

22 June 2026

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

REF: SHA/26720

**APPEAL AGAINST MID AND SOUTH ESSEX ICB
DECISION TO REFUSE AN APPLICATION BY
BADDOWPHARMA LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING
UNFORESEEN BENEFITS UNDER REGULATION
18 AT 8 THE VINEYARDS, GREAT BADDOW,
CHELMSFORD, CM2 7QS**

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

1 Outcome

- 1.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, quashes the decision of the Commissioner and determines that the application should be granted.
- 1.2 The question of gradualisation is remitted back to the Commissioner to consider.

A copy of this decision is being sent to:

Temple Bright on behalf of Baddowpharma Ltd
Day Lewis plc
Healthcare Plus Consulting Ltd on behalf of Pillbox Pharmacy Ltd and Galleywood Pharmacy Ltd
Community Pharmacy Essex
North & South Essex LMC
PCSE on behalf of Mid and South Essex ICB

REF: SHA/26720

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

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

**APPEAL AGAINST MID AND SOUTH ESSEX ICB
DECISION TO REFUSE AN APPLICATION BY
BADDOWPHARMA LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING
UNFORESEEN BENEFITS UNDER REGULATION
18 AT 8 THE VINEYARDS, GREAT BADDOW,
CHELMSFORD, CM2 7QS**

1 A summary of the application, decision, appeal and representations and observations are attached at Annex A.

2 Site Visit

2.1 The Pharmacy Appeals Committee (“Committee”) appointed by NHS Resolution 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.

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

2.3 The Committee held a virtual hearing to determine the application. This took place on 23 April 2026. The Committee comprised of [XXX] (Chair), [XXX], Pharmacy Member and [XXX], Lay Member.

2.4 Baddowpharma Ltd was represented by Mr N Wardle, accompanied by Mr ND and Mr BP, (directors of Baddowpharma). Mr P Burns represented NHS Mid and South Essex Integrated Care Board. Great Baddow Parish Council was represented by Councillor V Sadowsky. Pillbox pharmacy was represented by Mr N Koria accompanied by Mr DP, Ms JP and Ms CA. Mr Koria also represented Galleywood Pharmacy accompanied by Mr NP, Mr NS and Mr NJ. Ms K Samuel-Smith represented Community Pharmacy Essex. Ms A Finer of North and South Essex Local Medical Committee and Mr W Guy of Mid and South Essex ICB observed the hearing.

2.5 Before the hearing, the Committee members had individually undertaken site visits and prepared reports of their visits.

Observations of Committee Member one:

2.6 Committee Member one stated that they commenced their site visit at 10.15 am at the proposed premises of the Applicant in The Vineyards shopping centre. This centre is in the old part of Great Baddow village next to a large block of flats and some sheltered accommodation across the road.

- 2.7 The premises were boarded up so the interior could not be viewed. The shopping centre was a courtyard shape with a selection of small shops and cafes. The main shop was a small branch of Morrisons and post office which was open seven days a week. There was an average sized car park adjacent to the centre which allowed 2 hours free parking and also had disabled parking. The car park was about half full at the time of the visit. There was also a bus stop alongside. It was noted that the local bus C7 ran every 20 minutes during the daytime. The whole area was accessible to the disabled.
- 2.8 The Member then walked from the Centre along Maldon Road (very narrow pavement in places) then turned left into Longmead Avenue to Baddow Village Surgery. This was an easy walk taking about 10 minutes.
- 2.9 The surgery was based in modern premises with a car park which had one disabled parking space. The car park was nearly full at the time of the visit (10.45 am). The surgery had a large reception area and there were 8 patients waiting. There was also a dispensary. There was a bus stop (C7 route) outside the surgery and on-street parking was available.
- 2.10 From there the Member drove along Longmead Avenue then into Meadgate Avenue to the Pillbox Pharmacy. (Open Monday to Friday 9 am to 6.30 pm, 9 am to 12 noon Saturday). The road was hilly in places but was well lit with adequate pavements along the whole length of the route. It was also on the same bus route from the Vineyards shopping centre. The Pillbox was a modern pharmacy with disabled access, a consultation room and smallish counter area with five seats. At the time of the visit there were three patients waiting. There was a wide variety of small shops alongside the pharmacy. There was an average size car park which was virtually full with additional cars parked on the road opposite which was limited due to double yellow lines. There did not appear to be a limit on parking time.
- 2.11 The Member then drove back to the village and continued on to Galleywood (over two miles from the village) where he visited Galleywood Pharmacy. (Open Monday to Friday 9 am to 5.30 pm, 9 am to 1 pm Saturday). This was a modern pharmacy with a very small counter area and disabled access. There was a small range of shops and limited parking which was full at the time of the visit.
- 2.12 The Member then drove back to the village and continued along the Baddow Road onto Gloucester Road to the Day Lewis Pharmacy. (Open Monday to Friday 9 am to 6 pm, Saturday 9 am to 1 pm). This was a modern pharmacy with disabled access, consultation room and a small counter area with a couple of seats. There were two customers in the pharmacy. The pharmacy also had a 24/7 collection point for prescriptions. There were several small shops alongside and an average size car park which was nearly full. There were a couple of disabled spaces but no drop kerbs. The car park (which had a maximum free stay of 90 minutes) was very busy at time of visit (12.45pm) There was a bus stop nearby but the journey from Great Baddow required two buses to get there.
- 2.13 At the conclusion of his site visit the Member had not seen any evidence of housing developments underway. They noted that the density of housing in the area visited was higher than expected as was the amount of traffic and on-

street parking. The pharmacies visited all had relatively small areas in the customer/counter service section although the dispensaries were relatively large by comparison.

Observations of Committee Member two:

- 2.14 The following site inspection was undertaken by Committee Member two, who has a disability and uses mobility aids.
- 2.15 The inspection commenced at a shopping precinct in Great Baddow known as The Vineyards Shopping Centre. Committee Member two parked in one of five designated disabled parking bays in the car park adjacent to the centre.
- 2.16 There was a café, a sandwich takeaway outlet, a fruit and vegetable retailer, a traditional butcher, a Post Office providing postal and counter services, a small convenience supermarket, charity shops, a licensed betting office, a card and gift retailer, a beauty treatment salon, a hairdressing business, a bakery and fast food outlets. The unit that was the subject of consideration was located within the precinct and was observed to be boarded up at the time of the visit, preventing any internal view from the shopping area.
- 2.17 The shopping area was surrounded by residential development consisting of former council flats and houses, alongside private housing. In the wider area, residential stock also included higher-value properties with larger footprints set within more generous plots, together with a substantial retirement village and other retirement accommodation. Although the inspection was undertaken early in the morning, the precinct was already busy. Parking at the site was restricted to a maximum stay of two hours.
- 2.18 A bus stop was located immediately outside the precinct. The C6, C7 and C8 all stopped there. The C7 linking Great Baddow with Chelmsford city centre and Galleywood ran services throughout the day. The timetable indicated that the C7 ran at various intervals from 6:29 am to 9:57 pm in the weekdays and Saturdays - mostly around 20 minute intervals and hourly on Sundays. A number of older people were observed waiting at the bus stops, indicating regular use of public transport.
- 2.19 From the shopping precinct, Committee Member two then walked toward Maldon Road and onward to Baddow Village Surgery. This part of Great Baddow was densely developed, with continuous residential frontage and additional healthcare and community uses along the route.
- 2.20 Accessibility constraints were evident. In some locations there was no footway on one side of the road. On the opposite side, the footway narrowed to a width only just sufficient for the use of mobility aids such as a rollator. Dropped kerbs were present at several points. However, the sustained inclines required Committee Member two to pause and rest. The total walking time was approximately ten minutes.
- 2.21 Along the route, sheltered accommodation, a veterinary practice and a commercial premises providing short-stay accommodation and events facilities were observed. Several bus stops were present. The principal service serving this area was the C7 bus route.

- 2.22 The route continued into Longmead Avenue, passing the fire station. Housing along this road consisted of semi-detached properties with some newer infill development.
- 2.23 Committee Member two arrived at Baddow Village Surgery, which was set back from the road and served by a comparatively large car park for a general practice. Two designated disabled parking spaces were provided. There was also on-street parking available outside the surgery and in surrounding streets. Cycle storage was present. The C7 bus route stopped immediately outside the entrance to the surgery driveway, providing direct public transport access.
- 2.24 Internally, the surgery was observed to be spacious and well organised. Facilities included fourteen consulting rooms and an examination room, together with a large main waiting area and a children's play area.
- 2.25 A dispensing hatch was located adjacent to the main reception desk. This hatch served the GP-run dispensing of pharmaceuticals. Seating was available in the main waiting area; however, no seating was positioned immediately adjacent to the dispensing hatch. Visible signage in this area related primarily to prescription charges, there was no signage indicating other pharmacy services.
- 2.26 Following the walking element of the inspection, Committee Member two travelled by car along Maldon Road (A414), heading south-east away from Chelmsford city centre toward the Sandon Park and Ride. The route passed residential edges before opening into areas of open land. Older ribbon development was present on one side of the road, with open fields on the other as the area became less built up. The road was a single carriageway subject to a 60 miles per hour speed limit.
- 2.27 Although the area was referenced as part of a development corridor, no signage, active works or visible evidence of development activity was observed at the time of the visit. The Park and Ride facility was observed to be busy and well used.
- 2.28 Committee Member two then travelled to a shopping precinct on Meadgate Avenue where the Pillbox Pharmacy was located. The precinct included food retail, personal services, a place of worship and takeaway food uses. The C7 bus route stopped immediately outside the shopping parade.
- 2.29 Parking availability was limited at the time of the visit. Two disabled parking bays were present but unavailable on arrival, and a wait was required for a non-disabled space. Parking appeared to be primarily used by local residents.
- 2.30 Access from the car park to the raised shopping area was provided by a ramp. Once at precinct level, access into the pharmacy was suitable for disabled users. Internally, the pharmacy provided a small customer waiting area with seating, a consultation room, and a large dispensary and medication storage area extending behind the customer-facing space. Opening hours were displayed at the premises and indicated weekday openings 9 am to 6.30 pm and 9 am to 12 pm on Saturdays.
- 2.31 Committee Member two then travelled to the Church Street area to locate land identified as being east of Smithers Drive. The general vicinity was reached

and green space behind existing development was noted. However, no signage, fencing or other visible indicators were observed to clearly identify an active or forthcoming development site.

