

20 May 2026

REF: SHA/26878

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**APPEAL AGAINST SHROPSHIRE AND TELFORD
AND WREKIN ICB DECISION TO REFUSE AN
APPLICATION BY ROSHBAN LIMITED FOR
INCLUSION IN THE PHARMACEUTICAL LIST
OFFERING UNFORESEEN BENEFITS UNDER
REGULATION 18 AT BEST ESTIMATE 0.2 MILE
RADIUS FROM JUNCTION OF GOWER STREET
AND STAFFORD STREET, ST GEORGE'S,
TELFORD, TF2**

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:
Rushport Advisory LLP on behalf of Roshban Limited
PCSE on behalf of Shropshire and Telford and Wrekin ICB
Temple Bright LLP on behalf of Priorslee Pharmacy

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1 The Application

By application dated 27 January 2025, Roshban Limited (“the Applicant”) applied to Shropshire and Telford and Wrekin ICB for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 at best estimate 0.2 mile radius from junction of Gower Street and Stafford Street, St George’s, Telford, TF2. In support of the application it was stated:

- 1.1 The Applicant stated in response to the question: In my/our view this application should not be refused pursuant to Regulation 31 for the following reasons: NO OTHER PHARMACY AT EITHER THE SAME OR ADJACENT PROPOSED PREMISES
- 1.2 Please describe the unforeseen benefit(s) that you are offering to secure and how it will secure improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB’s area.
- 1.3 “St Georges is a suburb of Telford located north of the M54 and east of the railway line and the A442 Queensway. It is a part of St Georges and Priorslee Parish Council.
- 1.4 Stafford Street is a main road running north-south through this area. At its midway point, at the intersection with Church Street and West Street is St Georges Local Centre. The Council consider a Local Centre to be a group of shops that meet local convenience needs and contribute to wider sustainability objectives by meeting the needs of local residents and encouraging access by walking and cycling.
- 1.5 The St Georges Local Centre services the local community around the St Georges area. It is important because it is located over half a mile from the nearest pharmacy and health centre and is catering for the day to day needs of the local community.
- 1.6 This importance is reinforced by the topography of the area. The nearest alternative shopping location at Oakengates is located down a steep hill from St Georges.

- 1.7 East of the local centre is mainly housing with New Cottage pub, the Bell and Bails pub, St Georges church, T&W Hockey Club, St Georges Recreational Grounds. East of Redhill Way is "The Quarters" a new housing development for 450 new homes, a new Lidl Supermarket, M&S store and public house. This development is under construction by house builders Linden and Bovis.
- 1.8 The nearest pharmacies are all over 0.7 miles from the Local Centre and serve very different populations. Those who live in the St George's area have no choice other than to leave their area to access pharmacies elsewhere. St Georges has no pharmacy or GP practice. The population have to leave their area to access health care. All existing pharmaceutical services are a significant distance and are an awkward walk which is not suitable for people in St Georges, particularly people that are elderly, unwell or small children.
- 1.9 The population of the St Georges area is 9,100. This is the Census population. However, this is likely to be an underestimate as the new housing built in the area since 2021 would have increased the population above this figure. A population of 9,100 is significant and it would comfortably support one pharmacy and in many areas would be supporting two pharmacies.
- 1.10 We would urge the ICB to arrange for an officer to visit this area to see for themselves the difficulty that patients have in accessing pharmaceutical services.
- 1.11 Granting this application would secure improvements and better access to pharmacy services and the application should therefore be approved."
- 1.12 Please explain how you intend to secure the unforeseen benefit(s).
- 1.13 "THE UNFORSEEN BENEFITS DESCRIBED ABOVE WILL BE DELIVERED FROM THE PREMISES ONCE THE APPLICATION IS APPROVED."

2 **Comments to the Commissioner**

On reviewing the paperwork provided by PCSE, it was noted that the comments made by the Applicant to the representations on the application, had not been circulated or seen by parties.

In the interests of transparency and fairness, NHS Resolution sought to rely on the discretion afforded in paragraph 7 of Schedule 3 of the Regulations to vary the normal procedures and circulate these comments to parties for them to make observations on them if they so wished.

- 2.1 "Thank you for your letter of 7 April 2025. I act for Roshban Limited in the above application and have been instructed by my client to submit the following reply to comments on the application received from interested parties.
- 2.2 In reply to the comments from the LPC and Priorslee Pharmacy we wish to make the following points in relation to the area being described.
- 2.3 St Georges is a suburb of Telford located north of the M54 and east of the railway line and the A442 Queensway. It is a part of St Georges and Priorslee Parish Council. The parish and the parish ward maps are below. It can be seen

that St Georges is a Parish Ward in its own right and along with Priorslee it is a parish. [Map provided]

2.4 St Georges is a well established area. We consider it to be separate from Priorslee and bounded by Telford Way and extending to the north to Wrockwardine Wood Way. This is larger than the parish ward boundary and brings in Crickley Lane and Cricketers Lane which is clearly associated with St Georges. This area of St Georges has a population of about 9,100.

2.5 Stafford Street is a main road running north-south through this area. At its midway point, at the intersection with Church Street and West Street is St Georges Local Centre. The Council consider a Local Centre to be a group of shops that meet local convenience needs and contribute to wider sustainability objectives by meeting the needs of local residents and encouraging access by walking and cycling. This is shown below.

2.6 4.2.1.6 Below this are the borough's many Local Centres (a full list is shown in Appendix C). These comprise groups of shops that largely meet local convenience needs and contribute to wider sustainability objectives by meeting the needs of local residents and encouraging access by walking and cycling. These centres are varied in size, services and customers. They play a vital role in local communities. Whilst their roles differ they each provide individual qualities and a focus for convenience, shopping and places to meet supporting local communities. The council expects more Local Centres to be created over the lifetime of the plan as other major sites are developed. The Council will support modest expansion to facilities in existing and new Local Centres provided it meets local needs. The focus in Local Centres should be on maintaining basic levels of services and shopping to serve a local catchment. [highlighted yellow by author].

2.7 The Council are active in seeking to ensure that local services are provided in local centres and note that 400m is a reasonable walking distance to access local services.

2.8 4.2.4.2 The loss of shops and community infrastructure in Local Centres and rural settlements will be resisted where it will have a detrimental impact on the ability of local people to access basic goods and services. Development resulting in the loss of local retail and service provision will not be supported unless there is alternative equivalent provision within 400 metres, which is considered a reasonable walking distance to access convenience shopping and local services. Provision will be considered equivalent where it provides a similar offer which meets the same day-to-day need, such as the need for fresh food or a financial service. [highlighted yellow by author].

