy but it is notable that the reasons they provide (high numbers of elderly and disabled residents) are not supported by census data.

5.4.174b) *Letter from Hunslet Carr Residents Association*

5.4.174.1 We do not dispute that residents would like a pharmacy, but there is no meaningful evidence in this representation that aligns with the regulatory tests. Again the comments on the demographic profile are not in line with census data. The letter points to the long history of there being a pharmacy within this location, but the fact Boots chose to close the pharmacy reflects the unprecedented financial challenges faced by the sector and the fact the pharmacy here was no longer deemed to be viable due to the relatively small reliant population.

5.4.175c) Several of the emails refer to the desire to have a pharmacy, using phrases such as:

5.4.175.1 it was an absolute great thing to have the community pharmacy because of the nice way we use to get treated

5.4.175.2 We could certainly do with a pharmacy..... We are OK just now has [sic] my husband drives but without a car we would struggle

5.4.175.3 I think it will be in a lot of people's interest

5.4.175.4 I know many people valued the convenience

5.4.175.5 I have lived here since 1970 and greatly miss the local pharmacy next to my GP's surgery, the opening would be a great asset to this area

5.4.176 Whilst we do not seek to diminish the strength of feeling, these comments do not constitute evidence that patients do not have reasonable choice in respect of access to pharmaceutical services.

5.4.177 We do accept that there have been representations submitted by patients who share protected characteristics and it is clear that some of these people would find it convenient to have a pharmacy located closer to Arthington Medical Centre. However, the number of patients expressing these difficulties is relatively small and many discuss the alternative arrangements they have made, demonstrating that they were still able to access pharmaceutical services in some form, not least through the extensive local delivery service.

5.4.178 Conclusion

5.4.179 Our client's position is that the information provided by the appellant does not constitute evidence that would lead the Primary Care Appeals committee to reach a different conclusion to the ICB.

5.4.180 In our opinion, this application can be refused without the need for an oral hearing. However, should Primary Care Appeals wish to convene an oral hearing to determine this matter, our client would wish to attend."

Letter to the Commissioner dated 16 July 2025

5.4.181 "Thank you for allowing Hunslet Pharmacy the opportunity to make representations regarding the above application. It has thrown up a lot of questions and cause for concern in these already pressured times.

5.4.182 Our initial concern is around the area where the Pharmacy is proposed to open. This site used to be the Boots Pharmacy that had to shut down last year due to similar pressures. Closure of a pharmacy does not automatically create a gap in pharmaceutical provision. Boots shut down over 18 months ago. Should a gap have arisen as a consequence of this closure, then the PNA should have been updated to reflect this and a supplementary issued. We are not aware that this has been the case for this area. Subsequent to Boots closure, the patients chose other Pharmacy provisions, of which there are quite a few in the local area. There are at least five pharmacies within 1 mile radius of the proposed site and in addition there are few distance selling pharmacies that cater to the needs of the local population.

5.4.183 As per the Census, there has not been much change in the local population of Hunslet and Riverside Ward, with an increase of just 1.3% annual population change over the last 10 years. As per the PNA 2025 document, there are 19 Pharmacies in the Inner South Leeds Locality. The most recent estimate of the population of Inner South is 88,233 this equates to 22 pharmacies per 100,000 people, which is slightly higher

than the England average (20.2 per 100,000). However if we include a 1km buffer zone around the locality (roughly the distance covered in a 10-12 minute walk) the number of pharmacies increases to 27. The rate of 30 pharmacies per 100,000 people is much higher than that of rest of England.

5.4.184 Although car ownership is likely to be low in this locality, there is access to a pharmacy on foot within 12 minutes for the majority of residential areas, and moreover all these areas are well covered by public transport and local pharmacies are all within 3 minute walk of a bus stop. Besides, Hunslet Pharmacy (and other Pharmacies in the area) provide free delivery service to patients who are unable to attend Pharmacy to pick up their medicines. This service is provided five days a week.

5.4.185 The applicant has mentioned that they will open on Saturday afternoons and Sundays to provide the provision. As per the PNA Draft 2025, there are four 100-hour pharmacies within the Inner South Leeds Locality and seventeen 40-hour pharmacies. There are 15 Saturday opening pharmacies with the earliest opening time at 7:30 a.m. and the latest closing time at 10:30pm. There are five Sunday opening pharmacies with the earliest opening time at 9 a.m. and the latest closing time at 10pm. 19 of the pharmacies are classed as evening openings (until 6 p.m. at least once a week). The earliest pharmacy opening time Monday to Friday is 7 a.m., and the latest closing time is 10:30pm. There are few other Pharmacies close to Leeds City Centre that provide the provision till midnight and on weekends as well. Most of these pharmacies provide most essential, advanced and locally commissioned services specified by the applicant. All the hours and provisions the applicant has specified are currently being met by the current Pharmacies in the area.

5.4.186 As per the application, there is a mention of upcoming new development in the area. The PNA document states that although there are new developments planned between 2025-2028, but with the high availability of Pharmacies in the area above the national average, these should not leave any gap in the provision of Pharmacy Services. The Health and Wellbeing Board (HWB) has also concluded that despite these planned developments, access to pharmacies will remain within reasonable time limits, whether by public transport, private transport, or walking. Overall, the HWB has determined that there are no current or future unmet needs regarding the provision of essential or necessary services by community pharmacies in the locality.

5.4.187 We would also like to add that the cuts in Pharmacy funding over the last few years has had a huge impact on our income. Despite the current uplift, the pharmacy is just breaking even and the other Pharmacies in the area are in the similar situation. Any further detriment would make our business most definitely unviable. We are currently dispensing on average 6,500 items per month. If a new pharmacy contract is approved in the same neighbourhood, we could lose a significant number of items. This could destabilise the current pharmaceutical provision in the area.

5.4.188 Conclusion: Based on the above arguments, we believe that there is no need for a new Pharmacy as there is already sufficient provision to cover the area by existing Pharmacies. For the above reasons, we respectfully request that the above application is refused.”

6 Unsolicited comments

6.1 Hilary Benn MP

6.1.1 “I've been contacted by my constituent Mr [DK] who has made an application to reopen the Pharmacy that previously served the Hunslet Carr area on Belle Isle Road in my constituency.

6.1.2 Mr. [K] says that there is a need for the service particularly for elderly and vulnerable patients who have significant difficulty walking or travelling to alternative pharmacies.

6.1.3 I would be grateful if you could take his representations into account in making a decision.”

7 Observations

7.1 Pharmacy Advice and Consultancy Ltd (“PSC”), on behalf of Varalakshmi Healthcare Limited, t/a Hunslet Pharmacy

7.1.1 “Many thanks for your email. On behalf of our client, Varalakshmi Healthcare Limited, t/a Hunslet Pharmacy, we only have very brief final observations to make.

7.1.2 We note that Boots and the LPC continue to object to this application, so we have no further comments to make on their representations.

7.1.3 In respect of the email from Hilary Benn MP, we note that this stops short of supporting the application and provides no independent evidence that supports the applicant’s case. The email simply states that Mr Benn has been told by the applicant that there is a need and asks that the Primary Care Appeals committee takes the applicant’s comments into account, which clearly it will. In the absence of any new evidence we have no further comments to make.

7.1.4 We look forward to hearing the outcome of this application in due course.”

7.2 Gordons Partnership Solicitors, on behalf of the Applicant

7.2.1 “Thank you for your letter dated 23 January 2026 with enclosures. We are instructed to respond to the representations you have received:-

Community Pharmacy West Yorkshire – letter received 6 January 2026

7.2.2 Community Pharmacy West Yorkshire’s comments refer primarily to the 2022 PNA and states that the new PNA is still in draft form. We would like to clarify that the 2025 PNA was published at the time that our client’s appeal was submitted.

- 7.2.3 We agree that the 2022 PNA and 2025 PNA do not identify the improvements or better access that our client proposes to secure by opening a pharmacy in the Hunslet area. It is for this reason that our client made an unforeseen benefits application. Pharmasee Ltd's application highlights that there is a gap in pharmaceutical services in the Hunslet area following the closure of the Boots Pharmacy and due to population increases. By opening a pharmacy within the proposed best estimate location, Pharmasee Ltd will provide better access to pharmaceutical services by providing essential, advanced and enhanced services and opening on Saturday afternoons and Sundays when other pharmacies in the area are closed.
- 7.2.4 Community Pharmacy West Yorkshire asserts that 'the distance to pharmacy contractors and dispensing doctors to residents of this area has not changed since the publication of the 2022 PNA.' This is incorrect; residents who live close to the previous location of Boots Pharmacy at 1 Moor Road will have faced a change in the distance to their nearest pharmacy.