- 2.32 The inspection continued with a drive toward Galleywood. The route included noticeable inclines and passed through areas characterised by larger residential properties set within more generous plots before passing open fields and then entering Galleywood. There was a small area of more recent residential development was noted on approach, followed by a mix of housing types.
- 2.33 Galleywood was observed to function as a substantial residential settlement, distinct from Great Baddow, with its own local centre and a wide range of services. It is served by the C7 bus route, providing regular public transport connections to Great Baddow and Chelmsford city centre.
- 2.34 The pharmacy in Galleywood was located within a local shopping parade. Parking immediately outside the pharmacy was limited, although a space was obtained. A large public car park with designated disabled bays was located next to the library.
- 2.35 The pharmacy displayed external signage advertising its services and opening hours. Services included prescription dispensing, medicines reviews, vaccination services, ear care services, travel health services, private consultation facilities and a 24-hour collection point. Opening hours indicated weekday opening 9 am to 5.30 pm and 9:00 am to 1 pm on Saturdays. Internally, the customer area was relatively compact with limited seating, with a larger dispensary area to the rear. Two consultation rooms were available. Two people were observed collecting prescriptions at the time of the visit, both of whom were served without delay.
- 2.36 The final stage of the inspection involved travel to the Moulsham area which was observed to be a separate and distinct residential area on the edge of Chelmsford, rather than forming part of Great Baddow or Galleywood. The pharmacy was located within a local shopping parade adjacent to the Moulsham Lodge GP surgery.
- 2.37 Parking availability outside the pharmacy was limited. Two designated disabled parking spaces were provided immediately outside the pharmacy, one of which was available at the time of arrival, there were no other spaces available at the time of the visit.
- 2.38 The pharmacy operated a 24-hour automated medicines collection system accessed via a touchscreen, requiring entry of a PIN and date of birth before medicines could be retrieved. Signage indicated that payments could be made via the kiosk. Additional services advertised included weight management and blood pressure reviews.
- 2.39 Opening hours were displayed as 9am to 6pm Monday to Friday and 9am to 1pm on Saturdays, with the premises closed on Sundays. A planned refit was advertised as commencing in mid-April, with information indicating that medication provision would be affected on the relevant day.

- 2.40 Internally, the pharmacy comprised a customer counter area, limited seating, one consultation room and a large dispensing area. One person was observed collecting a prescription at the time of the visit, with no observable waiting time.

Observations of Committee Member three:

- 2.41 Committee Member three (CM3) undertook the site visit on a Monday morning.
- 2.42 The visit began at the Vineyards Shopping Centre. There are car parks at both sides of the Centre, with free parking for 2 hours. The car park was busy but there were available spaces, including disabled spaces. The surrounding area was primarily residential, including what appeared to be social housing flats next to the Centre. The Parish Council map of the village, on the front wall of the Centre, noted that “Baddow has a number of homes for the elderly” (and some of these were observed later during the visit). The pathways to the Centre were flat and wide.
- 2.43 The front unit of the Centre, believed to be the former Boots premises, is now a Subway. The shops within the Centre are arranged around a flat open-air courtyard. They include a butchers, greengrocers, Greggs, takeaways, Morrisons (incorporating a Post Office) and a Co-op. There was one unoccupied and boarded unit at the top end of the courtyard, which was presumed to be the applicant’s proposed location.
- 2.44 The Morrisons was relatively small and appeared unlikely to meet all daily needs. It was noted that, although there was a plentiful supply of shopping baskets, there were no shopping trolleys, suggesting that the store is not used for a larger weekly shop. The Co-op was larger, and did have a small supply of shopping trolleys available to enable larger shops. Both the supermarkets were quite busy.
- 2.45 There was a bus stop outside the Centre, served by the C6 and C7 buses which run between Galleywood and the city centre. On Mondays to Saturdays, they run every 20 minutes until 17.06 and then less frequently until 21.57. They run hourly on Sundays. The buses were observed frequently during the site visit and appeared well-used.
- 2.46 CM3 then walked from the Vineyards Centre to the Pillbox Pharmacy, along Maldon Road, Tabors Hill, Longfield Road and on to Meadgate Avenue. The walk took 17 minutes, with a steady incline during the earlier part of the route. The pavements up to and including Longfield Road were of relatively poor quality, with the surface often broken and uneven. They were of better quality on Meadgate Avenue, and there were dropped kerbs at all junctions with side roads.
- 2.47 Pillbox Pharmacy was in a small parade of shops at right angles to Meadgate Avenue and fronted by a car park. There were approximately 20 spaces in the car park, and empty spaces were available including 2 disabled spaces. The parade was slightly elevated from pavement level but easily accessed by steps and a ramp, and the walkway in front of the shops was flat and wide. The parade included a Co-op, hair & beauty salons, a convenience store and takeaways. The Pillbox pharmacy was in the unit nearer the road. It had 5 chairs for customer use, and there was 1 patient in the pharmacy. The

surrounding housing was notably denser than seen elsewhere and appeared to be primarily social housing including 2 storeys of flats above the shops. There was a bus stop immediately in front of the shops, served by the C7 bus (frequency as noted above).

- 2.48 CM3 then walked back from the Pillbox Pharmacy by a slightly longer route (along Meadgate Avenue, which becomes Longmead Avenue, and Maldon Road) so as to go past the Baddow Village Surgery. The route was slightly steep in places. During this part of the walk a number of what appeared to be abandoned scooters were observed, later realised to be part of a local 'hire & ride' scheme. The surgery was located in a primarily residential area. It was a modern, 2-storey building with a large car park at the rear (fully occupied at the time of the visit). There was a bus stop immediately outside served by the C7 in the direction of the city centre; the bus stop for the service going in the opposite direction towards Galleywood was a further distance away. The walk from the surgery back to the Vineyards Centre took only a few minutes, but it was further than the "100 yards across the road" suggested in the papers.
- 2.49 CM3 then drove from the Vineyards Centre to Boots at the Chelmer Village retail park, to the north of the centre of Great Baddow. The journey was noted to be 2.6 miles and took 7 minutes. The retail park has a large, free car park with many available spaces, including disabled spaces close to Boots. The retail park comprised a number of larger stores, including Sports Direct, Next, Currys, TK Maxx, and McDonalds. CM3 went into Boots and the pharmacy was at the rear of the store. There was a long queue at the pharmacy, which grew consistently during the short period of observation up to 11 people. The patients joining the queue appeared unsurprised by it and the queuing arrangements appeared established, with stands positioned to keep the queue at a slight distance from the counter and to position the queue down the central aisle of the store rather than winding round the display shelves. There were 4 chairs for patients use and all were occupied.
- 2.50 CM3 then drove from Boots to the Day Lewis pharmacy, to the west of the centre of Great Baddow. The journey was noted to be 2.4 miles and took 10 minutes. The Day Lewis pharmacy was part of a small off-road shopping area, with a free car park in front. Other shops included a Co-op, launderette, takeaways, 2 convenience stores and a bookmakers. It was quite a busy area, with a lot of activity. There was a bus stop on the road in front, served by the C5 bus (which does not go to the Vineyards). The pharmacy was relatively small and there were 3 patients there. There was an out-of-hours collection kiosk on the front wall. A sign on the door was noted, which advised customers that the pharmacy would not be able to dispense any items on the forthcoming Saturday, although items already dispensed could still be collected, as the pharmacy was having a re-fit. The drive from the Day Lewis pharmacy back to the Vineyards Centre was 1.6 miles and took 7 minutes.
- 3 A summary of the above observations was provided to those in attendance. They were invited to comment upon them **OR** indicate if any of the observations appeared to be inaccurate.
- 3.1 Cllr Sadowsky said that the C7 did not serve Springfield or all of Great Baddow. She said that some residents, particularly those on the far side of the A114

would need two buses to access alternative pharmacies. She also said the C6 was hourly at best. This comment was noted by the Committee.

- 3.2 No other comments or observations were made.

Preliminary Issues and Applicable Regulations

- 3.3 At the outset of the hearing, the Chair invited any applications to admit additional documents or late evidence, or to call any additional witnesses. No such applications were made. It was therefore confirmed that late-submitted material would not be admitted and that the hearing would proceed on the basis of the existing documentation and the witnesses previously identified.
- 3.4 The Chair then clarified the statutory framework applicable to the determination. It was agreed by all parties that Regulation 31 did not require further scrutiny, as the application was not for inclusion in the same or adjacent premises. It was further agreed that no evidence had been advanced in support of innovative services and that Regulation 18(2)(b)(iii) was therefore not engaged.
- 3.5 In addition, no evidence had been submitted by interested parties in relation to Regulation 18(2)(a)(i) or Regulation 18(2)(a)(ii), and it was agreed that those provisions did not require further scrutiny.
- 3.6 Accordingly, there was consensus that the application fell to be determined solely under Regulation 18(2)(b), focusing on reasonable choice of pharmaceutical services and access for those who share a protected characteristic, including disability, and on whether granting the application would confer significant unforeseen benefits. Submissions were therefore limited to these regulations.

Oral Hearing Submissions

Mr Wardle for Baddowpharma Ltd:

- 3.7 Mr Wardle said that the statutory test applicable to the determination of this appeal is Regulation 18, namely whether the granting of the application would secure improvements and better access to pharmaceutical services by way of unforeseen benefits. In particular, the committee is required to consider whether the application would confer significant benefits by improving access and reasonable choice of pharmaceutical services for the population generally, and for those who share a protected characteristic and who currently experience difficulty accessing pharmaceutical services. The committee must further consider whether any such benefits were unforeseen in the context of the relevant Pharmaceutical Needs Assessment.
- 3.8 The relevant Pharmaceutical Needs Assessment for the purposes of determining this application is the 2025 Essex Health and Wellbeing Board PNA. It was submitted that the 2025 PNA makes no reference to Great Baddow, nor to the closure of the Boots pharmacy at The Vineyards. The matters relied upon by the Applicant in support of the application are not detailed in the PNA, and the improvements in access and service provision

which would be secured by the granting of this application were not foreseen in the context of the current PNA.