2.9 C Local Centres

2.9.1 17 Telford & Wreakin's existing Local Centres, as mentioned in Policy EC4, are listed below:

2.9.2 Admaston

2.9.3 Arlston

2.9.4 Brooklands

- 2.9.5 Brookside
- 2.9.6 Hadley (Haybridge Road)
- 2.9.7 Hills Lane
- 2.9.8 Hollinswood
- 2.9.9 Ketley (Station Road)
- 2.9.10 Ketley (Orchard Close
- 2.9.11 Leegomery
- 2.9.12 Lightmoor
- 2.9.13 Malinslee
- 2.9.14 Muxton
- 2.9.15 Priorslee (Priorslee Avenue)
- 2.9.16 Priorslee (Gatcombe Way)
- 2.9.17 Randlay
- 2.9.18 St Georges [highlighted yellow by author].
- 2.9.19 Shawbrirch
- 2.9.20 Stirchley
- 2.9.21 Sutton Hill
- 2.9.22 Trench (Teagues Crescent)
- 2.9.23 Woodside

- 2.10 The proposal site is located at the St Georges Local Centre. This Local Centre has a Co-op foodstore, Premier food store with off licence, hot food take away, a number of hairdressers, public house, funeral directors, a third convenience shop with off licence, dog groomers business, car repairs business, barbers, beauty salon and coffee shop.
- 2.11 East of the local centre is mainly housing with New Cottage pub, the Bell and Bails pub, St Georges church, T&W Hockey Club, St Georges Recreational Grounds. East of Redhill Way is "The Quarters" a new housing development for 450 new homes, a new Lidl Supermarket, M&S store and public house. This development is under construction by house builders Linden and Bovis.
- 2.12 There is no pharmacy in St Georges. Similarly, there is no medical centre. Patients have no access to primary care services or the range of services now offered in the community by NHS community pharmacies. This places St Georges at a significant disadvantage in terms of access to healthcare.

Patients are forced to leave the area that they live within to access services elsewhere. This is not a reasonable choice for them to have to make.

- 2.13 The PNA notes that 38% of patients access their pharmacy by walking. Noting this, the walk from the proposal site to the health care in Oakengates is shown below. It is down a steep hill and passes underneath the Queensway dual carriageway. This is an unattractive walk for many especially sick and elderly and people with young children.
- 2.14 [Photograph]
- 2.15 The photographs below shows the hill patients will have to walk down and back up after visiting the pharmacies and Kitchings Chemist.
- 2.16 [Photograph]
- 2.17 [Photograph]
- 2.18 STATION HILL
- 2.19 As such as well as being 0.7miles from the proposal site, the Oakengates is a different area and different community. It is separated from St Georges by natural barriers of a hill and parkland and the manmade barrier of the dual carriageway.
- 2.20 To the north both Asda and Shire pharmacies are beyond walking distance and in their own communities serving the Donnington Wood and Trench communities. To access the Priorslee Pharmacy patients have to walk underneath the Telford Way and through parkland along a lake, which has no natural surveillance and no shelter from inclement weather. The fact that it is over a mile from the proposal site only increases the inaccessibility of this pharmacy. Given that for long periods over the winter patients will be walking to pharmacies in dark and dull days, there is a need for a pharmacy to be accessible and safe for the residents and population of St Georges.
- 2.21 The health characteristics of the population is illustrated below. It can be seen that very good health is below the England average (51.5% compared to 48.5%). Good health and fair health are around the England average. Fair health, bad and very bad health are above the England average. The population that would be defined as disabled under the Equality Act is well above average (20.6% compared to 17.3%).
- 2.22 [Image of health statistics]
- 2.23 Consistent with the evidence above, the diagram below shows that the St Georges area has above average levels of deprivation.
- 2.24 [Image of household deprivation statistics]
- 2.25 The comments from Boots, Jhoots and Muxton pharmacy do not require additional comment.
- 2.26 We respectfully suggest that if the ICB takes a reasoned and sensible approach to looking at the needs of patients who live in the St Georges area then it will

be clear that approving this application would secure improvements and better access to pharmaceutical services that are difficult for patients to access at present.

- 2.27 It can be seen that:
- 2.28 Fewer households are not deprived in any dimension (i.e. 45.5% compared to 48.4%);
- 2.29 More households are deprived in one dimension (i.e. 34.3% compared to 33.5%);
- 2.30 More households are deprived in two dimensions (16.1% compared to 14.2%);
- 2.31 More households are deprived in three dimensions (4% compared to 3.7%).
- 2.32 To put things more simply, this is an area that clearly needs a pharmacy and where at least one pharmacy or medical centre would be located, however there is no provision of primary care services in St George's at all and we ask that this application is approved.
- 2.33 We look forward to hearing from you in due course."
- 2.34 [Supporting information at Appendix A]

3 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 2 January 2026 states:

- 3.1 "Shropshire and Telford and Wrekin 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.
- 3.2 You have a right of appeal to the Secretary of State against Shropshire and Telford and Wrekin ICB's decision. Should you choose to appeal then you should either complete the online form available on the [NHS Resolution website](#) or send a concise and reasoned statement of the grounds for your appeal within 30 days of the date of this letter to nhsr.appeals@nhs.net or:
- 3.3 Primary Care Appeals, NHS Resolution, 8th Floor, 10 South Colonnade, Canary Wharf, London, E14 4PU"

Decision Report

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

- 3.4 "Unforeseen Benefit Application
- 3.5 Roshban Ltd, CAS-348987-S4B4G9, Proposed Site:- Best estimate address of a 0.2 mile radius from the junction of, Gower street and Stafford street, St George's, Telford, TF2

- 3.6 Regulation 31 – refusal: same or adjacent premises
- 3.7 Regulation 31 (1) A routine or excepted application, other than a consolidation application, must be refused where paragraph (2) applies.
- 3.8 Regulation 31(2)(a) (i) (ii) There is no pharmacy providing pharmaceutical services at the same or adjacent premises.
- 3.9 As Regulation 31(2)(a) does not apply, the Committee is not required to consider Regulation 31(2) (b)
- 3.10 Therefore, the Committee concluded that it was not required to refuse the application under the provisions of Regulation 31. The Committee noted that if the application were granted – in due course – the successful applicant would have to notify the Integrated Care Board of the precise location of its premises (in accordance of 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 lead the application to being refused under Regulation 31.
- 3.11 The Committee then went on to consider Regulation 18
- 3.12 Regulation 18 - Unforeseen benefits applications 18.—(1) If—
- 3.13 (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;
- 3.14 The Committee was not satisfied that granting the application, or granting it in respect of no services specified in it, would secure the improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the Telford and Wrekin Health and Wellbeing Board. The applicant has not proposed to increase hours or services outside of what is currently offered by existing pharmacies.
- 3.15 This Regulation is deemed not to have been met
- 3.16 And
- 3.17 (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, The Committee confirmed that the improvements or better access offered within the application were not included in the Telford and Wrekin Pharmaceutical Needs Assessment. The 2022/23-2025/26 Telford and Wrekin Pharmaceutical Needs Assessment was published in Autumn 2021.
- 3.18 There is good provision in Telford and Wrekin on weekdays including the evenings and also good Saturday and Sunday provision. There are no gaps in service provision
- 3.19 This Regulation is deemed not to have been met.