Boots – letter dated 7 January 2026

- 7.2.5 Boots state that neither PNA identified any gaps in pharmaceutical provision in the area. We agree with this statement and, as above, it is for this reason that an unforeseen benefits application is appropriate in this case.
- 7.2.6 It is our client's case that the closure of the Boots Pharmacy at 1 Moor Road has not been addressed. Although the 2025 PNA was published after the closure of this pharmacy, it does not mention this closure or the impact of this on the local community.
- 7.2.7 In terms of developments, Points Cross (123–125 Hunslet Road) is a 16 minute walk away from the two nearest community pharmacies and Hunslet Moor House is a 12 minute walk away from the nearest pharmacy. These are both more than the 9 minute walk from the PNA that Boots refers to. Regardless of the distance from the developments to existing pharmacies, these developments are now and will progressively put pressure on existing pharmacies. Pharmasee Ltd's application will ensure sufficient pharmaceutical services and reasonable choice for residents.

Pharmacy Sales & Consulting for Varalakshmi Healthcare Limited, t/a Hunslet Pharmacy – letter dated 12 January 2026

- 7.2.8 *'Given that the PNA was published so recently, it is highly unlikely to be the case that there has been any significant change to the pharmaceutical needs of the local population in the short time since the PNA came into force.'*
- 7.2.9 Whilst this application was made under the 2022 PNA following the closure of Boots Pharmacy at 1 Moor Road and in light of current and future developments, the 2025 PNA does not address the closure of the Boots Pharmacy, and therefore has not foreseen the ongoing need for additional pharmaceutical services in the Hunslet area. The analysis of

PSC that Regulation 18 only permits applications where there is a change of circumstances since the PNA was published is not accepted.

- 7.2.10 *'It is worth noting that All Care Pharmacy, which is within a 20-minute walk time, is open from 11am to 4pm on Sundays, and these are core hours given that this is a former 100-hour pharmacy.'*
- 7.2.11 All Care Pharmacy is approximately an 18 to 22 minute walk away from the proposed pharmacy dependent on the area within the best estimate location. We would submit that 18 minutes is not 'well within' the often quoted 20 minute walk time and is a significant walk for patients with mobility issues, with young children or who are unwell. As car ownership is low in the Hunslet area, many patients will walk to the pharmacy and would benefit from access to a closer pharmacy. All Care Pharmacy is the nearest pharmacy to the proposed location offering Sunday opening hours. These differ to those proposed by our client, with Pharmasee Ltd's proposed opening hours of 09:00 – 15:00 covering a gap in the morning as All Care Pharmacy's Sunday opening hours are 11:00 – 16:00.
- 7.2.12 *'The appellant has failed to provide any evidence whatsoever that there is actually a demand for pharmaceutical services on Sundays. The appellant makes much of these Sunday opening hours but they are irrelevant if patients do not require them. Within its appeal letter the appellant discusses Arthington Medical Centre, which is close to its proposed site. It is noteworthy that this medical centre has no weekend opening hours, so there is no prescribing in this area on Saturdays or Sundays.'*
- 7.2.13 62.5% of residents in the Hunslet & Riverside Ward, compared to a national average of 57.4%, are employed and 75.7% of the population who are employed work full time (Census 2021). This high proportion of residents, in addition to children at school, are particularly likely to benefit from or require weekend opening hours. Although Arthington Medical Centre does not open on Saturdays and Sundays, patients can choose to collect their medications at the weekend or seek otherwise assistance from a pharmacist, such as through the Pharmacy First service. It would be beneficial to residents around the medical centre to have access to additional healthcare services at weekends.
- 7.2.14 *'The appellant has not explained how deprivation in dimensions such as employment, education and housing have any relevance to the extent to which residents require pharmaceutical services and their ability to access these.'*
- 7.2.15 In our response to Well Pharmacy's comments to NHS England, we noted that 2021 Census data shows that within the inner south locality of Leeds, 57.8% of households are deprived in one or more dimensions (employment, education, health and disability and housing). Residents with disabilities are more likely to require pharmaceutical services close to their home and residents with health conditions may require more frequent access to pharmaceutical services.

7.2.16 *'The appellant also proposes to offer a "Medical supplies review service (appliances)". However, there is no NHS pharmaceutical services with this name. It may be that the appellant intended to say "Appliance Use Reviews (AURs)".'*

7.2.17 We apologise for any confusion in relation to this point. Pharmasee Ltd proposes to offer the Appliance Use Reviews (AURs). There is demand for AURs in the Hunslet area to support patients in the safe and effective use of prescribed appliances.

7.2.18 *'Contrary to the information provided by the appellant, the NHS Advanced and Enhanced services provided by Hunslet Pharmacy are as follows:*

7.2.18.1 *Pharmacy First*

7.2.18.2 *Hypertension case finding including ambulatory blood pressure measurement*

7.2.18.3 *Emergency Contraception Service*

7.2.18.4 *Pharmacy Contraception Service*

7.2.18.5 *Stop Smoking Service*

7.2.18.6 *Stop Smoking Voucher*

7.2.18.7 *New Medicine Service*

7.2.18.8 *Covid 19 Lateral Flow Tests*

7.2.18.9 *Covid 19 Vaccination Service: Walk in and Booking via NBS 18 and overs*

7.2.18.10 *Flu Vaccination Service: Walk in and Booking via NBS 2-3 yrs old and 18 and overs'*

7.2.19 The NHS "Find a Pharmacy" website lists the services offered by Hunslet Pharmacy, and does not include the Pharmacy First Service or Hypertension Case Finding including ambulatory blood pressure measurement. This may lead to confusion amongst patients as to the services offered at Hunslet Pharmacy. We would like to highlight that Pharmasee Ltd intends to provide all essential, advanced and enhanced services from the proposed pharmacy to benefit the local community.

7.2.20 *'We do note, however, that delivery services are not contractual and whilst our client does not offer deliveries over the weekend, the appellant will be under no obligation to offer them either should this application be granted.'*

7.2.21 Our client will be providing delivery services over the weekend if this application is granted and although this is not a contractual service, it is a service that is not being provided by Hunslet Pharmacy.

- 7.2.22 *'Most notably, the population is significantly younger than average. Whilst the number of residents under the age of 16 is only slightly above the national average, the number of people over the age of 65 is very substantially below average. It follows, therefore, that the number of people living within this ward aged between 16 & 64 is higher than the national average. This is relevant when considering comments made in the appeal regarding the number of elderly residents.'*
- 7.2.23 *It is also noteworthy (probably is result of the relatively young population) that the number of residents who are classified as disabled under the Equality Act is also significantly lower than the national average. Clearly that is relevant when considering whether these residents would have undue difficulties walking to a pharmacy.'*
- 7.2.24 Census data shows that the population of Hunslet was significant at 26,474 as of 2021, which means that around 1,853 residents are 65 or over. Additionally, residents classed as disabled under the Equality Act are not the only other residents who may have difficulty walking to a pharmacy. Residents who are acutely unwell or who have young children will also require access to pharmacy services within easy walking distance.
- 7.2.25 *'The appellant has provided no evidence that supports the assertion that the ICB did not properly consider the regulatory tests; in fact the decision report provided by NHS England is very thorough. A simpler explanation is that the ICB fully considered these matters and found that the regulatory tests had not been met.'*
- 7.2.26 We refer the Committee to our client's appeal in which we set out the unforeseen benefits that would be secured by granting our client's application.
- 7.2.27 *'It is clear from the application and the comments made by the appellant that its case largely rests on the closure of the Boots pharmacy formerly located at 1 Moor Road. As we discussed earlier, the current PNA was published after that closure had taken effect so the HWB considered the level of pharmaceutical services provision in the knowledge that there was no longer a pharmacy located on Moor Road. For this reason we say that the Committee should place little weight on the fact there was previously a pharmacy located in this area.'*
- 7.2.28 Our client's application was made on the basis that due to the overall pressure on pharmaceutical services; including the closure of Boots Pharmacy and the ongoing developments in the Hunslet area, there is a gap in the provision of pharmaceutical services. The closure of Boots Pharmacy did take place before the publication of the 2025 PNA, however, the ongoing developments continue to increase the need for additional pharmaceutical provision in Hunslet. It is the combination of these factors together that the PNA does not address.
- 7.2.29 *'When considering the level of provision within the locality, the current PNA (which of course takes into account the closure of Boots), states the following:*