- 3.9 It was emphasised that each application must be determined on its own facts. The Applicant does not assert, as a matter of law, that the granting of an application elsewhere in Chelmsford on similar facts should of itself lead to the granting of this application. However, reference was made to paragraph 5.1.50 of the oral hearing minute, noting that Healthcare Plus Consulting acted for an applicant in Springfield, Chelmsford, where an application was granted approximately three miles away. While that case did not directly address the accessibility and choice issues arising in Great Baddow, it was noted that Healthcare Plus Consulting advanced submissions in that case which included reliance on the closure of a Boots pharmacy, the proposed location being within a thriving local parade, the presence of only one remaining pharmacy, and the remaining pharmacy being located 0.8 miles away. In that case, distance alone was described as a barrier to access, particularly in an urban setting, and a 1.6 mile round walk was said not to constitute reasonable access or choice. Similar concerns were raised about bus journeys involving walking at either end and infrequent services, with particular emphasis on the impact on elderly and disabled patients who may be unable to drive or uncomfortable using public transport in adverse weather.
- 3.10 The application itself was made by Baddowpharma Ltd on 14 May 2024 for inclusion in the pharmaceutical list under Regulation 18, seeking to open a new pharmacy within The Vineyards shopping centre in Great Baddow. The application set out in detail why its granting would secure improvements and better access to pharmaceutical services. It was made on the basis of a gap in service provision caused by the closure of the Boots pharmacy at The Vineyards in mid-2023. Prior to closure, the Boots pharmacy dispensed an average of approximately 11,000 items per month. It was submitted that the application would secure improvements and better access for the population of Great Baddow in particular. The determination of the application was delayed, including while NHS England conducted a controlled locality review, noting that part of the area within 1.6 km of the proposed site is a controlled locality, although Great Baddow itself is not. NHS England refused the application and the applicant appealed. It was submitted that the appeal is a reconsideration of the application afresh, rather than a review of NHS England's decision, and that NHS England's role at the appeal stage is as a statutory consultee.
- 3.11 Turning to the local population, it was submitted that the starting point for assessment is the likely reliant population for the proposed location. While no attempt was made to define formal neighbourhood boundaries, Great Baddow was described as a substantial and identifiable community in its own right, notwithstanding its inclusion within Chelmsford. Reference was made to paragraph 3.6 of the oral hearing minute, which sets out figures for the two wards comprising Great Baddow. The population totals 14,953 residents, of whom 3,330 are aged 65 or over. There are 1,291 social rented homes, representing around 20% of all homes, and 1,162 households have no car or van, equating to approximately 18–21%. There are 691 residents with bad or very bad health, 1,009 residents whose day-to-day activities are limited a lot by disability, and a further 1,463 residents whose activities are limited a little. Approximately 40% of the population is economically inactive, a demographic

correlated with higher rates of retirement. It was submitted that comparisons with other areas of England are not determinative and that, given the size of the population, there are many hundreds or thousands of residents who are older, have lower incomes, lack access to transport, or live with disability or poor health, and who are therefore statistically more likely to require access to pharmaceutical services.

- 3.12 Great Baddow was described as containing a wide range of shops and services, including a hospital, a large secondary school with approximately 1,500 pupils, primary and junior schools, leisure facilities, light industrial units, the Chelmsford Office and Technology Park, a shopping centre, a library, numerous hospitality outlets, a garden centre and veterinary practices. Particular reliance was placed on The Vineyards shopping centre as a thriving local hub, well used by the community, with a large and busy car park and recently completed residential flats. The centre was built in the 1960's and had always contained a pharmacy until the Boots closure in 2023. The range of services includes multiple food outlets, charitable organisations, hairdressers, Morrisons Local with an in-store Post Office, and other retailers.
- 3.13 The proposed location is the vacant, boarded unit in the corner of the centre, formerly a bank. The landlord has held this unit for approximately 18 months for the applicant, having declined other offers including restaurants, on the basis that reopening a pharmacy would significantly benefit the community. The unit is large and would include three consultation rooms, a substantial retail and dispensing area, and potentially a dispensing robot, with direct access from the lower ground floor car park to facilitate secure delivery.
- 3.14 Baddow Village Surgery is located approximately 300 metres from The Vineyards. It has around 11,000 patients and prescribes approximately 26,000 items per month, of which around 6,000 are self-dispensed and 20,000 require dispensing from a community pharmacy. It was described as a very significant source of demand for pharmaceutical services in Great Baddow.
- 3.15 Applying the regulatory test, it was submitted that granting the application would confer significant benefits by improving reasonable choice of service provision and addressing difficulties experienced by those with protected characteristics. Support for the application includes evidence from local residents and representatives, including over 175 letters and emails, and the attendance of a parish councillor at the hearing. It was submitted that these representations are written in the authors' own words and describe real personal experiences, notwithstanding any assertion that they are not representative.
- 3.16 In respect of reasonable choice, it was submitted that the closure of the Boots pharmacy at The Vineyards has left Great Baddow with only one remaining pharmacy, Pillbox Pharmacy at Meadgate, located at the western edge of the area. This sits against a background of wider pharmacy closures in Chelmsford, including four Boots pharmacies, a Lloyds pharmacy in a Sainsbury's store and a Tesco pharmacy. In total, at least six pharmacies have closed in Chelmsford over the last three years, representing around a quarter of the city's pharmacies. These closures have reduced both choice and resilience in local pharmaceutical services.

- 3.17 While it was emphasised that no criticism is made of the efforts of Pillbox or Galleywood pharmacies, it was submitted that capacity is insufficient to meet existing demand. Pillbox's dispensing volume increased from around 12,000 items per month before the Boots closure to approximately 18,500 items per month, well over twice the national average for a pharmacy operating from a relatively small unit. This was said to result in long queues, delays and reduced availability of additional services such as vaccinations and Pharmacy First consultations, noting in particular that Pillbox did not provide Pharmacy First for at least 18 months after it was commissioned.
- 3.18 Objection was taken to the weight to be placed on survey evidence submitted by interested parties, noting that fewer people responded to those surveys than supported the application, that no detail was given as to how surveys were conducted, and that only those physically able to access existing pharmacies could participate, excluding key demographics who would particularly benefit from an additional pharmacy.
- 3.19 On accessibility, it was submitted that consideration should begin from the fact that there is a large resident population centred around a busy shopping centre with nearby community services and a large GP surgery prescribing approximately 26,000 items per month. Existing pharmacies are located in separate parades, requiring special journeys rather than being accessible alongside other daily activities. Distances from the GP surgery were given as approximately 1.3 km (17-minute walk) to Pillbox, 2.7 km (38-minute walk) to Day Lewis, and 3.7 km (52-minute walk) to Galleywood. These distances were said to constitute significant barriers, particularly for elderly and disabled residents, those with chronic illness, and households without cars. Additional barriers include busy and congested routes, routes through parks unsuitable in darkness or bad weather, and open land between settlements.
- 3.20 Access by car was said to be unreliable given that around 1,162 households have no car and that parking is limited at Pillbox. While bus route C7 connects The Vineyards and Pillbox, it does not serve Day Lewis or Galleywood, and a return journey could take up to an hour. Moreover, C7 serves only the western part of Great Baddow, while route C6 serves southern and eastern areas but does not pass any existing pharmacies.
- 3.21 In conclusion, it was submitted that Great Baddow has a large population of older residents, people with disabilities and poor health, and that over 175 letters and emails demonstrate urgent need, health risks, loss of independence and reliance on a pharmacy at The Vineyards as a community hub. The Vineyards is the central shopping district for Great Baddow, is accessible by foot and car, and is close to Baddow Village Surgery, allowing convenient dispensing after GP appointments. The proposed pharmacy would offer nationally commissioned services including Pharmacy First, vaccinations, the New Medicines Service, and hypertension and contraception services, which are currently absent or limited. Planned housing developments will further increase demand. Without a new pharmacy, access and capacity issues are said to worsen. Granting the application would restore reasonable choice, increase the range of accessible pharmaceutical services, and confer significant benefits for the community.

- 3.22 Mr Wardle was asked if the PNA should have taken account of the closure of the Boots pharmacy that occurred before publication of the 2025 PNA. He replied that he would expect a PNA to consider changes in service provision since the previous PNA and their impact on access and choice, and that in his view this had not been done at a sufficiently granular level for Great Baddow.
- 3.23 He was asked to accept that the PNA divided Essex into localities. He agreed that it did, but maintained that this did not address the specific local impact in Great Baddow.
- 3.24 He was questioned about his reliance on information from The Vineyard landlord, including statements that the butcher had had its busiest year and that multiple offers had been received for the vacant unit. He said this information was provided to him by the landlord during a site visit, accepted that it was hearsay, and stated that the Committee could place whatever weight on it it considered appropriate.
- 3.25 Mr Wardle was challenged on the figures he used for the number of prescription items dispensed by the Boots pharmacy before closure, with an alternative figure of around 9,000–10,000 items per month suggested. He replied that figures depend on the period examined, that Boots often wind down dispensing before closure by transferring prescriptions, and that longer-term averages showed higher volumes than the final month alone.
- 3.26 He was asked to explain where the dissatisfied patients were, given evidence from existing pharmacies that many patients reported no difficulty accessing services. He responded that many residents had written letters and emails in support of the application and that the parish council was reflecting ongoing concerns within the community.
- 3.27 He was asked whether his client had responded to the 2025 PNA consultation. He said that, to his knowledge, they had not.
- 3.28 He was questioned about other services available at The Vineyard shopping centre and whether it functioned as a destination for residents' everyday needs. He replied that it operated as a well-used local hub, although no shopping centre meets every possible need, and suggested that the parish councillor was better placed to comment in detail.
- 3.29 Throughout questioning, Mr Wardle reaffirmed that his case rested on Regulation 18 (choice and access), not innovation; that delivery services could not replace in-person pharmacy services, particularly advanced services; and that reliance on a small number of pharmacies reduced resilience and left residents vulnerable when services were suspended, reduced or temporarily unavailable.

Mr Burns for NHS Essex Integrated Care Board (ICB)

- 3.30 Mr Burns stated that the ICB's view remains that the unforeseen benefits application by Baddowpharma Ltd for inclusion in the pharmaceutical list for the area of Essex HWB in respect of premises at 8 The Vineyards, Great Baddow, should be refused.