- 3.20 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).
- 3.21 (2) Those matters are—
- 3.22 (a) whether it is satisfied that granting the application would cause significant detriment to—
- 3.23 (i) proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB, or
- 3.24 (ii) the arrangements NHS England has in place for the provision of pharmaceutical services in that area;
- 3.25 The Committee were satisfied that should the application be granted, it would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the Telford and Wrekin Health and Wellbeing Board area and the arrangements in place for the provision of pharmaceutical services in that area. This is due to the over provision of Essential Services in the area as set out in the Pharmaceutical Needs Assessment. There are 4 pharmacies within a mile of the proposed location, This Regulation is deemed to have been not met.
- 3.26 (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—
- 3.27 (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)), and 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;
- 3.28 The Committee determined that this regulation was not satisfied as there are 4 pharmacies within a mile of the proposed location, a further 8 within 1.5 miles and a further 2 between 1.5 and 2 miles The nearest pharmacies are co-located or very close to GP surgeries and it is highly likely that after attending an appointment at the surgery patients will visit their nearest pharmacy.
- 3.29 There are excellent bus services from the proposed location through the number 5b and 7 which stop outside or close to the GP practices/pharmacies.
- 3.30 There are few commercial ,financial or retail services at or near the proposed location. Residents have to travel to the nearest shopping centres which are near the GP practices and pharmacies
- 3.31 The Committee determined that the applicant has not demonstrated that they would secure improvements or better access, therefore granting the application would not confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant pharmaceutical needs assessment was published;

- 3.32 This Regulation is deemed not to have been met.
- 3.33 (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)) and 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;
- 3.34 The applicant identified some persons with protected characteristics but did not provide any evidence that they were experiencing difficulties accessing the existing pharmacies Telford has a door to door dial a ride service for residents who cannot access conventional public transport due to mobility or other difficulties. The service is available from Monday to Friday 9.30 to 4pm
- 3.35 This Regulation is deemed not to have been met.
- 3.36 (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)), and 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;
- 3.37 The Committee noted that there are 14 current pharmacies within a 2-mile radius of the proposed location provide the essential, advanced and locally commissioned services that the applicant proposes to provide.
- 3.38 There are no innovative services proposed by the applicant
- 3.39 This Regulation is deemed to have not been met.
- 3.40 (2) (c)-(g) are not relevant to this application, therefore were not considered
- 3.41 (3) is not relevant to this application, therefore was not considered
- 3.42 Regulation 19 is not relevant to this application, therefore was not considered
- 3.43 Regulations 40-44 are not relevant to this application, therefore were not considered
- 3.44 Regulation 65 - Not applicable – in that the applicant is not seeking to provide more than 40 core hours
- 3.45 Regulation 66 - Should the application be approved, a Direction will be issued in relation to the NHS England commissioned services identified in the application
- 3.46 The Committee refused the application. Regulation 18 (1) a, b is not met. Regulation 18 (2) b(ii), (iii) is not met.
- 3.47 The Committee determined that appeal rights are to be granted to the applicant."

4 The Appeal

In a letter dated 26 January 2026 addressed to NHS Resolution, the Applicant's representative appealed against The Commissioner's decision. The grounds of appeal are:

- 4.1 "I act for Roshban Limited in the above application and have been instructed by my client to submit this appeal against the Commissioner's decision to refuse their application listed above and made under regulation 18.
- 4.2 As the Committee will note, the Commissioner has refused my client's application as it found that the test under regulation 18 was not met. In making its decision, the Commissioner has failed to properly consider the needs of the 9,000 plus persons who live in the area around the application site and have no reasonable access to healthcare services. In particular, the Commissioner reached a number of conclusions that simply do not support their decision to refuse my client's application such as.
- 4.3 Bus Services – the bus services available simply provide a means for those who live in the area and who require access to pharmaceutical services to travel outside of the area where they may live, work or shop and access a completely different area that does have community pharmacies present within it. This does not represent "reasonable choice", in fact it represents the opposite as patients have no choice other than to leave the extensive area that they live in to travel elsewhere to access services.
- 4.4 The existence of a dial-a-ride service is of particularly limited benefit to patients. Such services require pre-booking (ie advance knowledge of illness or requirement for services) and is extremely limited as patients may qualify for the Dial-a-Ride service if they are:
 - 4.4.1 registered blind or are partially-sighted, having either total or a high degree of visual loss
 - 4.4.2 profoundly or severely deaf and/or without speech
 - 4.4.3 have a disability or injury that has a substantial and long-term adverse effect on your ability to walk
 - 4.4.4 have no arms, or have long term loss of the use of both arms
 - 4.4.5 have a learning disability
 - 4.4.6 have been prevented from holding, or would be refused, a driving licence under Part III of the Road Traffic Act 1988 under Section 92 of the Act (physical fitness) on grounds other than the persistent mis-use of drugs or alcohol.
- 4.5 Source <https://www.telford.gov.uk/roadworks-transport-and-streets/public-transport/dial-a-ride/>
- 4.6 Dial-a-ride also cannot transport mobility scooters.

- 4.7 The attached report sets out my client's reasons for requesting that their appeal is allowed and the application granted. In addition to the report the Committee will also note a significant number of letters of support from local residents. These letters describe the difficulty posed by having to access pharmacies in other areas as well as the benefits that having a pharmacy within St George's would bring.
- 4.8 We look forward to hearing from you in due course."
- 4.9 [Supporting information at Appendix B]

5 Summary of Representations

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 This is a summary of representations received on the appeal.

5.1 Boots UK Limited

- 5.1.1 "Thank you for your letter and correspondence dated 11th February 2026 informing us of the above appeal.
- 5.1.2 We stand by our comments originally submitted to PCSE/ICB, a copy of which is included.
- 5.1.3 We are not aware of any formal complaints submitted to the ICB about patients having difficulty accessing pharmaceutical provision in this locality.
- 5.1.4 NHS.UK shows that there are five pharmacies within a mile radius of the application site. Our pharmacy located at Forge Retail park offers a delivery service and it appears that the other pharmacies within the mile radius do too.
- 5.1.5 The Health & Wellbeing Board has carried out a review of pharmaceutical provision to produce the latest PNA. Whilst still in draft form, the 2025 PNA for Telford & Wrekin documents predicted housing and population growth over the lifetime of the PNA and concludes that pharmaceutical provision across the HWB remains adequate.
- 5.1.6 We would be grateful if you would inform us of the outcome of this appeal in due course."

- 5.1.7 Letter to PCSE dated 19 March 2025
- 5.1.8 "Thank you for your letter dated 18th February 2025 informing us of the above application. Boots UK Limited wish to make the following comments:
- 5.1.9 The applicant has provided no evidence to suggest that residents in this locality are experiencing difficulties when accessing the existing pharmaceutical 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.
- 5.1.10 Furthermore, there is no evidence to suggest patients do not currently have access to a reasonable choice of pharmaceutical services, according to NHS.UK there are five pharmacies within one mile of the Gower Street junction.
- 5.1.11 The application does not appear to be based on innovative approaches to the delivery of pharmaceutical services.
- 5.1.12 There does not appear to be any gaps in provision or any future needs identified in the Pharmaceutical Needs Assessments.
- 5.1.13 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.
- 5.1.14 Please be aware that we may wish to make further representations at a later stage and attend any oral hearing that may be held."
- 5.2 The Commissioner
- 5.2.1 "PSRC considered the appeal papers and wish to comment as follows.
- 5.2.2 1 There is no GP practice in or near the proposed location. The nearest pharmacies are adjacent to the nearest GP practices, Charlton Medical Centre - Oakengates pharmacy- and Teldoc GP practice - Kitchings Chemist. Both GP practices are in Oakengates.
- 5.2.3 2 The pharmacies provide collection and delivery services for any patient unable to collect their prescription.
- 5.2.4 3 Oakengates has a comprehensive range of financial, commercial and retail services. There are no financial services in St Georges and few commercial and retail services near the proposed location. Residents travel to Oakengates for these services in addition to visiting their GP and obtaining medicines and pharmaceutical services from the pharmacies next door.
- 5.2.5 4 The bus services travel directly from St Georges to the small bus station by Teldoc and within 100 metres of the Charlton Medical centre where there is a bus stop by the practice/pharmacy