- 7.2.30 *“There are 19 community pharmacies within the locality these are shown in Figure 61. There is good correlation between the population density and the number of pharmacies in this locality. The most recent estimate of the population of Inner South is 88,23358 this equates to 22 pharmacies per 100,000 people, which is slightly higher than the England average (20.2 per 100,000).”*
- 7.2.31 *The PNA then goes on to consider the number of additional pharmacies within a 1km ‘buffer zone’ but even disregarding this buffer zone it is clear that, based on the number of pharmacies per head of population, there is no evidence of under provision within the Inner South locality.’*
- 7.2.32 Although the number of pharmacies per 100,000 people is slightly higher than the England average, a reliance on ratios does not give a true picture of the need for pharmaceutical services in this highly deprived area. There is a known link between deprivation and higher health needs so this area is likely to need a higher than average number of pharmacies. When looking at the locations of existing pharmacies on a map, they are condensed in certain areas leaving gaps of pharmacy provision. To the east and south of Moor Road there is significantly less pharmaceutical provision than that to the north and west of this location.
- 7.2.33 *‘It is stated that the closure of the Boots pharmacy has “reduced patient choice”. It is a matter of common sense that when one pharmacy closes there will be some reduction in patient choice. However, the regulatory test is not whether choice been reduced, it is whether the choice that remains is reasonable.’*
- 7.2.34 The closure of the Boots Pharmacy has reduced patient choice, and it is our position that this has contributed to residents no longer having reasonable choice when obtaining pharmaceutical services in the area. The two nearest pharmacies to the proposed location close by 1pm on Saturdays and do not open on Sundays. To access pharmaceutical services after 1pm on Saturdays or on Sundays, patients have to travel to All Care Pharmacy or even further away. An additional pharmacy offering Saturday and Sunday opening hours would provide reasonable choice for residents of the Hunslet area.
- 7.2.35 *‘The appellant acknowledges that there are two pharmacies located 0.5 miles away from its proposed site. It is our client’s position that this in itself is evidence that patients already have reasonable choice in respective access to pharmaceutical services. A distance of 0.5 miles (or 800m) is not significant within an urban area where residents are accustomed to travelling to different parts of the city to access the amenities they require when going about their daily lives.’*
- 7.2.36 As outlined in our client’s appeal, both of these pharmacies are situated to the north of the proposed pharmacy location and the majority of other pharmacies are located in Leeds City Centre to the west of the proposed location. Residents living to the south and east of the proposed location would have to travel a significant distance to Well Pharmacy or Hunslet Pharmacy, much further than 0.5 miles from the proposed location to these pharmacies.

- 7.2.37 *'The image below shows the small shopping parade within which the Boots pharmacy was formerly located. As can be seen in the image, this is typical of thousands of similar shopping parades located throughout the country. Most of these parades do not have, or require, a community pharmacy.'*
- 7.2.38 No source is provided for the assertion that most small shopping parades do not have or require a community pharmacy. Many shopping parades across the country do have pharmacies. This shopping parade is a well-established neighbourhood parade serving the surrounding residential area. It is located on a busy junction with traffic lights, pedestrian crossings and nearby bus stops, which generates steady footfall throughout the day from local residents and passing pedestrians.
- 7.2.39 The existing businesses reflect the parade's day-to-day community role. There are two independent convenience stores on the parade, both of which are open seven days a week until late hours. "Your Local Store" operates from 08:00 to 21:00 daily, while Lallys Newsagent opens from 06:00 to 21:00 Monday to Friday, 07:00 to 21:00 on Saturdays and 07:30 to 19:00 on Sundays. These shops provide everyday essentials including newspapers, magazines, snacks, drinks, groceries, tobacco products, lottery tickets and household items, as well as services such as parcel collection, phone top-ups and ATM access.
- 7.2.40 The Vision Centre is also located on the parade and provides optician and eye-care services, including eye tests and the supply of glasses and contact lenses. Its presence reinforces the parade's role as a destination for essential health and wellbeing services and attracts families, older residents and appointment-based visitors during daytime hours.
- 7.2.41 In addition, there is a barber and a fish and chip shop, the latter opens seven days a week until late in the evening, further contributing to regular footfall throughout the day and into the evening. A pharmacy that opens 7 days a week would offer pharmaceutical services where people go as part of their day to day lives which would be a significant benefit.
- 7.2.42 *'The appellant then goes on to cite an 11% increase in the population of the Hunslet and Riverside ward over a 10-year period between the last two censuses. No information is provided whatsoever in respect of where this population growth has come from, but it is clear that an increase of approximately 1% per year does not amount to rapid growth of the population regardless of the national average. Furthermore, no information is provided in respect of where these additional people live within the ward. We are not aware that there has been any notable housing development within, or close to, the area proposed by the appellant in the period since 2011. Most of the housing stock in Hunslet Carr appears to be post-war through to the 1970s at the latest.'*
- 7.2.43 The 11% increase in population between 2011 and 2021 is an indicator of the continuing population growth in the Hunslet and Riverside Ward.

Compared to the average population growth of 6% in the same time period, this is a significant increase. Hunslet Moor House has already been opened, and work is ongoing at the Points Cross, Aire Park and Meadow Lane sites.

- 7.2.44 *'It is also noteworthy, as discussed earlier, that neither my client's pharmacy nor Well dispense more than the average number of prescriptions in broad terms. There is no evidence therefore of a significant demand that has arisen as a result of population growth. Furthermore, the Boots pharmacy that closed dispensed no more than approximately 5,500 items per month - significantly below the national average.'*
- 7.2.45 Hunslet Pharmacy dispensed just under the national average in the 6 months to September 2025 and Well Pharmacy dispensed more than the national average in the same period. With the new developments also near to both of these pharmacies, it is likely that the items dispensed will continue to rise as demand increases. This will place pressure on existing services.
- 7.2.46 *'The appellant states that "a significant number of new developments are to be built within 1-2 miles of the proposed location. These will increase the overall pressure on services in the immediate area."*
- 7.2.47 *It is notable that the appellant takes the position here that developments that may be located up to 2 miles away should be considered as being "in the immediate area" of the proposed location. This is a very different position to that taken by the appellant when considering the location of alternative pharmacies.*
- 7.2.48 *We note that the NHS England decision report comments, on page 4, that there are currently eight other providers of pharmaceutical services within 1.6 miles of 1 Moor Road (straight line and walking). It would appear, therefore, from the appellant's comments about the 'immediate area' that it accepts there are at least 8 pharmacies within that area. We submit that this constitutes significant choice for patients.'*
- 7.2.49 The area that is likely to feel pressure on healthcare services is much broader than the distance that it would be reasonable to expect patients to travel to access pharmaceutical services. Patients may choose to travel further than 1km/20 minutes walking time to visit a pharmacy, but it would be unreasonable to expect this.
- 7.2.50 *'It is also noteworthy that the appellant states that these developments are "to be built". i.e. these are future developments that may or may not materialise. The Committee will be aware that it would be unusual to place significant weight on developments which are only at the planning stage at present.'*
- 7.2.51 As stated above, the developments are not at the planning stage but have either opened or are being constructed at present. It would be appropriate to put significant weight on these developments due to the significant amount of homes that will be built in the near future.