- 3.31 He said that the ICB has reviewed the current PNA published by Essex HWB and is satisfied that that 2025 PNA, and the preceding 2022 PNA, could reasonably be considered in totality as having regard to the facts the applicant's purported improvements in, and better access to, pharmaceutical services in accordance with paragraph 4, Schedule 1 seek to reply upon. These matters were not unforeseen. In particular, it has noted that Essex HWB issued a supplementary statement when the two Boots pharmacies closed, however did not go on to identify any gaps in the provision of pharmaceutical services in Great Baddow when it drafted the 2025 PNA.
- 3.32 The ICB has noted that applications under Regulation 18 should offer improvements or better access to pharmaceutical services. It would appear from the application that the appellant is seeking to offer both.
- 3.33 The crux of the appeal is that the application should be granted under Regulation 18(2)(b)(i) (reasonable choice) and that Regulation 18(2)(b) overall requires consideration of whether any benefit that may be conferred by a grant is 'significant' – the ICB considers that to be a high threshold that has not been met.
- 3.34 Regarding Regulation 18(2)(b)(i), the ICB has provided written representations on why it is of the opinion that there is reasonable choice with regard to obtaining pharmaceutical services in the area of Essex HWB, having particular regard to the Chelmsford locality and Great Baddow, and Mr Burns highlighted facts that the ICB wishes the committee to take into account in particular in light of the appellant's letter dated 24 November 2025.
- 3.35 Boots UK Ltd gave the regulatory 3-month notice to withdraw its pharmacy premises at 1 The Vineyards from the pharmaceutical list to take effect on 7 October 2023. The ICB had received complaints by people using that pharmacy about queues and waiting times and it is noted that there are references to queues in the letters/emails submitted by the appellant with its appeal. For those residents who raised concerns regarding waiting times at the current premises, there is no guarantee that the opening of an additional pharmacy will address that point. Nonetheless, the ICB note the Pillbox information on waiting times and do not consider these unreasonable.
- 3.36 The ICB is aware of the challenges that Boots UK Ltd had faced with regard to its pharmacy premises on Moulsham Street which closed on 4 November 2023. The ICB met with Pillbox Ltd and the LPC prior to the closure of Boots' premises in The Vineyards. Pillbox Ltd was, understandably, concerned about an increase in patients presenting at its pharmacy premises until a planned refit of its premises were complete. Its principal concerns centred on a lack of information on those patients, their health, and their medications. It would not be until prescriptions began to be received that Pillbox Ltd would be able to identify whether there would be additional items to be stocked. As the Committee will be aware, there will be a period of transition following the closure of a pharmacy, and demand for services from the remaining pharmacies stabilise. This demand plateaued some time ago and the ICB is assured by the steps taken by Pillbox Ltd and Galleywood Pharmacy Ltd to manage demand going forward.

- 3.37 Whilst Pillbox Ltd had planned a refit of its premises, this was brought forward to help manage the expected increase in items to be dispensed, and to allow the provision of more advanced services once things had settled down. It confirmed to the ICB that it would focus on the provision of the essential services to ensure that people could continue to receive their dispensed medication.
- 3.38 The ICB also had discussions with Baddow Village Surgery in the August before Boots closed its pharmacy as it had been asked by its patients what was happening, and there had been misinformation circulating. The ICB had met with both Pillbox Ltd and Galleywood Pharmacy Ltd and confirmed to the practice that both pharmacies were accepting new patients who chose to use and/or nominate them. The ICB worked with the two contractors to agree a common approach to communicating with residents, and suggested the practice adopt a similar approach by displaying a poster in the surgery and sending out text messages to patients who had nominated Boots for their prescriptions.
- 3.39 The ICB can confirm that Pillbox Ltd has been providing the new medicine service for quite some time and for example can confirm provision of the following services.
- 3.39.1 September 2025 – NMS, both elements of hypertension case-finding service, provision of ongoing contraception, all three elements of Pharmacy First.
- 3.39.2 October 2025 - NMS, both elements of hypertension case-finding service, provision of ongoing contraception, all three elements of Pharmacy First, flu vaccinations.
- 3.40 Activity in October was higher than in September and the ICB sees no reason why levels will not continue to increase. The ICB confirms that Pillbox Ltd has signed up to provide the new community pharmacy seasonal vaccination services (flu and covid) for 2026/27.
- 3.41 In September 2025 Galleywood Pharmacy Ltd and Day Lewis PLC provided NMS, both elements of hypertension case-finding service, provision of ongoing contraception and all three elements of Pharmacy First. In October both also initiated the provision of contraception and provided flu vaccinations, and Day Lewis also provided the lateral flow device test supply service.
- 3.42 Pillbox Ltd currently has one consultation area but can install a second one when required. Galleywood Pharmacy Ltd has two consultations areas.
- 3.43 In 2022, the last full calendar year the Boots pharmacy in The Vineyards was open, it dispensed 31.3% of the items prescribed by Baddow Village Surgery, Pillbox Ltd dispensed 22.3%, the practice dispensed or personally administered 17.5%, and Galleywood Pharmacy Ltd dispensed 12.2%. The remaining 16.7% of items were dispensed at 240 different pharmacy or dispensing appliance contractor premises.
- 3.44 The ICB is of the opinion that it is not appropriate for the appellant to compare where prescriptions written by Baddow Village Surgery were dispensed when

the Boots pharmacy was open, to where those written by Sutherland Lodge Surgery were dispensed.

3.45 Looking at the respective practice areas it can be seen that:

3.45.1 Baddow Village Surgery's practice area extends to the south, almost to Battlesbridge which is on the edge of the Essex HWB's area and does not extend into Moulsham and central Chelmsford. It provides a dispensing service and therefore eligible patients living in a controlled locality will not access a pharmacy for the dispensing service. There are only four pharmacies in this practice's area.

3.45.2 Sutherland Lodge Surgery's practice area extends to the north and covers most of Moulsham and Chelmsford, a much more built-up area. There are 11 pharmacies in this practice's area. It is therefore not a surprise that this practice's prescriptions are dispensed at more pharmacy or DAC premises than Baddow Village Surgery's.

3.46 If anything, it may be expected that a higher proportion of Baddow Village Surgery's prescriptions would have been dispensed by the Boots pharmacy in The Vineyards due to its proximity to the practice premises.

3.47 With regard to Regulation 18(2)(b)(i) and whether there is a reasonable choice with regard to obtaining pharmaceutical services in the area of Essex HWB, there are 22 pharmacies and one dispensing appliance contractor in the Chelmsford locality. The PNA notes that Chelmsford has low levels of deprivation compared to the rest of Essex and Chelmsford City Council ranks 260 out of 317 lower tier authorities in England where 1 is the most deprived, and 317 the least.

3.48 The location of the proposed pharmacy is in the second least deprived lower super output area (LSOA) in Great Baddow with an Index of multiple deprivation score of 5.39 which compares to 30.5 for the LSOA in which Pillbox Ltd's pharmacy is located – the average for Chelmsford is 13.12, and 21.67 for England (range 0.17 to 94.22). For IMD, the larger the value the greater the deprivation.

3.49 The HWB considered access to pharmaceutical services in its PNA and noted that in the Chelmsford locality:

Everyone is within a 20-minute drive of a pharmacy by car,

91% within 20 minutes by public transport, and

79% of residents can walk to a pharmacy within 20 minutes.

3.50 These travel times reflect the experience of those who responded to the public engagement questionnaire undertaken as part of writing the PNA. The HWB will have noted the travel times by public transport and on foot but did not identify any gaps in the provision of pharmaceutical services (some residents who fall outside of these times will be dispensing patients and therefore will not access a pharmacy for the dispensing service).

- 3.51 Residents who use public transport for their day-to-day needs will know the bus times and so will plan their journey to a pharmacy around those in order to minimise having to stand at a bus-stop. The ICB is of the opinion that buses every 20 minutes is very reasonable. Whilst there is a range of shops and amenities in The Vineyards, and these are used by residents, it is not so extensive that residents would not have to travel elsewhere for some of their requirements. In doing so, they would be able to access the existing pharmaceutical services.
- 3.52 The appellant suggests residents are not exercising choice, they are acting out of necessity. Whichever lens the committee decides to view this through, residents are choosing which of the local pharmacies to use or whether to travel further afield, or to use a DSP, or a delivery service from a local pharmacy.
- 3.53 The ICB has been assured by Pillbox Ltd that it offers a free delivery service to all patients, and there are no eligibility criteria. The delivery service covers a large area including Chelmsford, Broomfield, Boreham, Sandon, West and East Hanningfield, and Hatfield Peverel. In the first few months after the Boots pharmacy closed, demand understandably increased, and the ICB understands that some patients were asked to call back so that demand could be better managed. The ICB is not aware of any current issues with the service. Galleywood Pharmacy Ltd does not offer a delivery service, but the ICB is not aware of any complaints regarding a lack of such a service. Day Lewis PLC provides a free delivery service to eligible residents. It also operates a kiosk collection service from its premises at 136 Gloucester Avenue which allows collection of dispensed medication 24 hours a day, seven days a week. Residents using this service receive a message confirming their medication is ready for collection, and a PIN which will allow them to access their medication at the collection point.
- 3.54 Having reviewed the letters and emails submitted by the appellant, it is noted that there are references to people using their car to access services, and some expressed a preference to not use their car. The ICB maintains that these residents have reasonable choice. There are also references to people not being able to drive at some point in the future, however the test is whether there is currently reasonable choice in obtaining pharmaceutical services.
- 3.55 Looking at car ownership levels at lower super output area, the ICB has noted that the LSOA with the highest proportion of households without access to a car or van is the one in which Pillbox Ltd's pharmacy is located – 29.0% of households. The next highest LSOA at 25.9% is to the west of the LSOA in which the appellant proposes to open its pharmacy. It is to be noted that the appellant is not seeking to open in any of the three LSOAs with the lowest levels of car ownership.
- 3.56 Population density is noticeably higher in the LSOAs that contain a pharmacy – Pillbox 6,485 people/km², Day Lewis 6,421, Galleywood 1,869, the proposed pharmacy 995.
- 3.57 With regard to the waiting times, there is a disparity between what those residents who submitted letters or emails have reported, and those who took part in the surveys undertaken by the two contractors.