- 5.2.6 5 St Georges has been identified as a local centre. Telford's priorities for investment are through the town funds where Oakengates is one of 3 towns to be regenerated. This is confirmed in the Telford and Wrekin's Budget for 2026.
- 5.2.7 St Georges is identified as a local centre but with no funding or timescale for investment or regeneration.
- 5.2.8 6 The 2022-2025 Pharmaceutical Needs Assessment did not identify any gaps in pharmaceutical provision across Telford."
- 5.3 The Commissioner's additional comments
- 5.3.1 "We note that the appeal makes reference to a new PNA having being published since the application was made.
- 5.3.2 PSRC determined this application on 3rd December 2025. At that point in time, the current PNA was the Telford and Wrekin PNA 2022/23-2025/26, which was used to make the determination.
- 5.3.3 The consultation on the 2026/27-2028/29 PNA commenced on 9th January 2026 until 10th March 2026 and was approved on 19th March 2026 and published in April. We have therefore confirmed that PSRC was using the correct current PNA i.e. the Telford and Wrekin PNA 2022/23-2025/26 in making its determination and that Regulation 22(2) would not have applied.
- 5.3.4 We have now reviewed the 2026/27 – 2028/29 PNA in the context of this appeal and note that on page 12 it states:
- 5.3.5 **Recommendations 2026/27 - 2028/29**
- 5.3.6 **PNA assessment of local pharmacy provision**
- 5.3.7 There is good pharmacy provision across Telford and Wrekin. Dispensing provision remains adequate and is expected to over the period of this PNA, given the pace of projected population growth predicted in this PNA. There is no gap or need identified in the PNA, currently or in the lifetime of the document, which could only be met by the granting of an application to meet that need."
- 5.3.8 This therefore would not have has an impact on the PSRC determination, had the 2026/27 – 2028/29 PNA been the current PNA."
- 5.4 Temple Bright LLP on behalf of Priorslee Pharmacy
- 5.4.1 "I act for Priorslee Pharmacy, The Barn, Priorslee Farm Local Centre, Priorslee Avenue, Telford, TF2 9NR. On behalf of my client, I write further to your letter of 11th February 2026 and in order to submit representations on an appeal by Roshban Ltd against a decision of NHS England to refuse its application for inclusion in the pharmaceutical list for premises within a 0.2 mile radius of the junction of Gower Street and Stafford Street, St George's, Telford, TF2.

- 5.4.2 On behalf of my client, it is submitted that NHS England was correct to refuse this application, since it does not satisfy the relevant regulatory test, the burden of proof being on the applicant.
- 5.4.3 In relation to the matters raised by the applicant's representative in its appeal, my client comments as follows, adopting the headings in the applicant's report submitted with its letter of appeal.
- 5.4.4 The Site and Surrounding Area (Appendix 1)
- 5.4.5 My client does not materially dispute the applicant's description of Telford and its historic growth as a new town.
- 5.4.6 In relation to Telford town centre, this is located immediately to the south of the M54 (and, consequently, immediately to the south of St Georges). The town centre is approximately 1.5 miles to the south of the proposed location by foot, with all bus routes running through St Georges running into the town centre.
- 5.4.7 The applicant describes the town centre as "characterless" which is, perhaps, a little unfair. As would be expected from a town of the size of Telford, the town centre contains a large shopping mall together with a number of other retail and business areas and acts as a focus for retail and leisure activities for the town and surrounding areas.
- 5.4.8 Whilst the applicant provides maps of the parish boundaries, these are drawn largely for administrative purposes (noting, by way of example, that the parish boundary appears not to be the same as the parish ward boundary). It is not clear how parish boundary maps will assist NHS Resolution in its determination of this appeal.
- 5.4.9 The appeal report discusses, at length, what the applicant suggests are "boundaries" which delineate St Georges. It is submitted that this description of "boundaries" does not assist NHS Resolution with its determination of this appeal because the regulatory test does not require (or, indeed, permit) the definition of a "neighbourhood".
- 5.4.10 In relation to Telford Way, the applicant is wrong to assert that it "has no access along its eastern side at all". There is combined vehicular and pedestrian access across Telford Way at the Priorslee roundabout (the junction of Telford Way, Holyhead Road and Priorslee Avenue) and the Limekiln Bank roundabout (at the junction of Watling Street, Redhill Way and Castle Farm Way) and pedestrian/cycle access across Telford Way approximately half way between those two roundabouts.
- 5.4.11 In relation to "local centres", it is correct, as a matter of general principle, that these usually provide convenience store services and that the range of shops and services at local centres will vary greatly. The fact that the local authority development plan provides that new housing developments will not be considered unless they either contain local centre shopping provision or have a local centre within 400m is irrelevant to the determination of this application.

- 5.4.12 The applicant lists the local centres located in Telford and Wrekin. Whilst it is not entirely clear, it would appear that only 4 of the local centres listed by the applicant (Woodside, Trench, Priorslee and Shawbirch) contain a pharmacy. The remaining 18 do not contain a pharmacy, including St Georges, such that there is nothing unusual about St Georges local centre not having a pharmacy in the context of Telford and Wrekin.
- 5.4.13 Whilst the St Georges local centre does contain a small number of shops and other services, it is overstating matters for the applicant to assert that it caters for the “day to day needs of the local community” since it contains only a limited number of shops and services.
- 5.4.14 It is also of note that the shops and services listed in the applicant’s report at paragraph 2.12 are not clustered together in a single parade but, rather, are spread out and mixed with housing. There is, therefore, no obvious “centre”, but a mix of shops, housing and other services spread along Church Street, Stafford Street, West Street and Gower Street.
- 5.4.15 The applicant refers to the Gower Building redevelopment, but this is a small redevelopment of a former school site and is not significant in terms of the provision of pharmaceutical services, or demand for pharmaceutical services.
- 5.4.16 The applicant refers to the Gower Street industrial estate but this is a very small estate (as shown in the google maps image below) and does not provide a significant source of employment (or, indeed, demand for pharmaceutical services)
- 5.4.17 [Photograph]
- 5.4.18 In relation to the Cloisters Way development, as can be seen from the Google map image below, this is located to the north east of St Georges.
- 5.4.19 [Photograph]
- 5.4.20 It will be noted that Cloisters Way is located to the east of woodland with no direct vehicular access between Cloisters Way and the proposed location (which is shown on the map above by the description “St Georges West”). The applicant asserts elsewhere that these factors (woodland and no direct vehicular access) represent a barrier to accessing services from St Georges. Whilst my client does not agree with this assertion, if it is correct then the applicant would also presumably accept that those moving into the Cloisters Way development will not look to St Georges for shops or other services because of these same “barriers”.
- 5.4.21 The same is true of the other housing development referred to by the applicant in support of its appeal – The Quarters. As can be seen in the map at Appendix 3 of the appeal report, this development is located to the east of Redhill Way. If, as asserted by the applicant, Telford Way represents a barrier to access east from St Georges, then Redhill Way

must also represent a barrier west to St Georges for those living in The Quarters.

5.4.22 It is also of note that The Quarters development is at least 0.8 miles by foot from the applicant's proposed location (and up to 1.3 miles for those living in the north of the development) – distances that the applicant asserts are "too far" for patients to walk in the context of a walk from St Georges to the nearest pharmacies in Oakengates.

5.4.23 It is therefore reasonable to conclude that those moving into The Quarters are unlikely to look at St Georges for their daily needs, not least because, as stated by the applicant, The Quarters development includes its own shopping (including a proposed M&S Simply Food and Lidl).

5.4.24 As shown in the applicant's map at Appendix 3 of its appeal report, the Priorslee Sustainable Urban Extension is located to the south east of Priorslee and is of no relevance to NHS Resolution's determination of this application.