- 7.2.52 *'This map very clearly shows that the developments highlighted within the PNA are significantly closer to other pharmacies, including those owned by our client and Well, than they are to the appellant's proposed site.'*
- 7.2.53 The developments shown on the map are closer to Hunslet Pharmacy and Well Pharmacy. However, the map shows 3,533 expected new homes within this area, which is likely to place significant pressure on the existing pharmacies. Pharmasee Ltd's proposed pharmacy would particularly benefit any residents of the new developments who do wish to travel further, who live nearer to the proposed location or who are patients of Arthington Medical Centre.
- 7.2.54 *'The appellant then refers to the letters of support it received. We comment on these letters in more detail later, but we wish to make the point that there is a significant difference between supporting the principle of a new pharmacy and providing evidence that residents do not currently have reasonable choice in respective pharmaceutical services provision.'*
- 7.2.55 In the appeal letter, a selection of comments regarding the need for a pharmacy in the proposed location particularly by those with protected characteristics who do not have reasonable choice to pharmaceutical services were highlighted. We refer the Committee to the appeal enclosures for the comments received by local residents highlighting that they support the principle of a new pharmacy and that residents do not currently have reasonable choice in respect of pharmaceutical services provision.
- 7.2.56 *'With respect to the appellant, we asked the committee to treat notes taken at Residents' Association meetings with caution. Whilst we do not necessarily dispute the fact that comments about access were made at these meetings, without a full transcript which sets out these discussions in detail, no context for these comments is provided. For example, it is not clear what comments the appellant made to the association members that may have influenced these conversations. It would be very easy for the appellant in these circumstances, perhaps inadvertently, to coach the members of the meeting in respect of what they should say to help the chances of an application being approved.'*
- 7.2.57 *We also note that some of the written representations submitted refer to having received a letter from the appellant. It might be useful for the Committee to see that letter to understand how residents were asked to express their support.'*
- 7.2.58 Mr [K] attended the meetings with local residents and the MP to introduce the proposal to reopen a pharmacy in the area. Attendees were invited to openly share their views, concerns, and experiences, including any feedback arising since the closure of the Boots pharmacy. He has confirmed that the discussions were resident-led, and no comments were suggested, prompted, or coached by him.
- 7.2.59 A copy of text of the letter sent by the appellant to local residents is attached [see below 7.2.95-7.2.102]. It does, of course, support the

need for a new pharmacy, but it should be noted that residents who felt they already had reasonable choice would not take the additional step of writing to support the application for a pharmacy.

- 7.2.60 *'The map below shows the walking route from Moor Road to All Care Pharmacy. It is also noteworthy that this map shows the location of an Aldi supermarket on this route which is the nearest supermarket for residents of the Moor Road area. These residents are therefore likely to make this journey regularly for their food shopping. Given that we acknowledge the area is deprived we would submit that it is unlikely residents would wish to be reliant on the local convenience store for the majority of their groceries.'*
- 7.2.61 Given the low levels of car ownership set out in our client's appeal and in Pharmacy Sales & Consulting's letter, we would submit that it is likely that residents would have a difficult time travelling further to a larger supermarket and then transporting their shop home. For this reason, it is likely that residents would make frequent use of the local convenience store.
- 7.2.62 *'This map also shows that there is a network of footpaths at the motorway junction that facilitates easy crossing beneath the motorway for pedestrians. The route between Moor Road and All Care Pharmacy benefits from wide pavements along its length, dedicated crossing points with dropped kerbs and street lighting throughout.'*
- 7.2.63 *The route shown above does involve using a footpath across Hunslet Lake Park (at the south-eastern end of the route) but for any residents who do not wish to cross the park, they can simply avoid this by remaining on Moor Road. This only adds 1 minute to the journey. On Saturday afternoons and Sundays there would be no reason to make this journey in the dark.'*
- 7.2.64 *Furthermore, the topographic map provided below, where All Care is marked with a blue star and Moor Road with a red star, shows that whilst there are hills to the west beyond All Care pharmacy, and to the south below the A61, the Hunslet area is essentially flat.'*
- 7.2.65 Although younger patients or those without mobility issues may be able to walk from Moor Road to All Care Pharmacy, this is a significant walk for some patients and it would not be reasonable to expect all patients to be able to walk 0.7 miles or 18 – 22 minutes to access pharmaceutical services at this location. This route is not suitable for many patients, particularly the elderly or those with mobility issues, and involves walking along Dewsbury Road, which is a very busy and heavily trafficked road. In practical terms, this represents a walking journey of well over 30 minutes for a return trip, creating a significant access barrier for local residents.
- 7.2.66 *'For residents who do have access to a car, which is either their own or provided by family or friends, there is free parking available immediately outside All Care pharmacy and the journey by car would take no more than 5 minutes.'*

- 7.2.67 Census data from 2021 shows that 53.5% of households in the Hunslet & Riverside ward do not have access to a car or van, so travel by car is less significant than walking distances and public transport. While the distance to All Care Pharmacy may be relatively short by car, around half of patients will not have this option. However, there is parking available immediately outside the proposed pharmacy, as well as parking along the parade of shops and on-street parking nearby for anyone who does wish to travel by car.
- 7.2.68 *'In respect of patients attending Arthington Medical Centre, whilst we accept that the proposed location is closer to the surgery we do not accept the patients attending this medical centre do not already have reasonable choice given that there are two pharmacies located within 0.5 miles. As we have discussed previously this medical centre opens from Monday to Friday as do the two pharmacies located half a mile away.'*
- 7.2.69 *The map below shows the walking distance and time from this medical centre to our client's pharmacy. The journey on foot takes no more than 13 minutes.'*
- 7.2.70 The 13 minute walk to Hunslet Pharmacy from Arthington Medical Centre is too long for patients who have mobility issues or who are unwell. Patients walking between the medical centre and the pharmacy will also have to walk from their home to the medical centre and from the pharmacy to their home, which will in total be a much longer walk than just 13 minutes.
- 7.2.71 *'For the reasons we have provided previously we submit that the vast majority of people who do not own a car would have no difficulties walking to Hunslet or Well pharmacies. In fact, we would suggest that it is likely that the relatively low number of people that do have mobility difficulties are those who are most likely to own a car because there are insufficient amenities within the immediate area to meet their daily needs.'*
- 7.2.72 *The national Motability scheme allows people who receive the higher rate mobility component of Personal Independence Payment (PIP) or Disability Living Allowance (DLA) to lease either a car or a mobility scooter as appropriate to allow them to access the facilities they need.'*
- 7.2.73 No evidence has been provided as to the proportion of residents with mobility issues who own a car. Not all residents with mobility difficulties will be able to access the Motability scheme or otherwise access a vehicle. Patients who have temporary mobility difficulty, are too unwell to walk a significant distance or who have young children are not more likely to own a car.
- 7.2.74 *'For residents who are disabled or blind, a bus pass is available (<https://www.wymetro.com/tickets-and-passes/blind-disabled/>) that provides free off-peak travel across West Yorkshire. It is clear, therefore, that those residents whose disability prevents them from walking to the nearest pharmacy and who cannot afford the bus fare*

are able to travel to a pharmacy without incurring any costs whatsoever.'

- 7.2.75 Residents who are blind or have an eligible disability can access free bus passes, but travelling by public transport is likely to be more challenging for residents with a disability. There will still be some walking involved when taking the bus and costs may have to be incurred if residents with a disability require the use of a taxi to access a pharmacy instead.
- 7.2.76 *'Those residents who are not entitled to one of these passes are unlikely to have any difficulties walking to pharmacies but if they choose to use public transport, most who are reliant on this are likely to buy a daily, weekly or monthly pass which provides unlimited travel, with prices ranging from £6.00 for a day pass to £93.00 for a monthly pass.'*
- 7.2.77 We would submit that this is a significant cost to expect patients of the pharmacy to pay, especially within Hunslet as a highly deprived area.
- 7.2.78 *'We dispute the assertion that there are any barriers to movement for pedestrians as a result of Moor Road being "busy" or having uneven pavements and road surfaces. In fact the image provided by the appellant shows a dedicated pedestrian crossing with tactile paving to assist visually impaired pedestrians. The onus is on the applicant to provide evidence to support its case in respect of barriers to access but it is not able to do so.'*
- 7.2.79 The image referred to in our client's appeal represents only a small section of the overall journey and does not reflect the full pedestrian route. The route is not served by dedicated pedestrian crossings throughout, and patients would be required to navigate multiple sections of busy roads. In particular, Moor Road and the wider route, including the Penny Hill Shopping Centre area, can become very busy and congested, which can be challenging and intimidating for elderly patients and those with mobility issues. Variations in pavement condition and surface quality along the route further add to the difficulty. Accordingly, while isolated crossings may exist, the overall walking journey presents practical barriers to access for vulnerable patients.
- 7.2.80 Below is an image of a large, busy junction that patients have to navigate when walking between Moor Road and Hunslet Pharmacy.
[Image provided]
- 7.2.81 *'For those residents who are reliant on public transport, not only can they travel to the city centre directly from Moor Road, the bus timetables provided by the appellant show that route 12 travels to and from The White Rose centre, where there is a branch of Boots which opens from 11am to 5pm on Sundays.'*
- 7.2.82 *'These buses run approximately every half an hour and the journey time is 25 minutes. Buses to the city centre take approximately 30 minutes and run every 10-15 minutes on a Sunday.'*