- 3.58 What is not clear is whether these waiting times are for planned visits or for unplanned visits, and when. Pharmacies will plan their workload so as to dispense repeat prescriptions at their less busy times and will have systems in place to manage their planned workload which will include alerting patients to when their repeat prescriptions have been dispensed and are ready to be collected. Both Pillbox Ltd and Galleywood Pharmacy Ltd have confirmed to the ICB that they have a text notification service for patients. Referrals under the Pharmacy First service can also be managed appropriately so that consultations are delivered at less busy times, or when two pharmacists are on duty.
- 3.59 It is therefore assumed that longer waiting times are due to the unplanned workload for example acute prescriptions being issued following appointments at one of the practices, or residents seeking advice or support for self-care or the provision of emergency hormonal contraception.
- 3.60 People will start their journey to a pharmacy from different locations. We know that nationally 75 to 80% of prescriptions dispensed are repeat prescriptions and therefore people will not have first visited their GP practice. It is therefore reasonable to assume that people will collect their repeat medication at a time that is convenient for them eg during their lunchbreak, when they are shopping, on their way to or from work or taking their children to school, on their days off etc. They will plan these visits into their day-to-day routine. For those who access a pharmacy having first attended their GP practice, it is reasonable to assume that they will continue their journey using the same method of transport as they took to get to their GP practice.
- 3.61 The opening hours proposed by the appellant do not offer anything over and above those of the existing pharmacies. All other weekend opening hours are supplementary opening hours so can be reduced or redistributed with five weeks' notice to the ICB.
- 3.62 If the application is granted and the pharmacy opens, the only hours that can be relied upon (although could still be changed following a successful application) are Mondays to Fridays 09.00 to 12.00 and 13.00 to 18.00. 12.00 to 13.00 Mondays to Fridays are supplementary opening hours, as are 09.00 to 13.00 on Saturdays. It is noted that one resident said they could not support the application if the opening hours were no different to the existing pharmacies.
- 3.63 The appellant is not offering any advanced services that are not already provided in the area. The only exception to that is the smoking cessation service and activity under this service has been very low across the country (just 88 pharmacies in England provided 725 consultations in October 2025, with Shanty's the only pharmacy in the ICB's area to provide the service with two consultations).
- 3.64 Whilst it is clear that there is support for a pharmacy at The Vineyards, this is not surprising. Similar comments about convenience were made when Barclays announced it was closing its branch in 2014, and Natwest closed its branch in 2018 with the then MP stating that she had received many emails about the closure from constituents when speaking during a debate in the

House on 26 April 2018. When a service ceases, it is not uncommon for concerns to be raised regarding the impact on some people.

- 3.65 There are references in the letters and emails from residents to repeat trips to the existing pharmacies as prescriptions cannot be filled in full. As the committee will be aware this issue will not be solved by the opening of a pharmacy in The Vineyards. The national drugs shortages are well documented in the press and a research briefing to the House confirms that since 2021 there have been reports of increasing supply problems affecting medicines, most recently those used to treat diabetes, ADHD and epilepsy, HRT and others. It goes on to state that supply chains for medicines are long and complex and shortages can be caused by multiple factors. These include manufacturing or distribution problems and increased demand for medicines. Government data shows that most medicines supply problems in 2024 were attributed to manufacturing problems, including shortages of raw materials and packaging materials used in medicines production.
- 3.66 Other potential factors are the effects of wider geopolitical factors, including the conflict in Ukraine, the Covid-19 pandemic and Brexit. Drugs shortages affect all contractors, irrespective of size.
- 3.67 As the Committee will be aware, and has been stated in other appeal decisions, convenience is not a determining factor to be taken into account when considering the additional matters set out in Regulation 18 that ICBs and the committee must take into account – SHA/26810 - page 78 para. 8.36. It is clear that for those with private transport there is reasonable choice. No evidence has been provided that those with a car have any difficulty in accessing pharmaceutical services. Similarly, for those who use public transport including bus passes for certain groups (state pension age, disability persons pass and companion passes).
- 3.68 As well as the regular bus services, Community Transport is for people in Essex who cannot make use of usual public transport either because of age, disability, or where they live.
- 3.69 Information has been provided on the two bus routes through Great Baddow, and the Appellant has made reference to those who live in houses that are not on a bus route stating that they have difficulty accessing the existing pharmacies, as do those who have to walk to the bus-stop that is nearest to their house. However, these same difficulties would be experienced in accessing the proposed pharmacy.
- 3.70 The focus, therefore, appears to be on those who do not have access to private transport, are unable to use public transport, and who are unable to walk to the nearest pharmacy. For that patient group there is the option of using the free delivery service provided by Pillbox Ltd, or delivery services offered by other pharmacies, or for those who are digitally enabled, the services of a distance selling premises of which there are over 400 in England all of whom must deliver dispensed items to anyone who presents their prescription and provide all other essential services. As noted in the PNA, the dispensing service is the one most used by residents in Essex, and many of the letters and emails submitted by the appellant only reference that service.

- 3.71 The ICB is of the opinion that 175 letters and emails (not all of which were submitted by residents, and one appears to be a duplication) is a very small proportion of the 15,000 people living in the area. 1.1% of residents submitted letters or emails, and of these the majority already have reasonable choice as they have private transport, can use public transport or can walk to access services. There is no indication of how representative this group of individuals is of the population as a whole or those with a protected characteristic. The ICB notes that the letters and posters shared as part of the appeal ask people to report negative experiences when accessing pharmaceutical services. The fact that only negative experiences of the existing pharmacies were requested means that residents self-selected rather than a more randomised approach being adopted which would have resulted in a more balanced response. It could therefore be argued that 98.9% of the population have no difficulties in accessing services – having not raised an issue and presumably adapted to the change in the provision of pharmaceutical services as people do all the time – whether that is simply choosing another pharmacy to visit or utilise EPS potentially with local delivery services mitigating the need to travel as others do with or without protected characteristics.
- 3.72 The ICB is aware that in a recent refused appeal decision in Wigan (SHA/26666 – para. 7.52), NHS Resolution considered 50 emails and letters from a population of 6,000 (0.8%) was a relatively small sample of the population and the distance to the nearest pharmacy was 1.1 miles. In SHA/26711 – para 7.44, NHS Resolution was of the view that it was not possible to draw meaningful conclusions from the results of a survey in which 1.3% of the immediate community had participated and could not be regarded as truly representative of the population – that refused application was for Monks Mead, Chelmsford and 1.8 miles from the nearest pharmacy.
- 3.73 The ICB is also of the opinion that, as the HWB took into account travel times by private transport, public transport and on foot, and noted those areas that were outside specified travel times, but was of the opinion that this did not create a gap in the provision of pharmaceutical services, then the alleged benefit of a pharmacy in The Vineyards was foreseen but the HWB was not of the opinion that it needed to identify any needs, improvements or better access in the PNA.
- 3.74 Whilst not a matter that is listed in regulation 18(2), the ICB has concerns that the opening of more pharmacies in the Chelmsford locality may affect the viability of the existing estate and may lead to further closures.
- 3.75 In response to comments made about the application from Alticare Ltd that was granted on appeal, Mr Burns confirmed that the ICB received notification of the address of the premises at or from which Alticare Ltd has undertaken to provide pharmaceutical services. The notification has been confirmed as valid and therefore Alticare Ltd has 12 months within which to submit a valid notice of commencement, in the correct form, and commence the provision of pharmaceutical services.
- 3.76 In response to questions Mr Burns responded that in his view, the PNA is not required to reference pharmacy closures that occurred 18–24 months prior to its publication, provided the PNA complies with the regulatory framework. He

stated that the 2025 Essex PNA was, in his view, lawful and compliant, and that it was not necessary for it to drill down into the level of locality specific detail contended for by the Applicant unless evidence existed requiring it to do so.

- 3.77 He explained that the 2025 PNA broke Essex down into localities, including Chelmsford, and that the Health and Wellbeing Board was entitled to take a broad-brush approach. He said that if there had been material local evidence requiring deeper analysis of Great Baddow specifically, it would have been open to the Health and Wellbeing Board to address it, but no such evidence was before it.
- 3.78 Mr Burns clarified that complaints or concerns had been raised with the ICB while the Boots pharmacy at The Vineyards was still operating, rather than arising only after its closure. He did not state that those concerns demonstrated a current failure in service provision following the closure.
- 3.79 He addressed questions about dispensing data from Baddow Village Surgery. He stated that, in the last full calendar year when the Boots pharmacy at The Vineyards was open, Boots dispensed approximately 31.3% of items prescribed by Baddow Village Surgery, Pillbox dispensed 22.3%, Galleywood dispensed 12.2%, and the surgery dispensed approximately 17.5% itself. He said that, when self-dispensed items were excluded, around three quarters of the surgery's prescriptions were already being dispensed by pharmacies other than Boots. He accepted that, if his arithmetic was incorrect, then it was incorrect, but maintained the broader point that Boots had not been the sole or dominant provider.
- 3.80 He confirmed that he did not have figures breaking down population density for Great Baddow as a whole, explaining that his analysis was based on lower super output areas in which pharmacies are located, on the basis that these reflect the populations closest to those pharmacies. He did not know how many lower super output areas make up Great Baddow.
- 3.81 He was asked about the timing of the refit at Pillbox Pharmacy and said that, to his understanding, it took place in early 2024, but that Pillbox would be better placed to confirm precise dates.
- 3.82 Mr Burns explained that delivery services offered by pharmacies are discretionary and not part of the contractual advanced services. He accepted that some pharmacy services, such as vaccinations, could not be delivered remotely and require in-person attendance.
- 3.83 In response to questions about consultation, he stated that he could not confirm from memory whether named individuals were members of the Health and Wellbeing Board PNA steering group, and that such information would be a matter for the published PNA documents rather than the ICB.
- 3.84 He responded to points raised about pharmacy services not being available immediately after the Boots closure by stating that the committee must consider the position as it stands at the time of determination. He emphasised that services such as Pharmacy First, vaccinations, and other advanced services were now available at existing pharmacies and had been for several months.

- 3.85 Finally, he addressed references to dispensing by doctors under the “serious difficulty” provisions, explaining that Regulation 48 allows patients to request dispensing by a GP, but that such requests are considered by the NHS and are not automatically granted. He was not aware of any patients in Great Baddow having made such requests following the Boots closure.