5.4.25 In relation to the Wickes and Aldi stores, these are both located to the southwest corner of St Georges adjacent to Queensway. They are located 0.7 miles from the proposed location, such that their relevance to this application is unclear.

5.4.26 The Statutory Tests

5.4.27 It is not accepted that the appeal report (at section 3) correctly sets out the relevant regulatory test to be applied to NHS Resolution's determination of this appeal. However, I do not propose to set out the regulatory test in this response since this is a matter that NHS Resolution is more than familiar with.

5.4.28 In relation to the current PNA, it is not accepted that any of the matters raised by the applicant are "unforeseen" in the context of the PNA which, it is noted, does not identify any gap in service provision that would be met by the granting of this application.

5.4.29 Review of the PNA

5.4.30 The applicant's appeal report takes extracts from the current PNA. However, NHS Resolution will no doubt carefully consider the extent to which this information is specific to the population that the applicant asserts its proposed pharmacy would serve, noting that much of this information is for the Health and Wellbeing Board as a whole.

5.4.31 It is submitted on behalf of my client that the generic nature of the information extracted from the PNA by the applicant in support of its appeal is unlikely to assist NHS Resolution with its determination of this appeal.

5.4.32 Healthcare in St Georges

- 5.4.33 The applicant is correct to state that there are no pharmacies or GP surgeries in the area defined by the applicant as “St Georges”. However, there are GP surgeries and pharmacies in surrounding areas which are not difficult to access and which secure a reasonable choice of service provision.
- 5.4.34 The applicant refers to dispensing figures for the nearest pharmacies to the proposed location, but it is not clear what point the applicant seeks to make in relation to those figures. There is no evidence that existing pharmacies are either unable to cope with current demand or would be unable to cope with any increased demand following completion of housing developments.
- 5.4.35 To the extent that the applicant refers to pharmacies dispensing more than an average pharmacy for England, the average number of items per pharmacy in England (in 2025) was approximately 8,700, such that most of the pharmacies mentioned in the appeal report dispense fewer items than average.
- 5.4.36 In relation to the provision of pharmaceutical services, existing pharmacies are located in close proximity to the nearest GP surgeries to the proposed location (at Oakengates, Priorslee and central Telford). This means that patients who require access to pharmaceutical services after a visit to their GP will find access easy.
- 5.4.37 For those who require access to pharmaceutical services other than after a visit to their GP, existing pharmacies are not difficult to access. Taking a central point of the applicant’s best estimate location, the nearest pharmacies to the proposed location are as follows:
- 5.4.38 Kitchings Chemist, Oakengates Pharmacy and Jhoots Pharmacy
- 5.4.39 These pharmacies are all located to the west of the proposed location at a distance of 0.7 miles (Kitchings Chemist and Jhoots Pharmacy) and 0.8 miles (Oakengates Pharmacy) from the central point of the applicant’s best estimate location. This distance could be as short as 0.5 miles if the applicant were to commence services from the western edge of its best estimate location.
- 5.4.40 It is of note that Oakengates contains a district shopping centre, meaning that it has a wide variety of shops and services, and is a location that those in St Georges would be accustomed to accessing as part of their daily lives.
- 5.4.41 The route from the applicant’s proposed best estimate location (central point) to Kitching’s Chemist is shown in the google maps image below.
- 5.4.42 [Image of Map]
- 5.4.43 In terms of access to the Oakengates pharmacies, as can be seen the walk from the central point of the applicant’s best estimate to Oakengates is around 0.7 miles, or an 18-minute walk.

- 5.4.44 The applicant refers to the local terrain, but there is only a difference of 50m of altitude between the applicant's proposed location and the Oakengates shopping centre. The terrain therefore does not represent a barrier and is, of course, something that the local community is accustomed to.
- 5.4.45 Whilst the route crosses the A442, the A442 at that point is raised, meaning that pedestrians do not have to physically cross the A442 in order to travel to Oakengates. The applicant provides a photograph of the crossing underneath the A442 and, it is submitted on behalf of my client, it is clear that this does not present a barrier to accessing Oakengates from St Georges.
- 5.4.46 For those who do not wish to walk to Oakengates, there are several car parks surrounding the Oakengates shopping centre, and all local parking is free of charge. The journey time by car from the applicant's proposed location to Oakengates is 3 minutes. The applicant does not appear to assert that existing pharmacies are difficult to access by car.
- 5.4.47 In addition to access by public transport, all the bus services that pass the applicant's proposed location (services 5, 5A, 5B and 7) also travel on to Oakengates, with 5 services an hour. This means that patients can easily access the pharmacies by bus if required.
- 5.4.48 Finally in relation to the Oakengates pharmacies, their opening hours exceed those proposed by the applicant.
- 5.4.49 Priorslee Pharmacy
- 5.4.50 My client's pharmacy in Priorslee is located just over a mile from a central point of the applicant's proposed best estimate location. My client's pharmacy is located in a purpose-built unit which has a large, free car park, again making access easy for those travelling by car.
- 5.4.51 Asda pharmacy
- 5.4.52 The nearest extended hours pharmacy to the proposed site is the pharmacy within the Asda store in Donnington Wood, which is located just over a mile to the north of the applicant's proposed location (using a central point of the 0.2 mile radius – the distance would be approximately 0.9 miles if the applicant were to commence services from the northern point of its best estimate radius).
- 5.4.53 As would be expected, the Asda store has a large, free car park and can also be accessed by bus route 5B from the proposed location.
- 5.4.54 The Asda pharmacy is open until 9pm Mondays to Saturdays (with 2, 30-minute rest breaks), and from 11am to 5pm on Sundays.
- 5.4.55 Telford town centre
- 5.4.56 There are two pharmacies located in Telford town centre (Superdrug and Boots). Both are located in the Telford Shopping Centre, which has a number of car parks and is served by all of the buses that serve St

Georges. This is a large shopping centre which has a full range of national chain shops.

5.4.57 There are also national chain supermarkets in central Telford (Asda, Tesco, Sainsburys and Aldi) and other amenities such as DIY outlets, cinemas, hotels and office blocks.

5.4.58 Assessment against the regulation 18 tests

5.4.59 For the avoidance of doubt, the regulatory test is not whether “there is a reasonable choice with regard to obtaining pharmaceutical services in this area”, but whether granting the application would confer significant benefits in terms of patients having a reasonable choice of service provision in the HWB’s area. Contrary to the apparent assertion by the applicant’s representative, the regulatory test is not whether it is “reasonable to expect people that live in St Georges...to travel to...a pharmacy outside the area to have a prescription dispensed” or whether “the complete absence of any health care in St Georges” is “reasonable”.

5.4.60 In terms of access to existing pharmacies, the applicant’s appeal report asserts that the walk to the nearest pharmacies in Oakengates is “unattractive”. This is not part of the regulatory test but is also unevidenced by the applicant. There is no evidence that any patients find access to existing pharmacies difficult (or even “unattractive”).

5.4.61 The applicant also fails to recognise that the nearest GP surgery to the proposed location is in Oakengates, and that Oakengates also contains the nearest District Centre, meaning that its pharmacies are conveniently accessible for those who require access to pharmaceutical services or who are using the shops and other services at Oakengates.

5.4.62 As stated above, it is not accepted that the terrain represents a barrier to accessing pharmaceutical services by foot and, in addition, Oakengates is easily accessible from the proposed location by car and bus as detailed above.