- 7.2.83 Hunslet Pharmacy is not accessible through a direct public transport route from Moor Road, and the next nearest pharmacy that opens on a Sunday requires a 25 minute bus journey in each direction. There is not a pharmacy open on Sundays that is easily accessible by public transport from Moor Road, so patients who rely on buses do not have reasonable choice on Sundays.
- 7.2.84 *'In terms of the number of elderly residents, as we have shown the number of residents over the age of 65 within this ward is, in fact, substantially lower than the national average. The appellant highlights a "small retirement block" with approximately 20 apartments but this is clearly not representative of the population as a whole. It would be inappropriate to grant an application based on the potential needs of a very small group of people. It is also relevant, as discussed earlier, that the nearest post office (a facility more likely to be relied upon by older residents), is located a very short distance from Hunslet Pharmacy.'*
- 7.2.85 As outlined above, based on 2021 Census data, around 1,853 residents are aged 65 or older. This is in addition to any residents who have a disability or who are in poor health. We would submit that taking these together, this is not a "very small group of people" and that residents with protected characteristics are likely to particularly benefit from additional pharmaceutical services in the Hunslet area.
- 7.2.86 *'We also note that none of the correspondence provided appears to show where these residents live, even at postcode level. As discussed earlier, much of the residential area described by the appellant is to the north of Moor Lane, so many of these residents will find that the distance to Hunslet Pharmacy would not be significantly greater than the distance to the proposed site.'*
- 7.2.87 The residents who provided letters and emails of support are predominantly local residents living in the Hunslet Carr area, including areas to the north of the former pharmacy site and away from the Penny Hill Shopping Centre. This was made clear during the residents' meetings, where attendees openly discussed their location, daily travel patterns, and the practical difficulties they experience in accessing pharmacy services since the closure of the local pharmacy.
- 7.2.88 The views expressed in the written correspondence are consistent with the issues raised verbally at these meetings and in direct communications received from residents. These residents described the proposed site as being closer and more accessible to them than pharmacies located around the Penny Hill Shopping Centre. In addition, the local MPs endorsed the appeal in a reflection of the genuine views and experiences of local residents living within the affected area. Taken together, this provides reassurance that the correspondence represents the views of residents who live locally and are directly impacted by the loss of the pharmacy.
- 7.2.89 *'Whilst we do not seek to diminish the strength of feeling, these comments to not constitute evidence that patients do not have reasonable choice in respect of access to pharmaceutical services.'*

7.2.90 Please see the following comments as examples of residents who do not feel there is reasonable choice of pharmaceutical services:

7.2.90.1 'I have already struggled to get to the doctor's surgery on Moor Road, and the idea of then having to walk all the way to the Penny Hill Centre for a prescription felt overwhelming, especially when unwell or in pain. Having the pharmacy close to the surgery made life so much easier.'

7.2.90.2 'Since the closure of Boots I have a 20min bus journey to pharmacy which if you've visited the doctor due to illness the last thing you want is extra travelling.'

7.2.90.3 'On some occasions I've delayed collecting my medication owing to my mental health preventing me from going to a distance to collect it.'

7.2.91 Pharmacy Sales & Consulting enclose a copy of their letter dated 16 July 2025. Please find enclosed with this letter our response to these comments which we ask the Committee to consider. [See above 2.1-2.48]

Hilary Benn MP – Email dated 9 January 2026

7.2.92 We note the email from Hilary Benn MP which highlights Mr [K]'s comments on this application. In response to the other comments received we have already addressed the need for a pharmacy at this location, particularly for elderly and vulnerable patients.

7.2.93 Our client firmly believes that the views of NHS England, Hunslet Pharmacy, Boots UK Ltd and CPWY must be secondary to the real and practical pharmaceutical needs of the local community. The application offers significant benefits to the HWB area which must be the central consideration of this application.

7.2.94 In all the circumstances, we ask NHS Resolution to allow our client's appeal and to quash the decision by NHS England and redetermine and grant our client's application. If an oral hearing is arranged our client would want to attend and be represented."

Text of communication to residents in the vicinity of the pharmacy at 1 Moor Road.

7.2.95 "Dear Resident,

7.2.96 My name is [DK], a qualified pharmacist (GPhC No: 2232939), and I'm reaching out to you as a member of your local community.

7.2.97 As you may know, the pharmacy at 1 Moor Road, Hunslet Carr, LS10 2JJ recently closed its doors. This has left many residents - especially the elderly, vulnerable, and families - without easy access to vital medications, health advice, and trusted pharmacy services.

7.2.98 That's why I'm working hard to reopen this pharmacy - for the community, by the community.

7.2.99 But I need your support. Your voice matters. With enough local backing, we can show the authorities that this pharmacy is needed, wanted, and will make a difference.

7.2.100 Please get in touch with your feedback, concerns, or even just a short note of support. Every comment helps us build the case to bring this essential service back to Hunslet.

7.2.101 Together, we can bring the pharmacy back - stronger, better, and focused on your health and wellbeing.

7.2.102 Thank you for your support."

8 Consideration

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

8.2 It also had before it the responses to NHS Resolution's own statutory consultations.

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

8.4 The Committee had regard to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 ("the Regulations").

Regulation 31

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

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

(2) This paragraph applies where -

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

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

(ii) adjacent premises; and

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

- 8.6 The Committee noted that the Applicant had stated *“The nearest pharmacy was at 1 Moor Road, Hunslet, Leeds LS10 2JJ. This was a Boots Pharmacy which has closed. The Applicant proposes to open a new pharmacy at the same location or adjacent location.”* The Commissioner in its decision report had stated *“Regulation 31 does not apply as there is no pharmacy at the same or adjacent premises”*, which the Committee noted had not been disputed by other parties. The Committee therefore determined that it was not required to refuse the application under the provisions of Regulation 31.
- 8.7 The Committee noted that, if the application were granted, the successful applicant would - in due course - have to notify the Commissioner of the precise location of its premises (in accordance with paragraph 31 of Schedule 2). Such a notification would be invalid (and the applicant would not be able to commence provision of services) if the location then provided would (had it been known now) have led to the application being refused under Regulation 31.

Regulation 18

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

“(1) If—

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

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

(2) Those matters are—

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

assessment, it is satisfied that, having regard in particular to the desirability of—

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

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

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

(ii) *since the last revision of the relevant HWB's pharmaceutical needs assessment other than by way of a supplementary statement.*

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

- 8.9 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").
- 8.10 The Committee went on to consider whether Regulation 18(1)(b) was satisfied, i.e. whether the improvements or better access that would be secured if the application was granted were or was included in the Pharmaceutical Needs Assessment ("the PNA") in accordance with paragraph 4 of Schedule 1 of the Regulations.
- 8.11 Paragraph 4 of Schedule 1 requires the PNA to include: *"a statement of the pharmaceutical services that the HWB had identified (if it has) as services that are not provided in the area of the HWB but which the HWB is satisfied (a) **would** if they were provided....secure improvements or better access, to pharmaceutical services... (b) **would** if in specified future circumstances they were provided...secure future improvements or better access to pharmaceutical services..."* (emphasis added).
- 8.12 The Committee considered the PNA prepared by Leeds 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 no supplementary statements had been issued.
- 8.13 Regulation 22 of the Regulations states that the relevant PNA for the purpose of determining a pharmacy application is the PNA that is current at the time the Committee 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 HWB regularly.
- 8.14 The Committee noted that the Commissioner in its decision report of 29 October 2025 had regard to the both the 2022 PNA and the draft 2025-2028 PNA. The Committee noted the Applicant's comment that *"...there is a procedural irregularity in that the decision was made on 29 October 2025 on the basis of the 2022 PNA and the draft 2025 PNA, when the 2025 PNA (published in final form on 15 September) was actually in force at the time that*

the decision was made on this application.” The Committee noted the 2025-2028 PNA states that it was effective from 15 September 2025.

- 8.15 The Committee considered that the starting point as set out in Regulation 22 was that the relevant PNA is the PNA of the relevant HWB that is current at the time that the decision is taken. Despite the confusion caused by the decision report, the Committee noted that there is no dispute that the 2025-2028 PNA is the current PNA.
- 8.16 The Committee proceeded to consider the 2025-2028 PNA and noted that the proposed best estimate is within the Inner South locality. The Committee noted that 10.8 of the PNA states:

8.16.1 **“10.8 Necessary services gaps in provision**

The Health and Wellbeing Board (HWB) has assessed whether the current pharmacy provision will meet the needs of the projected population in the locality between 2025 and 2028.