Councillor Sadowsky

- 3.86 Councillor Sadowsky stated that she is a parish councillor for Great Baddow, having served for 18 years, and a resident of the area for over 25 years. She explained that in her professional background she has spent approximately 20 years working within local authorities and the third sector, supporting unpaid carers. She submitted that some correspondence received in support of the application may have come from carers living outside Great Baddow who support vulnerable residents within the village and who were reflecting the experiences of those residents rather than their own.
- 3.87 She explained that the parish council has a high level of ongoing engagement with residents. The parish council office is located adjacent to The Vineyards and is open Monday to Friday, staffed by paid officers. Residents may also contact the council by email, telephone, website and social media. A parish newsletter is hand-delivered to every household several times a year, and there are regular council and committee meetings open to the public. Over the three-year period following the closure of the Boots pharmacy, the council received a substantial volume of informal feedback from residents expressing concern about the absence of a pharmacy at The Vineyards. Although this feedback was not systematically recorded at the time, Councillor Sadowsky stated that, had the council anticipated the matter becoming contested several years later, it might have sought to capture it more formally.
- 3.88 She emphasised that the parish council values the work of existing pharmacies, including Pillbox, Galleywood and Moulsham Lodge, and acknowledged that these pharmacies and their staff work hard. However, she submitted that residents continue to express a clear desire for a pharmacy at The Vineyards because of ongoing difficulties accessing alternatives.
- 3.89 In relation to public transport, Councillor Sadowsky explained that although the C7 bus route is a good service, it does not serve the whole of Great Baddow. In particular, residents living on the eastern side of the A1114 Baddow bypass cannot access the C7. Those residents are furthest from all existing pharmacies and would require two bus journeys even to reach Baddow Village Surgery. She stated that even some residents on the main road through the village must walk approximately 10 minutes to reach a C7 bus stop. Route C6 operates less frequently, only during part of the day, and has no evening service.
- 3.90 In relation to travel by car, she stated that some pharmacies, including the Boots at Chelmer Village Retail Park, are very difficult to access at peak times due to heavy traffic and congestion at the Army and Navy roundabout. She noted there is an ongoing business case with the Department for Transport and Essex County Council to improve this junction due to longstanding congestion.

This makes access difficult for residents who work, have caring responsibilities, or need to attend pharmacies during busy periods.

- 3.91 Councillor Sadowsky confirmed that the parish council has ongoing contact with the managing agents and landlords of The Vineyards. She stated that the landlord has repeatedly told the council that it has declined other offers for the vacant unit, including from restaurants, because it wishes to see a pharmacy reopen at the site to restore The Vineyards as a full community hub.
- 3.92 She explained that residents use The Vineyards for a range of services, including the dentist and the library, as well as shopping. She gave her own example of living closer to Meadgate but preferring to use The Vineyards because it better meets everyday needs.
- 3.93 She acknowledged that final dispensing figures at the Boots pharmacy may have reduced before closure, as some residents moved their nominations in anticipation of closure, but stated that this does not detract from the impact of the loss of the pharmacy on the community.
- 3.94 She stated that recent experiences continue to show ongoing difficulties. She gave an example of the parish council chair experiencing a 20-minute wait at a local pharmacy within the last month. She also referred to the views of newly co-opted councillors, including one older councillor for whom the lack of a pharmacy at The Vineyards was one of two immediate concerns raised by her neighbours and friends.
- 3.95 In relation to housing development, Councillor Sadowsky explained that while development at Smithers Drive may be uncertain, development at Manor Farm off Galleywood Road is identified within Chelmsford City Council's Local Plan. Although not currently progressing due to purdah, highways permissions have been granted, and she described this development as a matter of "when, not if". She stated that residents in this area will be both physically furthest from existing pharmacies and least well served by public transport.
- 3.96 She also addressed community transport, clarifying that Great Baddow does not have a dedicated community bus. Community transport is provided by Community 360, which operates on a limited basis with reliance on volunteer drivers and variable availability. She described such provision as inconsistent and unreliable, particularly for vulnerable users.
- 3.97 In response to questions, she confirmed that her relative collects his prescriptions in person rather than using a delivery service, preferring that delivery services remain available for those without alternatives. She also stated that the parish council has no recollection of submitting a response to the 2025 PNA consultation, explaining that many consultations are filtered by the parish clerk and not all are brought to councillors.
- 3.98 Finally, she stated that feedback received by the parish council from residents who struggle to access pharmacy services has been consistent since the closure of Boots and has not diminished over time. She submitted that the absence of a pharmacy at The Vineyards continues to cause inconvenience and difficulty for a significant number of residents and that reopening a pharmacy at that location would address those ongoing concerns.

Mr Koria for Pillbox and Galleywood

- 3.99 Mr Koria stated the following: the Committee will be aware the Applicant applied to open a Pharmacy at the Proposed location on the 14th May 2024. This was following the closure of the Boots pharmacy at the same shopping centre on the 7th October 2023. The Committee will note that it has been over 2 and a half years since the closure of the Boots Pharmacy.
- 3.100 The Application was submitted under Regulation 18 or Unforeseen benefits. The Committee will be aware that Regulation 18 is a high bar to be met with the burden of proof on the Applicant to demonstrate significant benefits.
- 3.101 The Committee will have noted that the proposed unit, 8 The Vineyards, is the former Natwest Unit which has been unoccupied since 2018. The unit has been without a lease in place since 2023. The Committee will have noticed that the unit is set back within the shopping centre and not immediately visible from the road. The Committee will also have noted that the unit is not situated near to the Vineyards bus stop which serves the Shopping Centre, being approximately 150 metres away. For those groups who utilise the bus due to their limited mobility we submit that this is one of the reasons that this is not a beneficial site.
- 3.102 The Shopping centre hosts a range of local amenities, but notably does not house a major supermarket with local residents accustomed to travelling to the Lidl (CM2 9PB) , Tesco (CM2 9XW) on Princes Road, Aldi on Parkway (CM2 7FS) and Tesco in the town centre (CM2 6QT) to do their weekly or regular shopping. We note that all these supermarkets are situated toward Chelmsford town centre currently to the North or West of Pillbox Pharmacy and at least 1.3 miles away from the proposed site. Residents of Great Baddow must pass Pillbox Pharmacy to access these supermarkets in the course of their daily lives.
- 3.103 Residents of Great Baddow move freely throughout Chelmsford. This is unsurprising given the relative affluence of the area. The Committee would have noted from their site visit that houses are generally detached with multiple vehicles within their driveways.
- 3.104 This is corroborated by 2021 Census data with 82.2% of households having access to a car or van compared to the 76.5% average for England; home ownership being 68.9% compared to 62.3% for England; and very good/ good/ fair health being 95.3% compared to 94.9% for England.
- 3.105 We can see that Great Baddow has good access to a car, good health, and good home ownership. The relative affluence of the area is underlined by the LSOA of the Proposed site, the 013B, being in the 10th decile of deprivation in the 2025 Index of Multiple Deprivation – meaning the proposed site is located within the top 10% of least deprived areas in the entire country. This is an improvement in relative affluence since the 2019 IMD placed this at the 9th decile of deprivation. We highlight the Index of Multiple deprivation takes into account a multitude of factors including income, education, health, crime, housing, and living environments. We submit that statistically it is safe to say that the overall socioeconomic struggles faced are not as great as those in other parts of the country.

- 3.106 Following the closure of the Boots, there was a brief period of disruption whilst the existing pharmacies acclimatised to the closure as would naturally be expected. However, importantly, the closure of the Boots Pharmacy was a long-time ago and service provision is once again at a high level, with all services now being provided for several months.
- 3.107 Both Pillbox Pharmacy and Galleywood Pharmacy pride themselves on the level of service that they provide to patients as true local independent community pharmacies.
- 3.108 Mr Patel took over Galleywood in 2018, being his first and only pharmacy, and has sought to provide excellent service to all. This is reflected in the 60 google reviews received for Galleywood with a 4.7/5 star overall rating highlighting how the pharmacy is very well liked.
- 3.109 Mr Pau took over Pillbox Pharmacy in 1991, again being his first and only pharmacy. Again, providing a high level of service to the community. This is reflected in 93 google review received for Pillbox Pharmacy dating back 8 years with a 4.9/ 5 star overall rating demonstrating how this Pharmacy is held in high regard within the community.
- 3.110 As the Google reviews would indicate residents of Great Baddow are somewhat spoilt to the level of pharmaceutical service they currently receive. This is perhaps unsurprising given both Mr Patel and Mr Pau are owner-operators and oversee operations at ground-level day in day out. We also highlight that anecdotally if service levels were poor you would expect to see many more poor reviews as human nature is to provide criticism quicker than praise is afforded – so the strong reviews over a sustained period underline just how strong the service is to local residents.
- 3.111 Following the closure of the Boots at the Vineyards, both pharmacies adapted as quickly as possible to address any issues. Galleywood Pharmacy was already setup for success following a prior refit that they had undertaken and onboarded more staff.
- 3.112 Pillbox undertook a refit in response to the closure of the Boots store to increase capacity in collaboration with the ICB; onboarded more staff; and welcomed any patients onto the indiscriminate free delivery service that they provide. Pillbox currently employs one full-time delivery driver to service those who choose free delivery; which is entirely the norm for a community pharmacy that dispenses circa 18,000 items per month.
- 3.113 Both pharmacies provide: Pharmacy First, NMS, Hypertension, Flu and COVID vaccines and Contraception Services. Smoking cessation is not yet provided, however this is not well-utilised nationally, as it requires direct referrals from hospital. This often does not get implemented as communications between hospital and community pharmacy can be difficult.
- 3.114 Following the suggestion of poor service levels by the Applicant, our clients as independent owner operators, who have historically provided high levels of service, were both shocked at such claims.