5.4.63 The applicant asserts that Asda pharmacy is inaccessible from St Georges by foot. Whilst this general proposition is not accepted, it is also dependent on the person’s starting point. For those living to the north of St Georges, Asda pharmacy is likely to be the same distance (or a shorter distance) from their home than the proposed location. It is also, of course, located in a large Asda superstore which many residents of St Georges will use for their regular grocery shopping and, consequently, the Asda pharmacy is at a site which many will be familiar with and will know how best to access.

5.4.64 The applicant’s appeal report asserts that granting its application would “have a significant positive impact on community spirit and community identity” and would “provide a local meeting place for people to stop and meet their neighbours”. However, neither of these are part of the regulatory test and are, consequently, irrelevant to NHS Resolution’s determination of this application, nor are issues in relation to “sustainable living” and “good planning” relevant.

- 5.4.65 In terms of the provision of a full range of pharmaceutical services, existing pharmacies already provide all essential services and commissioned advanced services. Existing pharmacies are open for longer hours than the applicant proposes, including the pharmacies in Oakengates and the pharmacy in the Asda store. The applicant fails to identify any gap in service provision in relation to specific services or opening hours.
- 5.4.66 As NHS Resolution will be aware, the regulatory test is not based on the number of pharmacies per 100,000 people, such that information from the applicant in that respect is not determinative of this application, particularly in circumstances where there is no evidence that existing pharmacies are unable to cope with current, or projected future, demand for services.
- 5.4.67 In terms of access by car, according to information provided by the applicant, car ownership in St Georges is above national averages. In any event, existing pharmacies are accessible by foot and public transport as detailed above.
- 5.4.68 The journeys by public transport described in the applicant's appeal report are hypothetical in nature – there does not appear to be any evidence that patients either make the journey described (walking up to 800m to a bus stop) or, if they do, that they have any difficulty doing so. Having regard to the bus route map included within the appeal bundle, it is submitted that it is unlikely that any residents of St George would have difficulty accessing a pharmacy by public transport given the extensive bus network running through the area and connecting it with pharmacies in Oakengates, Telford town centre and the Asda pharmacy in Donnington.
- 5.4.69 Guidelines published for the purposes of planning policy are not relevant to NHS Resolution's assessment of regulation 18. The applicant notes that, for those living to the south of St Georges, there is no direct bus link to Oakengates. However, that population is served by bus route 7 which runs into Telford town centre where there are two pharmacies; bus route 7 does also pass close to the pharmacies in Oakengates as can be seen from the applicant's bus route map.
- 5.4.70 Whilst it is accepted that some parts of St Georges are more deprived than English averages, other parts are less deprived. In any event, it is not clear what relevance this has to the determination of the appeal in the absence of any evidence that the population currently experiences difficulties accessing existing pharmacies.
- 5.4.71 In short, the applicant provides no evidence of patients who share a relevant protected characteristic, who require access to pharmaceutical services but who currently find access difficult. The appeal report includes some emails and letters in support, but none of these identify specific difficulties – the letters all talk in general terms, but give no specific examples. Where the emails or letters talk about the perceived benefits of a pharmacy, they generally talk in terms of others rather than

their own experiences – for example, stating that “the older and less abled residents would really benefit with a local service...”.

5.4.72 Conclusion

5.4.73 In conclusion, on behalf of my client it is submitted that the application fails to meet the relevant regulatory test: granting the application would not secure improvements or better access to pharmaceutical services not contained within the current PNA. In particular, the application would not confer significant benefits in terms of:

5.4.74 1) The benefits of patients having a reasonable choice of service provision in the HWB’s area

5.4.75 2) Those with a protected characteristic who require access to pharmaceutical services but who currently find access difficult

5.4.76 3) Any innovation in service delivery

5.4.77 On behalf of my client, I therefore invite NHS Resolution to dismiss this appeal and to refuse the application.

5.4.78 I look forward to hearing from you.”

Temple Bright on behalf of Priorslee Pharmacy additional comments.

5.4.79 “I write further to your email below. My client agrees that the recently published 2026 PNA is the appropriate PNA for the purposes of NHS Resolution’s determination of this appeal. My client notes that the current PNA does not identify any gaps in service provision (whether current or in the future), or improvement or better access which would be secured by the granting of this application. I look forward to hearing from you in due course.”

5.4.80 [Supporting information at Appendix C]

6 Observations

6.1 Rushport Advisory LLP on behalf of the applicant.

6.1.1 “I act for Roshban Limited in the above application and have been instructed by my client to submit this response to comments received from interested parties on the above appeal

6.1.2 Boots

6.1.3 Boots states that they, and other pharmacies, offer a delivery service. As the Committee will be aware, this means that patients are not accessing pharmaceutical services at the pharmacies in the wider area and are instead relying on delivery services. A delivery driver cannot provide any pharmaceutical service to patients. We submit that the high level of delivery services is indicative of difficulty accessing pharmacies in person for many people.

6.1.4 Commissioner

6.1.5 The Commissioner notes that there is no GP service “in or near the proposed location”. This is an interesting comment for the Commissioner to make, as it also shows that there is no pharmacy “in or near the proposed location”. Despite this implicit acceptance that there is no pharmacy in or near the proposed location, the Commissioner fails to see the need for a pharmacy to offer pharmaceutical services in the area or the significant benefits that such a pharmacy would bring.

6.1.6 With respect to bus services, there will always be buses that patients can take to other areas where they do not live or have reason to visit, but this does not mean that a bus service equates to reasonable access to pharmaceutical services.

6.1.7 The current draft PNA states;

6.1.8 *Healthy Living Pharmacies have cemented the idea that every interaction in the pharmacy and the community is an opportunity for a health promoting intervention, for example, people walking into a HLP are twice as likely to set a quit date for smoking and then quit than if they walked into a non-HLP.*

6.1.9 *And*

6.1.10 *People seeking vaccinations have found pharmacies useful due to their accessibility, extended opening hours and ability to walk in without an appointment.*

6.1.11 *And*

6.1.12 *The provision of advice and support by pharmacy staff to enable people to derive maximum benefit from caring for themselves or their families. The main focus is on self-limiting illness, but support for people with long-term conditions is also a feature of the service*

6.1.13 None of this is possible when there is no pharmacy serving an area.

6.1.14 Priorslee Pharmacy

6.1.15 Temple Bright for Priorslee pharmacy makes general comments about the application and affected area and then states;

6.1.16 In relation to Telford Way, the applicant is wrong to assert that it “has no access along its eastern side at all”. There is combined vehicular and pedestrian access across Telford Way at the Priorslee roundabout (the junction of Telford Way, Holyhead Road and Priorslee Avenue) and the Limekiln Bank roundabout (at the junction of Watling Street, Redhill Way and Castle Farm Way) and pedestrian/cycle access across Telford Way approximately half way between those two roundabouts.

6.1.17 Priorslee roundabout is at the very southern tip of the area highlighted and Limekin Bank roundabout is at the very norther tip of the area

highlighted. Therefore, the comment on access remains correct along Telford way between the roundabouts.