It is noted that major housing developments are planned in the area, all of which are within, or just outside a 9-minute walk of an existing pharmacy. This is particularly significant in an area where car or van ownership may be low.

Access to pharmacies in the locality is good in residential areas, especially so in the north with good coverage for pedestrians within a 12-minute walk or by car/van within a 5-minute drive. There are large parts of the locality in central and southern areas that do not have this level of on foot access, these areas are well covered by public transport and local pharmacies are all within 3-minute walk of a bus stop.

The HWB recognizes that some residents, both now and during the lifetime of this document, may face challenges accessing pharmaceutical services, such as:

- *Lacking access to private transport when services are needed,*
- *Being unable to use public transport, or*
- *Being unable to walk to a pharmacy.*

The HWB is confident that these residents can still access pharmaceutical services remotely through:

- *The delivery service mandated for all distance-selling pharmacies in England,*
- *Private delivery services offered by some pharmacies, and*
- *Remote access to services via telephone or online.*

The HWB has reviewed the opening hours of existing pharmacies and considers them sufficient to meet the likely needs of residents in the locality.

After evaluating the planned housing developments, the HWB has concluded that access to pharmacies will remain within reasonable time limits, whether by public transport, private transport, or walking.

Overall, the HWB has determined that there are no current or future unmet needs regarding the provision of essential or necessary services by community pharmacies in the locality.”

8.17 Further at section 19 ‘Conclusions’, the PNA states:

8.17.1 **“19.1.1 Access to necessary services during normal working hours**

Based on the information available at the time of developing this PNA no current gaps in the provision of essential services during normal working hours have been identified in any of the localities.

19.1.2 Access to necessary services outside normal working hours

Based on the information available at the time of developing this PNA no current gaps in the provision of essential services outside normal working hours have been identified in any of the localities.

19.1.3 Future provision of necessary services

Based on the information available at the time of developing this PNA no gaps in the need for the necessary services in specified future circumstances have been identified in any of the localities.

19.2 Improvements and better access – gaps in provision

Based on the information available at the time of developing this PNA no gaps have been identified in essential services, advanced services, or enhanced services that if provided either now or in the future would secure improvements, or better access, to essential services in any of the localities.”

8.18 The Committee noted that the Applicant seeks to provide unforeseen benefits to the patients of Hunslet, Leeds. Whilst having noted Boots’ representations that the closure of Boots pharmacy and the housing developments in the area had been considered in the PNA and were therefore not unforeseen, the Committee noted that the improvements or better access that the Applicant was claiming would be secured by its application were not included in the relevant PNA in accordance with paragraph 4 of Schedule 1.

8.19 In order to be satisfied in accordance with Regulation 18(1), regard is to be had to those matters set out at 18(2). The Committee’s consideration of the issues is set out below.

Regulation 18(2)(a)(i)

8.20 The Committee had regard to

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

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

8.21 The Committee noted the Applicant's comment that *"There is no evidence to suggest that the granting of Pharmasee Ltd's application would cause significant detriment to the proper planning of, arrangements for or the provision of pharmaceutical services."* The Commissioner's decision report states *"PSRC considered with regards to Regulation 18(2) (i), there are no identified plans or needs in respect of the provision of pharmaceutical services in the area. However, the Committee would need to consider that if the application were to be granted and the pharmacy open, would the ability to plan for the provision of services be affected in a significant way. PSRC considered whether the applicant offered to secure improvements or better access over and above those already provided within the area and concluded that it did not."* The Committee saw no dispute on the matter from other parties.

8.22 On the basis of the information available, the Committee was not satisfied that, if the application were to be granted and the pharmacy to open, the ability of the Commissioner thereafter to plan for the provision of services would be affected in a significant way.

8.23 The Committee was therefore not satisfied that significant detriment to the proper planning of pharmaceutical services would result from a grant of the application.

Regulation 18(2)(a)(ii)

8.24 The Committee had regard to

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

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

8.25 The Committee noted the Applicant's comment that *"There is no evidence to suggest that the granting of Pharmasee Ltd's application would cause significant detriment to the proper planning of, arrangements for or the provision of pharmaceutical services."* The Commissioner's decision report made no specific statement with regard to Regulation 18(2)(a)(ii), but the Committee noted it had commented *"No supporting information has been provided that residents within the area are experiencing difficulty in accessing pharmaceutical services. There are eight pharmacies to choose from within 1.6 miles. Six providing Saturday opening and two providing Sunday opening. All provide a good range of NHS Services."*

8.26 The Committee noted that in Hunslet Pharmacy's representations to the Commissioner, it had commented that *"...the cuts in Pharmacy funding over the last few years has had a huge impact on our income. Despite the current uplift, the pharmacy is just breaking even and the other Pharmacies in the area are in the similar situation. Any further detriment would make our business most*

definitely unviable. We are currently dispensing on average 6,500 items per month. If a new pharmacy contract is approved in the same neighbourhood, we could lose a significant number of items. This could destabilise the current pharmaceutical provision in the area." The Committee further noted PSC's comments on behalf of Hunslet Pharmacy that *"Our client is not seeking to make a case of significant detriment. Our client commented previously on the unprecedented financial pressures on the sector at present and the likely impact of granting an application. However, we accept that this alone does not meet the threshold for significant detriment."*

- 8.27 The Committee was therefore not satisfied that significant detriment to the arrangements currently in place for the provision of pharmaceutical services would result from a grant of the application.
- 8.28 In the absence of any significant detriment as described in Regulation 18(2)(a), the Committee was not obliged to refuse the application and went on to consider Regulation 18(2)(b).

Regulation 18(2)(b)

- 8.29 The Committee had regard to

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

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

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

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

- 8.30 The Committee noted the location of the proposed best estimate in the Hunslet area to the south east of Leeds city centre. The Committee had regard to the location of the existing pharmacies and GP surgeries as provided on the map by the Commissioner, which had not been disputed by any party.

- 8.31 The Applicant states “*Pharmasee Ltd made its application following the closure of the Boots Pharmacy previously located at 1 Moor Road, after the publication of the 2022 PNA. This closure reduced the provision of pharmaceutical services in Leeds generally and particularly within the Inner South area.*” The Committee noted that Boots Pharmacy closed in February 2024. The Committee was mindful that the closure of Boots Pharmacy occurred approximately two years ago and that the closure of a pharmacy does not automatically mean that there is a need for a pharmacy to open in their place.
- 8.32 The Committee noted the Applicant’s comment that “*this application is not made solely due to the closure of Boots, but also because there is ongoing population growth and other needs in this residential area.*”
- 8.33 The Committee noted the Applicant had stated that the population in the Hunslet and Riverside ward had increased by approximately 11% between the 2011 and 2021 Censuses, in comparison to 6% across the UK. The Committee also had regard to the housing developments listed by the Applicant. The Committee noted that the extent of the developments was unclear from the information provided, for example how many new houses were being occupied or when developments were likely to be completed. The Committee noted the PNA states “*Planning between 2025 and 2028 for this locality shows around 3,500 deliverable new homes. This is a very large increase in housing, but the development areas are all within or just outside a 9-minute walking distance of an existing pharmacy. We know that car or van ownership rates were very low here so on-foot or bus access is important.*” The Applicant had indicated that the developments were within 1 to 2 miles of the proposed location. PSC had provided a copy of the map at page 104 of the PNA on which they had indicated the location of the proposed pharmacy and the developments to the north, showing the location of pharmacies between the proposed location and the developments. The Committee considered the Applicant’s response that “*the map shows 3,533 expected new homes within this area, which is likely to place significant pressure on the existing pharmacies*” to be speculative, with no information provided to indicate that this would be the case. The Committee saw no information to indicate that the proposed location offered any advantage over existing pharmacies in terms of access to pharmaceutical services for patients living in the new developments. Further, the Committee was mindful that an increase in population does not automatically lead to the requirement to grant an application.
- 8.34 The Committee considered the demographic information provided regarding the area and noted there is no dispute that the LSOA in which the proposed best estimate is located is a deprived area. PSC note that “*...the proposed best estimate area is located was ranked 3,655 out of 33,755 LSOAs in England, where 1 is the most deprived. So, it is within the top 20% most deprived areas in England but not within the top 10%.*” The Committee noted the Applicant’s comment that “*There is also a significant elderly population who need accessible services.*” The Committee noted PSC had provided statistics from the 2021 Census indicating that the population of the area is younger than average, with 7.1% of residents being aged 65 or over, compared to the national average of 18.1%. The percentage of those classified as disabled is also lower than the national average, with the general health of the population being similar to the national average. The Committee noted that 53.6% of households did not own a car or van, compared to the national average of

23.5%. The Committee considered that the level of deprivation and low car ownership would need to be taken into account when considering access to existing pharmacies in the area.