- 3.115 Nevertheless, both pharmacies undertook patient satisfaction surveys to see whether such claims were substantiated. The survey from Pillbox garnered 59 responses, with 100% of respondents being satisfied with the service provided, and 100% had an average wait time of 0-15 minutes. 31% of respondents waited less than 5 minutes.
- 3.116 Patients were also asked where they undertook their weekly shop with 93% of respondents shopping at the Aldi/ Tesco/ Lidl as mentioned above. 3% of respondents undertake their shop at the Morrisons & Co-Op in the Vineyards – a small minority of patients. As the committee would have noted in their site visit they are not places where weekly shops are undertaken.
- 3.117 The Committee will also have noted that comments provided alongside survey responses were 100% positive. The survey from Galleywood garnered 147 responses, with 100% of respondents being satisfied with the service provided, and 100% had an average wait time of 0-15 minutes. 96% of respondents waited less than 5 minutes.
- 3.118 The Committee will also have noted that comments provided alongside survey responses were 100% positive. Thus, it is apparent that, contrary to the Applicant's claims, there is high satisfaction to the local level of pharmaceutical provision.
- 3.119 We also note that in both surveys c.60% of patients travelled by car, and c.37% travelled by foot. This highlights that car is the overwhelming preferred mode of transport, which is unsurprising given levels of car ownership in the area. However, walking is still widely utilised indicating that residents are choosing to walk instead of driving – lending to the affluence and healthier nature of residents in the area.
- 3.120 For the 20 Pillbox respondents who walked, only one had a negative comment and this was in relation to safety at night. No other respondents raised any barriers to access, with many highlighting how they enjoy the walk. This resident lived toward the town centre and thus the proposed location would not provide any additional benefit as it is further away.
- 3.121 For the 54 Galleywood respondents who walked, again only one had a negative comment that walking was a struggle. However, this resident lives 0.2 miles from Galleywood and 2.5 miles from the proposed site so is unlikely to find that their access will improve by the introduction of a pharmacy at the Vineyards. Again, many residents stated that the walk was good and sometimes enjoyable.
- 3.122 Thus, it is also clear that access to provision remains good and there are not any great barriers to accessing existing pharmacies which the proposed pharmacy overcomes.
- 3.123 This can be seen by tracking the items that the old Boots used to dispense that originated from Baddow Surgery. Would just highlight that this calculation is not perfect but provides a rough idea of where the items have gone. Looking at item increases from March 2023 (where the Boots dispensed c. 6900 items from Baddow Surgery) to August 2025:

Approximately 55% of the items have gone to Pillbox Pharmacy
(c.3800 items)

Approximately 43% of the items have gone to Galleywood Pharmacy
(c.2200 items)

Approximately 10% of the items have gone to Pharmacy 2 U (c.700
items)

- 3.124 Given the survey responses and the high uptake to Galleywood and Pillbox it is clear that patients are exercising their choice to utilise two local independent pharmacies which are accessible and provide a strong service.
- 3.125 We do note that approximately 700 items have gone to Pharmacy 2 U (an increase from c.400 to c.1100) but this is in line with the approximate 2.5x prescription volume increase that Pharmacy 2U saw nationally over this same period. We highlight that some patients do like the convenience of the delivery straight to door of Pharmacy 2 U and the discretion this service affords. We estimate that c.230 patients have gone to Pharmacy 2 U, assuming 3 items per patient, certainly nowhere near enough to warrant the granting of a new pharmacy licence.
- 3.126 If access was indeed poor, as the Applicant claims, then we would expect to see a much sharper uptake for Pharmacy 2 U demonstrating that patients do not have any choice. This is clearly not the case and patients do have reasonable choice.
- 3.127 We also highlight that had the situation been as bad as the Applicant has portrayed, then some eligible patients of Baddow Village Surgery may have applied for special dispensation to receive their prescriptions from the surgery (Regulation 48(2)) – we are not aware of this happening and the lack of complaint from the surgery and lack of support for the Applicant demonstrates at the very least that the surgery is content with the pharmaceutical situation at present.
- 3.128 Looking at the journeys from the proposed site to Pillbox Pharmacy: a 19/20 minute walk, 4/5-minutes on the bus or a 3-minute drive
- 3.129 Looking at the journeys from the proposed site to Galleywood Pharmacy, a 30-minute walk, an 11-minute bus journey, 5-minute drive
- 3.130 The C7 bus is utilised by residents and is a frequent service arriving every 20-minutes, and stops directly outside both pharmacies. All journeys are within the PNA criteria and the recently published 2025 PNA did not highlight a gap in provision. The 2025 PNA accounted for the Boots closure at the Vineyards and so it is difficult to see what unforeseen benefit would be realised by the Applicant. The PNA utilises the SHAPE tool and does look at things from a continuous granular level. We also note that it is for no party to question the reasonableness or legality of the PNA.
- 3.131 It is clear that anyone who has access to the Vineyards has access to Pillbox Pharmacy. We also reiterate that bus passes are available to the retired and retirement aged, as well as to the disabled.

- 3.132 We also note that there is a Day Lewis just to the West of Great Baddow which residents may choose to access. Shantys Chemist just to the North of Pillbox is also accessible. Tesco Pharmacy and Colecross Pharmacy to the West of Day Lewis can be accessed.
- 3.133 It is also worth highlighting that the applicant has relied heavily on solicited representations to make their case. These letters were submitted 7 months ago so ,even though there is question on how they were gathered and their contents, are not reflective of the situation at the current time, and as the Committee would have seen from their site visits there are no problems at ground level.
- 3.134 In the letter to Baddow residents on a local noticeboard the Applicant can be seen bullet pointing comments for residents to make. Further a banner has been printed outside the proposed site. The committee will be aware that public support in itself, is not relevant to Regulation 18. While the information in the solicited responses might be relevant, the committee should be cautious of putting weight on responses solicited in the manner that these responses were solicited.
- 3.135 We have now confirmed that the solicitation was written by the Applicant as part of a well organised campaign to generate support for the new pharmacy, with distribution assistance from the parish council. Some might therefore question how organic this support was. This is contrary to our client's survey responses which were carried out blinding the respondents to its purpose and without any pressure to respond in a certain way: 100% of respondents said that waited less than 15 minutes, 100% of respondents were satisfied with the level of service provided at both Pillbox and Galleywood. We also note how the applicant's solicited responses contradict the experience of pharmacy users captured by Google reviews organically over a number of years.
- 3.136 It is clear that the solicitations were intended to only attract those who were supportive of a pharmacy, creating a biased sample. We know that prompts were included which influenced responses to match the requirements of the applicant. We know that the responses received correlate to the prompts given. Had these prompts simply been existing common experience, people would not have needed them. We question why the Applicant would have to tell people what their own experiences had been?
- 3.137 We know that the posters, letters and Facebook posts by the Applicant may have created a sense of urgency or panic among respondents. As the Councillor mentioned these responses were written by the Applicant and facilitated by the council.
- 3.138 We will hear from actual users of Pillbox & Galleywood on the realities at ground level. We submit it is telling that the Applicant has been unable to bring a single one of these residents who are purportedly experiencing difficulty to this hearing.
- 3.139 The Committee will be also be aware that we have previously responded to each solicited representation individually and hope they refer to that work. To summarise the majority of respondents did not face any significant difficulties to begin with; they talk of convenience opposed to need, some residents talk

of better access on a weekend, however, the Applicant only proposes 40 core hours between 9-1, 2-6 on weekdays. No weight can be placed on supplementary hours as they can be withdrawn at any time. A few residents talk about stock issues, but these are a consequence of national shortages and not something that a new Pharmacy would fix. Those who do face difficulties still do not see significant benefits; either they would benefit more from using a Distance Selling Pharmacy (“DSP”) like Pharmacy 2 U or Pillbox’s delivery service, otherwise they would struggle almost as much accessing the Vineyards as Pillbox since the journey from the Vineyards to Pillbox is exceptionally good.

- 3.140 The Committee will be aware that it is not enough that difficulties exist, the application must also address these difficulties. The practical proximity of Pillbox to the Vineyards is very good. The reduction in the journey by car, by bus, and indeed by foot is very limited. It is hard to see how one who can access the Vineyards cannot also access Pillbox, and indeed Galleywood. Especially given the C7 bus. This is reflected in survey responses received.
- 3.141 Additionally, when we look at the letters in context of the 15,000 population of Great Baddow as defined by the Applicant; 185 responses represent 1.2% of residents – this is clearly not voluminous enough to discharge the burden of proof on the Applicant. When taken in context of the surveys conducted by our clients, google reviews, and movement of prescription items it is clear that the Application does not meet the high bar required of Regulation 18.
- 3.142 We submit that there will always be a small minority who may be disgruntled by pharmacy provision, however this is normal and not reason enough to grant a new Pharmacy licence. To reiterate, residents of Great Baddow are in fact fortunate to have access to two very attentive owner-operated pharmacies.
- 3.143 To conclude, the present application speaks to convenience opposed to offering significantly better access as required by the Regulations. Regulation 18 is a high bar and it is up to the Applicant to discharge this burden of proof – we submit that this has not been done. The letters provided by the Applicant were solicited and regardless responses spoke to convenience opposed to need. There is currently a strong service provided by both Galleywood and Pillbox Pharmacy demonstrated by the movement of items following the Boots closure, the survey responses, the witness testimony, and the strong google reviews for both pharmacies over a sustained 8-year period.
- 3.144 We also reiterate that the closure of the Boots store was prior to the 2025 PNA, and thus any potential benefit of the present application following the closure of the Boots was already assessed and no gaps were highlighted. Thus, the changes in provision that this application relies upon cannot be said to be unforeseen in nature.
- 3.145 Mr Koria also called three witnesses to give evidence.
- 3.146 One witness was an elderly resident of Great Baddow who did not drive and relied on public transport. That witness cared for a spouse and attended Pillbox Pharmacy approximately once a month. The witness explained that they had previously used a Boots pharmacy in Chelmsford town centre when working there, but were later transferred to Pillbox after experiencing difficulties

obtaining medication elsewhere. They stated that Pillbox had consistently provided prompt and efficient service, with no long waiting times. They travelled by bus, alighting immediately outside the pharmacy and using ramped access. In response to questions, the witness stated that they would not use a pharmacy at The Vineyards because the walk from the bus stop to the vacant unit would have been longer and more difficult, particularly as they used crutches. They confirmed they had no access to a car and preferred to collect medicines in person rather than use a delivery service.