- 6.1.18 Temple Bright accepts that St Georges is considered to be a “local centre” but simply states that this is “irrelevant”. It is clearly not irrelevant that St Georges is a local centre as it demonstrates that local people rely on the local centre for their day to day needs.
- 6.1.19 With respect to housing developments, Temple Bright misses the point that the number and location of developments will not only increase demand for services within St Georges, but also in neighbouring areas to St Georges.
- 6.1.20 With respect to Temple Bright’s comments on the location of pharmacies outside of St Georges, these comments confirm the significant journeys that patients are currently forced to undertake. Temple Bright appears to accept that pharmacies outwith St Georges are busy, but sees no relevance in that. Where the nearest pharmacies are already busy and there are significant housing developments ongoing, these pharmacies will become even busier, with longer waiting times and increased difficulties for those in St Georges when wishing to access pharmaceutical services.
- 6.1.21 The remainder of the points raised by Temple Bright are argumentative rather than evidence based. It is unsurprising that Temple Bright and its client do not accept that long journeys on foot or by public transport are not acceptable or do not represent reasonable choice, however we maintain that that is exactly the case with St Georges and the Committee should arrange an oral hearing to allow a panel to see the difficulties in access for themselves.
- 6.1.22 In relation to national planning policy Temple Bright states;
- 6.1.23 *Guidelines published for the purposes of planning policy are not relevant to NHS Resolution’s assessment of regulation 18*
- 6.1.24 This again misses the point being made. Where a national body with expertise in planning and, in particular, journeys that people may make as part of their daily lives, publishes guidance about what it considers to be acceptable walking distances, then it would be bizarre for any public body not to seek to be informed by such guidance. The guidance does not form part of the legal test, but it is helpful and instructive and should not be dismissed simply because it was not published by the NHS.
- 6.1.25 We maintain that granting this application would secure improvements and better access to pharmaceutical services and the application should be approved and we look forward to hearing from you in due course.
- 6.1.26 The Commissioner
- 6.1.27 “We have nothing further to add.”

7 Consideration

- 7.1 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.
- 7.2 It also had before it the responses to NHS Resolution’s own statutory consultations.
- 7.3 On the basis of this information, the Committee considered it was not necessary to hold an Oral Hearing.
- 7.4 The Committee had regard to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”).

Regulation 31

- 7.5 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).

- 7.6 The Applicant had indicated that there was “no other pharmacy at either the same or adjacent proposed premises”. The Committee noted that the Commissioner had indicated in its decision that “There is no pharmacy providing pharmaceutical services at the same or adjacent premises”. The Committee noted that this had not been disputed on appeal and was of the view that the application should not be refused under Regulation 31.
- 7.7 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

7.8 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)."*

7.9 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").

7.10 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.

- 7.11 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).
- 7.12 The Committee considered the PNA prepared by The PNA Steering Group on behalf of the Telford & Wrekin Health & Wellbeing Board, conscious that the document provides an analysis of the situation as it was assessed at the date of publication. The Committee bears in mind that, under Regulation 6(2), the body responsible for the PNA must make a revised assessment as soon as reasonably practicable unless to do so appears to be a disproportionate response to those changes. Where it appears disproportionate, the responsible body may, but is not obliged to, issue a supplementary statement under Regulation 6(3). Such a statement then forms part of the PNA. The Committee noted that the PNA was dated 19 March 2026 and that no supplementary statements had been issued.
- 7.13 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.
- 7.14 The Committee noted that the Commissioner in its decision report had regard to the 2022/23-2025/26 PNA. 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. The Committee noted that there is no dispute that the 2026/27-2028/29 PNA is the current PNA.
- 7.15 The Committee noted the *“Recommendations 2026/227 – 2028/29”* section of the PNA which stated: *“There is good pharmacy provision across Telford and Wrekin. Dispensing provision remains adequate and is expected to over the period of this PNA, given the pace of projected population growth predicted in this PNA. There is no gap or need identified in the PNA, currently or in the lifetime of the document, which could only be met by the granting of an application to meet that need.”*
- 7.16 Further in section 5.3 Travel Times and Access *“81% of households in the borough have access to at least one car or van. This is greater than the national average (77%). The entirety of Telford and Wrekin is within 20 minutes travel time by car of a community pharmacy that is open on weekdays with the population in the urban areas of the borough within 5 minutes travel time of a pharmacy by car.”* For weekday evenings, until 21:00 *“All parts of the borough are within 20 minutes travel time by car of a community pharmacy offering weekday evening opening”* For Saturday and Sunday the PNA also indicates

all parts of the borough are within a 20 minute travel time by car to a community pharmacy.

- 7.17 The Committee noted that whilst there was reference to housing developments in the area, there was no specific reference to St Georges either with regard to housing developments or in general in the PNA.
- 7.18 The Committee noted that the Applicant seeks to provide unforeseen benefits to the patients of St Georges. 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.
- 7.19 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)

- 7.20 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"

- 7.21 The Commissioner had indicated in its decision that *"The Committee were satisfied that should the application be granted, it would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the Telford and Wrekin Health and Wellbeing Board area and the arrangements in place for the provision of pharmaceutical services in that area."* No party had disputed this on appeal.
- 7.22 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.
- 7.23 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)

- 7.24 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"

- 7.25 The Commissioner had indicated in its decision that *“The Committee were satisfied that should the application be granted, it would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the Telford and Wrekin Health and Wellbeing Board area and the arrangements in place for the provision of pharmaceutical services in that area.”* No party had disputed this on appeal.
- 7.26 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.
- 7.27 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)

- 7.28 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)

- 7.29 The Committee noted the location of the proposed pharmacy in the St Georges area. 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.

- 7.30 The Committee sought to understand the area. In this regard the Applicant had listed the following facilities in the St Georges Local Centre:
- 7.30.1 Co-op food store.
 - 7.30.2 Premier food store.
 - 7.30.3 hot food take away.
 - 7.30.4 a number of hairdressers
 - 7.30.5 public house
 - 7.30.6 funeral directors
 - 7.30.7 a third convenience shop with off licence
 - 7.30.8 dog groomers business
 - 7.30.9 car repairs business
 - 7.30.10 barbers, beauty salon and coffee shop.
- 7.31 The Applicant states that the population is around 9,100 and this is based on the 2021 Census whereas Community Pharmacy Shropshire comment that ONS Census data suggests the population is 7,300. Either way, the Committee was of the view that there is a significant amount of people residing in St Georges.
- 7.32 The Committee noted the Applicant's submissions that the St Georges Local Centre services the local community around the St Georges area and that it caters for the day to day needs of the local community. Conversely, Temple Bright LLP on behalf of Priorslee Pharmacy state that *"there are very limited local amenities at the "St Georges Local Centre"* and that *"therefore the local community is therefore likely to look towards Telford town centre and larger commercial suburban"* premises for provisions. The Committee accepted the fact that the presence of two food stores indicated that it catered for a large population but it was not convinced that the presence of the amenities listed was sufficient to sustain the population for more than a few days and that they would have to leave the area on at least a weekly basis.
- 7.33 The Committee noted the Applicant's comments regarding developments in the locality including that, to the north of the proposed site, the Gower building is being regenerated to provide a new parish space, community building and 13 new houses. Further, that a new housing development is being built to the north east of the Local Centre at Cloisters Way. The Committee noted that figures of new homes being built are not provided by the Applicant for this development. In addition, a development is under construction to the east of the proposed site at "The Quarters" which will provide 450 new homes.
- 7.34 The Committee noted Temple Bright LLP comments that the Gower Building redevelopment is a small development of a former school site and not significant in terms of provision or demand for pharmaceutical services. The

Committee also considered Temple Bright LLP comment that The Quarters is at least 0.8 miles from the Applicant's proposed pharmacy, distances which the Applicant asserts are too far for patients to walk to pharmacies. Temple Bright LLP comment that those moving into The Quarters are unlikely to look to St Georges for their daily needs, not least because The Quarters includes its own shopping (proposed M&S Food and Lidl).