- 8.35 The Committee noted the Applicant's comment that "*...the area of Hunslet is a reasonably contained location within Leeds with the M621 between the location and the city centre. There are of course underpasses but the area around the proposed site has its own community identity.*" The Committee considered the amenities available in the area of the proposed location which were listed by PSC as a convenience store, a fish and chip shop, a newsagent, a barbers, an optician, public houses, a bakery and a bathroom clearance shop. PSC comment "*Notably there is no post office, supermarket, secondary school, nursery, bank, hairdresser, café, community centre or any other amenity that would suggest local residents can meet their regular needs without travelling out of this area.*" The Committee noted the Applicant's response to this point in its observations regarding the various services that these amenities offer and concluding "*A pharmacy that opens 7 days a week would offer pharmaceutical services where people go as part of their day to day lives which would be a significant benefit.*" The Committee considered that the nature of the amenities in the area meant it was likely that residents would be accustomed to travelling further afield in order to access a wider range of amenities on a regular basis.
- 8.36 The Applicant highlights that "*Patients at Arthington Medical Centre will particularly benefit from this proposed pharmacy, which will be located much closer than the existing pharmacies that are 0.5 miles away from the Practice.*" The Committee also had regard to the email of support from Arthington Medical Centre. However, the Committee was mindful that whilst there is an element of convenience to a pharmacy located nearby a GP surgery, it is not a determining factor, in particular following the introduction of services like Pharmacy First and the establishment of electronic prescribing.
- 8.37 The Committee noted the Applicant states "*...there is already pressure on both existing pharmacies following the closure of Boots Pharmacy at 1 Moor Road and a new pharmacy would help to ease this pressure. Our client has been contacted directly both in writing and during residents' meetings by patients with concerns about delays and limited service capacity. Several patients have reported waiting multiple days to receive their medication, and many have stated that nearby pharmacies are unable to take on new patients who require monitored dosage systems to support their use of medication.*" The Committee had regard to the notes taken by the Applicant at four meetings of the Hunslet Carr Residents Association and noted some of the comments made mention of long waiting times or unavailability of medicines. The Committee gave these notes limited weight, given they have no context, for example, by way of a transcript of the meetings. The Committee noted the Applicant's comments are rebutted by PSC, who provide five positive Google reviews received by Hunslet Pharmacy over the last year. The Committee saw no information to indicate that the existing pharmacies are struggling to cope with the level of demand for pharmaceutical services. Further, the Committee was mindful that performance issues are a matter for the Commissioner to deal with in accordance with the Regulations.
- 8.38 The Committee had regard to the information provided regarding existing pharmacies and noted that the nearest are Well Pharmacy and Hunslet

Pharmacy which are located to the north of the proposed location at 0.5 miles and 0.6 miles respectively. The Committee also noted All Care Pharmacy to the west, which PSC comment is 0.8 miles using the shortest practicable route, and other pharmacies further afield as identified on the Commissioner's map.

- 8.39 The Committee considered access to the two nearest pharmacies on foot and noted the Applicant states that it is a 12 minute walk to Well Pharmacy and a 13 minute walk to Hunslet Pharmacy. The Applicant comments *"Although some patients will be able to walk this far, patients with mobility issues or who are unwell are likely to find this walk difficult. It should be noted that Moor Road is busy, and some of the pavement and road surfaces are uneven"*, providing a photograph of a slightly uneven road surface. The Committee noted that in their representations, PSC had provided a route map of the walk to Hunslet Pharmacy from Arthington Medical Centre, commenting *"this journey is level, benefits from wide pavements and street lighting throughout. It is necessary to cross the railway to access our client's pharmacy but this is straightforward, as the bridge over the railway is wide and benefits not only from a protected pedestrian route, but also a dedicated cycle-way."* In response, the Applicant states *"The route is not served by dedicated pedestrian crossings throughout, and patients would be required to navigate multiple sections of busy roads. In particular, Moor Road and the wider route, including the Penny Hill Shopping Centre area, can become very busy and congested, which can be challenging and intimidating for elderly patients and those with mobility issues. Variations in pavement condition and surface quality along the route further add to the difficulty. Accordingly, while isolated crossings may exist, the overall walking journey presents practical barriers to access for vulnerable patients."* The Committee noted the Applicant had provided a photograph of a large junction on Balm Road but which appears to show light controlled crossings.
- 8.40 The Committee noted PSC had provided a map of the walking route to All Care Pharmacy showing an 18 minute route from a central point on Moor Road in the best estimate area. PSC comment that *"The route between Moor Road and All Care Pharmacy benefits from wide pavements along its length, dedicated crossing points with dropped kerbs and street lighting throughout."* and further that for those not wishing to cross Hunslet Lake Park, there is an alternative route which adds 1 minute to the journey. PSC had also referred to a 20 minute walk as *"often considered to be a reasonable walking distance and which is referred to on page 65 of the Leeds PNA"*, however the Committee was mindful that it should not have regard to such norms in considering reasonable access. The Committee noted the Applicant's comment that *"This route is not suitable for many patients, particularly the elderly or those with mobility issues, and involves walking along Dewsbury Road, which is a very busy and heavily trafficked road. In practical terms, this represents a walking journey of well over 30 minutes for a return trip, creating a significant access barrier for local residents."*
- 8.41 With regard to pharmacies slightly further afield, the Committee noted the Applicant in their comments to the Commissioner had stated that Belle Isle Pharmacy is a 22 minute walk from the best estimate location and Parkside Pharmacy & Health is a 29 minute walk from the best estimate location. The Committee was provided with no further information regarding the journey to these pharmacies.

- 8.42 Whilst the Committee accepted that some more vulnerable patients and those with restricted mobility may find larger junctions intimidating to cross, it was of the view that the distance involved and crossing points is not unreasonable for those who are able and willing to access the existing pharmacies on foot. Further, it considered that nothing had been provided to demonstrate that those who are able to access existing pharmaceutical provision by foot were currently experiencing any difficulties in doing so.
- 8.43 For those with access to private transport, PSC had stated that *“there is free parking available immediately outside All Care pharmacy”*. The Committee noted there was no information to suggest any difficulties in parking at the existing pharmacies. There is no dispute that there is a low level of car ownership in the area with 53.6% of households not owning a car or van, compared to the national average of 23.5%. The Committee was mindful that this is not unusual for a city location and many residents would be well accustomed to travelling on foot or by public transport. The Committee also reminded itself that there is a younger than average population in the area.
- 8.44 The Committee considered the availability of public transport. The Applicant in its appeal states that there are bus stops either side of Moor Road, with the nearest bus stop to Well Pharmacy and Hunsley Pharmacy being Hunslet Centre on Church Road, which the Committee noted is located near to both pharmacies. The Applicant also states *“The routes from Moor Road pass through the Hunslet Centre stop.”* PSC also state that *“...there are direct bus services (routes 12, 13 and 13A) between Moor Road and Hunslet Centre, which is less than 50m from our client’s pharmacy. These buses travel at least every 10 minutes on weekdays and on Saturdays, so this is a very frequent service. The journey takes approximately 10 minutes.”* The Committee noted that there is no direct bus route to All Care Pharmacy, however PSC had commented *“...not only can they travel to the city centre directly from Moor Road, the bus timetables provided by the appellant show that route 12 travels to and from The White Rose centre, where there is a branch of Boots which opens from 11am to 5pm on Sundays. These buses run approximately every half an hour and the journey time is 25 minutes. Buses to the city centre take approximately 30 minutes and run every 10-15 minutes on a Sunday.”* The Committee noted the Applicant’s comment that *“...travelling by public transport is likely to be more challenging for residents with a disability. There will still be some walking involved when taking the bus...”*. The Committee was mindful that the majority of those wishing to access the proposed pharmacy would need to walk to and from it and so walking to and from bus stops involving a few additional minutes would not cause particular difficulty.
- 8.45 With regard to the cost of using the bus service, the Committee noted the Applicant states *“The price of a adult single bus ticket in Leeds is approximately £2,50 with a return ticket for an adult up to £5.”* PSC commented that a bus pass is available for blind or disabled residents allowing free off-peak travel in West Yorkshire and also for those not entitled to a pass, they state *“...most who are reliant on this are likely to buy a daily, weekly or monthly pass which provides unlimited travel, with prices ranging from £6.00 for a day pass to £93.00 for a monthly pass.”* Whilst mindful of the level of deprivation in the area, the Committee considered that not all residents would purchase the more expensive day pass and some public transport users may benefit from reduced fares. The Committee was of the view that for those reliant on public transport

there was nothing provided to demonstrate that they were currently having difficulties in accessing the existing pharmaceutical provision in the area of the HWB.

- 8.46 Therefore 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.
- 8.47 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.
- 8.48 In considering Regulation 18(2)(b)(ii) the Committee reminded itself that it was required to address itself to people who share a protected characteristic under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) having access to services that meet specific needs for pharmaceutical services that, in the relevant area, are difficult for them to access. The Committee noted that in its appeal the Applicant highlights “...*a significant elderly population who need accessible services.*” The Committee was mindful that according to Census data the area has a lower than average population of elderly residents, but it noted the Applicant’s comment that “...*based on 2021 Census data, around 1,853 residents are aged 65 or older.*” The Applicant refers to a small retirement block of approximately 20 apartments in Hunslet Carr, and the Committee noted one of the respondents in support of the application had commented “...*this part of Hunslet Carr has a very large elderly population, with sheltered housing and elderly residential properties in the area*”. The Committee therefore considered if pharmaceutical services, especially other essential services apart from the dispensing of prescriptions, which can be delivered, may be difficult to access for people with protected characteristics, based on age and disability.
- 8.49 The Committee was of the view that there are always people in an area who share a protected characteristic and whilst a pharmacy at the proposed site might be a benefit to some people, there was no information provided by the Applicant, beyond those dealt with under reasonable choice and access, as to how those with a protected characteristic were currently experiencing any difficulties in accessing pharmaceutical services specific to their needs.
- 8.50 The Committee was therefore not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons.
- 8.51 In considering Regulation 18(2)(b)(iii) the Committee had regard to the desirability of innovative approaches to the delivery of pharmaceutical services. In doing so, the Committee would consider whether there was something more over and above the usual delivery of pharmaceutical services that might be expected from all pharmacies, some ‘added value’ on offer at the location. The Committee noted that the Applicant had confirmed that it was not intending to offer any innovative approaches to the delivery of pharmaceutical services. The

Committee was therefore not satisfied that, having regard to the desirability of there being innovative approaches taken with regard to the deliverability of pharmaceutical services, granting the application would confer significant benefits on persons.

Regulation 18(2)(b) generally

- 8.52 The Applicant is offering to provide 50 core opening hours between 9am and 5pm on Monday to Friday and between 9am and 2pm on Saturday and Sunday. The Committee noted the Applicant's comment that the two nearest pharmacies do not offer opening hours after 1pm on a Saturday and do not open on a Sunday. The Committee noted that the next nearest pharmacy, All Care Pharmacy, does provide opening hours on a Sunday between 11am and 4pm. The Committee also noted the decision report states *"Of the eight pharmacies, two are open until 9pm weekdays (at 0.5 mile and 1 mile away). Six of the eight pharmacies are open Saturdays (2 are open until 9pm). Two of the eight pharmacies are open on Sundays."* Beyond a suggestion that additional weekend opening hours would be convenient for residents, particularly for those working during the week, the Committee was mindful that no information has been provided to suggest that there is a particular need for additional provision outside the hours that are currently offered by the existing pharmacies.
- 8.53 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.
- 8.54 The Committee had regard to the advanced and enhanced services being offered by the Applicant and noted the Applicant states *"Pharmasee Ltd is offering to provide all the NHS services offered by WELL and Hunslet Pharmacy, increasing patient choice for access to these services."* Further, that it will *"...provide all essential, advanced and enhanced services, which will go beyond the services offered at the existing pharmacies. These new services to be provided would include medical supplies review service (appliances), repeat prescription reminders by text message, hypertension case finding service, flu vaccination service, Pharmacy First, palliative care which are not currently offered by the two closest pharmacies."* The Committee noted PSC confirmed in its representations that Hunslet Pharmacy provides Pharmacy First, Hypertension case finding, Emergency Contraception Service, Pharmacy Contraception Service, Stop Smoking Service, Stop Smoking Voucher, New Medicine Service, Covid 19 Lateral Flow Tests, Covid 19 Vaccination Service and Flu Vaccination Service. The Applicant states in response *"The NHS 'Find a Pharmacy' website lists the services offered by Hunslet Pharmacy, and does not include the Pharmacy First Service or Hypertension Case Finding including ambulatory blood pressure measurement. This may lead to confusion amongst patients as to the services offered at Hunslet Pharmacy."* The Committee noted the Commissioner in its decision report had confirmed *"Reviewing some of the NHS advanced services provided by the pharmacies, all 8 provide: hypertension case finding; Pharmacy First and contraception services. 4 of the 8 provide Minor Ailments services, 6 of the 8 provide covid vaccinations and 5*

of the 8 provide smoking cessation services.” The Committee saw no information to suggest that there is a particular need for additional provision to the services currently offered by the existing pharmacies.

- 8.55 The Committee noted the Applicant had provided copies of emails from 15 residents of Hunslet plus communications from the secretary of Hunslet Carr Residents Association, the Hunslet and Riverside Ward Councillors and Arthington Medical Centre, all in support of the application. The Committee also had regard to the email from Hilary Benn MP for Leeds South, which asked that the Committee take the Applicant’s representations into account. The Committee noted that a selection of the comments from residents had been reproduced in the appeal. The Committee noted that in response to comments from PSC, the Applicant had provided a copy of its *“Text of communication to residents in the vicinity of the pharmacy at 1 Moor Road.”* The Committee had regard to the comments from residents, which for the size of the population in the area, was a very small sample. It was therefore unclear if the comments were representative of those residing in the area as a whole. The Committee placed limited weight on the views, mindful of the relatively small number of responses.
- 8.56 The Committee has considered whether there are any other factors that would confer significant benefits including on patients who share protected characteristics. The Committee had regard to the need to eliminate discrimination and advance equality of opportunity and foster good relations between these patients and those who do not share their protected characteristics.
- 8.57 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

- 8.58 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).
- 8.59 No deferral or refusal under Regulation 18(2)(f) was required in this case.
- 8.60 The Committee had regard to Regulation 18(2)(g) and found that it was not applicable.
- 8.61 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.
- 8.62 The Committee was 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.
- 8.63 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
- 8.63.1 confirm the Commissioner’s decision;

- 8.63.2 quash the Commissioner's decision and redetermine the application;
- 8.63.3 quash the Commissioner's decision and, if it considers that there should be a further notification to the parties to make representations, remit the matter to the Commissioner.
- 8.64 Although the Committee had reached the same determination as the Commissioner, it had done so for more extensive reasons. The Committee also noted that the Commissioner had not reached a clear determination regarding Regulation 18(2)(a). The Committee therefore determined that the decision of the Commissioner must be quashed.
- 8.65 The Committee went on to consider whether there should be a further notification to the parties detailed at paragraph 19 of Schedule 2 of the Regulations to allow them to make representations if they so wished (in which case it would be appropriate to remit the matter to the Commissioner) or whether it was preferable for the Committee to redetermine the application.
- 8.66 The Committee noted that representations on Regulation 18 had been sought from parties by the Commissioner and representations had already been made by parties to the Commissioner in response. These had been circulated and seen by all parties as part of the processing of the application by the Commissioner. The Committee further noted that when the appeal was circulated representations had been sought from parties on Regulation 18.
- 8.67 The Committee concluded that further notification under paragraph 19 of Schedule 2 would not be helpful in this case.

9 **DECISION**

- 9.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, quashes the decision of the Commissioner for the reasons given above, and redetermines the application.
- 9.2 The Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.
- 9.3 The Committee has considered whether the granting of the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area covered by the HWB, or the arrangements in place for the provision of pharmaceutical services in that area and is not satisfied that it would;
- 9.4 The Committee determined that the application should be refused on the following basis:
- 9.4.1 In considering whether the granting of the application would confer significant benefits, the Committee determined that –
- 9.4.1.1 there is already a reasonable choice with regard to obtaining pharmaceutical services;
- 9.4.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and

9.4.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services;

9.4.2 Having taken these matters into account, the Committee is not satisfied that granting the application would confer significant benefits as outlined above that would secure improvements or better access to pharmaceutical services.

Case Manager
Primary Care Appeals