- 7.35 In terms of local demographics, the Applicant has included an age profile of the St Georges area that shows the area has a young population with above average numbers of children and 25–40-year-olds, indicating young families in the area. The Committee noted that the age profile image does not include source data.
- 7.36 The Committee considered the statistics provided by the Applicant that show in the St Georges area those in very good health are below the national average and those in good health and fair health are around the England average. Those in fair health, bad and very bad health are above the England average. And that there are above average numbers of people in the St Georges area who are disabled. Furthermore, St Georges area has above average levels of deprivation and the Applicant states that a pharmacy is clearly needed in the area. The Committee noted Community Pharmacy Shropshire comments that age profiles, socio-economic group, accommodation and tenure of household are not significantly different to the England average. The Committee considered that the mere presence of more or more demographic did not automatically lead to a grant of an application. The Committee proceeded to consider the matter of reasonable choice.
- 7.37 The Committee noted that the nearest pharmacies are Kitchings and Jhoots at a distance of 0.7 miles, to the west of the proposed site. The Applicant shows a walking route of either 14 or 16 minutes. Oakengates Pharmacy is also to the west at 0.7 miles but takes either 16 or 18 minutes to walk. Looking further afield Asda Pharmacy is 1.1 miles away and Shire Pharmacy is 1.6 miles away. The Committee was of the view that distance to the four nearest pharmacies were not prohibitive but noted the additional comments about barriers to access, namely the Applicant's claim that the nearest alternative shopping location is located down a steep hill and passes underneath the Queensway dual carriageway which is an unattractive walk for many, especially sick and elderly, and people with young children. In its appeal, the Applicant had provided a letter of support from a local councillor indicating that St Georges has a *"significant aging population, many of whom rely heavily on regular prescriptions and accessible healthcare advice"* and that transport links to the nearest pharmacies are limited. The Applicant asserts that all pharmaceutical services are an awkward walk which is not suitable, particularly for those who are elderly, unwell or small children.
- 7.38 In the appeal, the Applicant provides patient testimonies regarding access to pharmacies. In total 13 patient surveys were provided. Topography of the area was commented on in that the nearest pharmacy is at the bottom of large hills but patients themselves did not report difficulty accessing them. Conversely, the Committee noted survey respondent's comments *"Home delivery unreliable and slow. A local pharmacy would make collections easier."* One respondent reported *"access to a nearby pharmacy gets too difficult for not just me but also my family, friends and any other local residents."* and another respondent

mentions a “*Challenging 25 minute round trip on foot.*” The Committee noted Temple Bright LLP comments that dispute the severity of the topography, claiming that there is only 50m of altitude between the Applicant’s proposed location and the Oakengates shopping centre. There is an underpass and so the terrain does not represent a barrier. The Committee accepted that for some persons, they might be unable or unwilling to walk to the nearest pharmacies and so it proceeded to consider access by car.

- 7.39 The Committee noted the current March 2026 PNA states “*81% of households in the borough have access to at least one car or van. This is greater than the national average (77%). The entirety of Telford and Wrekin is within 20 minutes travel time by car of a community pharmacy that is open on weekdays with the population in the urban areas of the borough within 5 minutes travel time of a pharmacy by car.*” The Committee noted the Applicant’s submission that the wider St Georges area has above average levels of car ownership. However, in the South and Southwest the percentage of people without a car is above the national average. The Committee considered the comments by Community Pharmacy Shropshire that household access to a car or van is very slightly higher than the England average and over 80% of households have access to one or more vehicles.
- 7.40 The Committee considered car parking at the nearest pharmacies. The Applicant confirms that Kitchings and Oakengates Pharmacies have car parking, Jhoots has limited on street parking, Asda has a car park, however the Applicant is silent on parking for Shire and Priorslee Pharmacies. Comments from Temple Bright LLP were considered, that there are several car parks surrounding the Oakengates shopping centre and all local parking is free of charge. The journey time by car from the proposed location to Oakengates is 3 minutes. Temple Bright also indicate that Priorslee and Asda Pharmacies have large, free car parks.
- 7.41 In the absence of any information regarding difficulties in access, the Committee was on the view that private transport does provide a reasonable means on accessing services.
- 7.42 With regard to public transport, the Applicant argues that the dial and ride service is not an appropriate means of transport because this service require pre-booking, people must have advance knowledge of illness and meet certain criteria for this service. The Committee accepted to some degree the Applicant’s comments but was of the view that it does provide a means of transport for those of require it.
- 7.43 The Applicant states that there are two buses that provide a half hour service during the week and between half an hour to an hour at the weekends. Conversely, Temple Bright suggests there are five bus an hour to Oakengates. The Committee’s decision report mentions two bus services to Oakengates that are a 9 minute journey time to Oakengates. The Committee considered both the frequency and journey times to be reasonable.
- 7.44 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.

- 7.45 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.
- 7.46 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.
- 7.47 The Committee noted the Applicant's comments in relation to the proportion of the local people with protected characteristics including that there are over 564 children at a school in the area and there are elderly people living in a nursing home close to the proposed site. That many would be unable to walk the journeys to the nearest pharmacy and many would not have access to a private car. However, the Committee considered that the information provided about the pharmaceutical services required by people with protected characteristics was limited. The Committee was mindful that access to pharmaceutical services particularly essential services other than the dispensing of prescriptions may be more challenging for people with protected characteristics related to dependants, age, and disability.
- 7.48 However, 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.
- 7.49 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.
- 7.50 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 Applicant had not proposed any innovative approaches.
- 7.51 The Committee was not satisfied that, having regard to the desirability of there being innovative approaches taken with regard to the deliverability of pharmaceutical services, granting the application would confer significant benefits on persons.

Regulation 18(2)(b) generally

- 7.52 The Applicant is offering to provide 40 core opening hours between 9am to 1pm and 2pm to 5.30pm on Monday, Tuesday, Thursday and Friday. 9am to 1pm and 2pm to 5pm on Wednesday. 9am to 12pm on Saturday. The pharmacy proposes to offer 40.5 hours, by opening until 5.30pm on Wednesdays. The Committee noted the comments by Temple Bright LLP that the opening hours at the nearest pharmacy at Oakengates exceed those proposed by the Applicant. 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.
- 7.53 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.
- 7.54 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.
- 7.55 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

- 7.56 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).
- 7.57 No deferral or refusal under Regulation 18(2)(f) was required in this case.
- 7.58 The Committee had regard to Regulation 18(2)(g) and found that it was not applicable.
- 7.59 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.
- 7.60 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.
- 7.61 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
- 7.61.1 confirm the Commissioner's decision;
 - 7.61.2 quash the Commissioner's decision and redetermine the application;

- 7.61.3 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.
- 7.62 As the Committee has provided different reasons for refusing the application, the Committee determined that the decision of the Commissioner must be quashed.
- 7.63 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.
- 7.64 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.
- 7.65 The Committee concluded that further notification under paragraph 19 of Schedule 2 would not be helpful in this case.

8 DECISION

- 8.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, quashes the decision of the Commissioner, for the reasons given above, and redetermines the application.
- 8.2 The Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.
- 8.3 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.
- 8.4 The Committee determined that the application should be refused on the following basis:
- 8.4.1 in considering whether the granting of the application would confer significant benefits, the Committee determined that –
- 8.4.1.1 there is already a reasonable choice with regard to obtaining pharmaceutical services;
- 8.4.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and
- 8.4.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services;

- 8.4.2 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