- 3.147 A second witness was a working-age resident of Great Baddow who lived closer to The Vineyards than to Galleywood Pharmacy by approximately half a mile. That witness had used Galleywood Pharmacy for around five years and attended on a weekly basis. They stated that they had initially tried the former Boots pharmacy at The Vineyards but experienced ongoing issues and subsequently changed pharmacies. They described the service at Galleywood as exemplary and said they would not have considered using another pharmacy. In answer to questions, they explained that access was convenient as they either walked or collected prescriptions as part of their commute, passing the pharmacy on the way to work. They stated that they would not have used a pharmacy at The Vineyards because they were fully satisfied with their current arrangements.
- 3.148 The third witness was a retired resident who had moved to Great Baddow around three years earlier and lived approximately equidistant between Galleywood Pharmacy and The Vineyards. That witness had used Galleywood Pharmacy since moving to the area. They described the service as excellent, reporting no delays or problems and stating that staff were friendly and helpful. They usually accessed the pharmacy by bus using a free bus pass but also owned a car. In response to questions, they explained that they undertook their main food shopping at larger supermarkets closer to the town centre and did not generally use the Morrisons or Co-op at The Vineyards. They stated that they would not have wished to use a pharmacy at The Vineyards and were content with their existing arrangements.
- 3.149 In response to questions the witnesses confirmed their GP registrations, explained how they travelled to pharmacies, and confirmed that they did not experience access difficulties at the pharmacies they used. None of the witnesses stated that opening a pharmacy at The Vineyards would have improved access for them personally.
- 3.150 In response to questions, Mr Koria confirmed that Pillbox Pharmacy undertook a refit in January 2024 following the closure of the Boots pharmacy. He accepted that Pillbox did not begin providing the Pharmacy First service until August 2025 and explained that this followed a period of operational adjustment, during which priority was given to essential contractual services. He similarly accepted that other advanced services, including the New Medicines Service, contraception services and hypertension monitoring, were introduced after the Boots closure, with some commencing in late 2024 or mid-2025. He stated that Galleywood Pharmacy provided a broader range of vaccination services and that patients travelled from across Chelmsford to access those clinics.

- 3.151 When asked about delivery services, Mr Koria stated that Pillbox Pharmacy operated a free delivery service using one full-time delivery driver, making approximately 80 deliveries per day, equating to around 1,700 deliveries per month. He confirmed that Galleywood Pharmacy did not operate a delivery service but said that delivery services are discretionary and non-contractual, and could be introduced if demand justified it. He considered the current provision to be proportionate to need.
- 3.152 In relation to the patient satisfaction surveys, Mr Koria explained that surveys were undertaken in-store and were offered to patients attending the pharmacies who wished to participate. He accepted that pharmacy staff decided which attending patients were offered a survey form, and that participation depended on staff availability and patient willingness. He stated that surveys were not limited to specific times of day and did not accept that they were confined only to quiet periods. He accepted that delivery patients were not generally included and that, by their nature, the surveys captured only those who were able to physically attend the pharmacies. He further accepted that the survey respondents represented only a small proportion of the total number of patients nominated to the pharmacies. He did not accept, however, that this explained the 100% satisfaction scores, maintaining that the results accurately reflected the experience of patients using the pharmacies and demonstrated high levels of satisfaction.
- 3.153 Mr Koria was asked about the representativeness of written representations supporting the application. He maintained that the number of letters and emails relied upon by the applicant was small when compared with the overall population of Great Baddow and said that they were not statistically significant. He distinguished those representations, which he characterised as solicited, from the in-store surveys, which he said reflected contemporaneous patient experience.
- 3.154 He accepted that dispensing volumes at Pillbox Pharmacy increased substantially following the Boots closure but stated that both Pillbox and Galleywood pharmacies had adapted to meet demand and were now providing required services. He maintained that increased workload did not, of itself, demonstrate a lack of reasonable choice or access.

4 Consideration

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

Regulation 31

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

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

(2) This paragraph applies where -

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

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

(ii) adjacent premises; and

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

- 4.5 The Committee noted that the Applicant, in their application, had stated *"Not applicable. The proposed location is not the same as, or adjacent to, premises which are currently included in the pharmaceutical list."* The Committee further noted the comments from the Commissioner in its decision letter *"The Committee agreed that there are no existing services being provided by anyone on the pharmaceutical list from the proposed premises or at adjacent premises"* and that it had concluded that *"... the Committee is not required to refused the application under the provisions of Regulation 31."* The Committee having noted the above and that this had not been disputed on appeal, determined that it was not required to refuse the application under the provisions of Regulation 31.

Regulation 18

- 4.6 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)."*

4.7 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").

4.8 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.

4.9 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).

4.10 The Committee noted that Regulation 22 states:

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

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

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

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

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

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

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

- 4.11 The Committee noted that the Applicant had based its application on the 2022 PNA but that the HWB had since published a 2025 version of the PNA (the “2025 PNA”).
- 4.12 The Committee considered that there were two related issues that it needs to determine in relation to the PNA. It needed to determine which PNA was the relevant PNA for the purposes of Regulation 22 and whether the relevant PNA had identified the improvements or better access that the application was looking to secure.
- 4.13 In considering these issues, the Committee had regard to the comments made by the parties.
- 4.14 The Committee considered that the starting point as set out in Regulation 22 was that the relevant PNA was the PNA of the relevant HWB that is current at the time that the decision is taken. There is no dispute that the 2025 PNA is the current PNA.
- 4.15 The Committee considered the PNA produced for the Essex HWB by Essex County Council Public Health & Public Health Intelligence Team, 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), explaining changes to the availability of pharmaceutical services since the publication of its PNA. Such a statement then forms part of the PNA. A supplementary statement must not provide a new analysis of service provision. The Committee noted that the PNA was dated September 2025 and that no supplementary statements had been issued.

- 4.16 The Committee noted the main conclusion within the Executive Summary that *“Access to pharmaceutical services for the residents of Essex is good and the main conclusion of this PNA is that there are currently no gaps in the provision of necessary or relevant pharmaceutical services.”*

- 4.17 The PNA went on to conclude that:

“The PNA also looked at changes which are anticipated within the lifetime of the document, for example the predicted population growth.

Given the current population demographics, housing projections and the distribution of service providers across the HWB area, this document concludes that the current provision will be sufficient to meet the likely future needs of the residents during the three-year lifetime of this pharmaceutical needs assessment.

The HWB has not identified any services that would secure improvements, or better access, to the provision of pharmaceutical services either now or within the 3-year lifetime of this pharmaceutical needs assessment.”

- 4.18 The Committee noted that the PNA, within chapter 6, had looked at various localities within Essex and that Great Baddow fell to be considered under the Chelmsford locality.

- 4.19 With regard to Pharmaceutical services provision in the locality and with particular reference to ‘Access’ the Committee noted that the PNA stated:

“Overall, across Essex, generally residents are within a relatively short travel time whichever method is chosen:

- *99.9% of the Essex population could get to a pharmacy in a 20-minute drive.*
- *93% (Weekday Morning) within a 30-minute public transport journey.*
- *83% within a 20-minute walk. Residents have to travel for longer if they walk.*
- *12% over 30-minute walk away.*
- *Chelmsford residents can drive to a pharmacy within 20 minutes.*
- *Most residents can get to a pharmacy within a 20-minute journey on public transport in most districts. However, some districts see a*

relatively high % of their population having to travel for longer (Braintree, Maldon, Uttlesford 20-30 minutes; Braintree, Epping Forest, Uttlesford over 30 minutes.)

- *Most residents can get to a pharmacy within 20-minute walk in most districts. Some districts however see a relatively higher % of their population that'd have to walk further (Braintree, Brentwood, Uttlesford 20-30 minutes; Braintree, Maldon, Uttlesford over 30 minutes)."*

4.20 The Committee further noted the comments in Chapter 6 of the PNA in respect of the Chelmsford Locality that *"Housing (Appendix G) The impact of local housing development plans on provision of pharmaceutical services has been considered but has not identified any gaps in pharmaceutical services provision in the area during the lifetime of this PNA."*

4.21 The Committee also noted the conclusion in respect of the Chelmsford Locality which states:

"No gaps in the provision of necessary pharmaceutical services have been identified in the Chelmsford locality

No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to relevant services across the Chelmsford locality"

4.22 The Committee noted that the Applicant seeks to provide unforeseen benefits to the residents of Great Baddow. 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.

4.23 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)

4.24 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"

4.25 The Committee noted the conclusion of the Commissioner in respect of Regulation 18(2)(a) that *"there was no evidence to suggest granting the application would cause significant detriment to proper planning in the area"* The Committee noted that this had not been disputed either on appeal or in subsequent representations.

4.26 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.

- 4.27 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)

- 4.28 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"

- 4.29 The Committee noted the conclusion of the Commissioner in respect of Regulation 18(2)(a) that *"...there was no evidence to suggest granting the application would cause significant detriment ... for any arrangements the ICB has in place for the provision of pharmaceutical services in the area."* The Committee noted that no party had sought to dispute this either on appeal or in subsequent representations.

- 4.30 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.

- 4.31 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)

- 4.32 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)

- 4.33 Before turning to the individual limbs of Regulation 18(2)(b), the Committee made certain general observations about the nature of the evidence before it. The Committee noted that a number of written representations had been submitted in support of the application, either directly to the Applicant or via the Parish Council. It recognised that this evidence was generated by a self-selecting group of individuals who chose to respond because they were experiencing difficulty accessing pharmaceutical services under the current arrangements.
- 4.34 The Committee also considered evidence relied upon by those opposing the application, including patient satisfaction surveys said to demonstrate high levels of satisfaction with existing pharmacies. The Committee recognised that this form of evidence also had limitations. In particular, the surveys reflected the experience of those who had already been able to access the pharmacy premises and who were approached to complete a survey. The Committee took into account that the reported 100% satisfaction outcome could only arise because the cohort had already been limited to those able to attend the pharmacy and was further narrowed by the fact that it appeared that pharmacy staff selected which individuals were asked to complete a survey and when. It appeared from the submissions that the surveys were not made generally available to all members of the public attending the pharmacies and did not capture the experience of those who struggled to access pharmacy services at all.
- 4.35 Much emphasis was placed by the parties on the percentage of the local population represented by either category of response. The Committee did not consider this to be determinative. It was not the number of representations which mattered, but the quality of those representations and the insight they provided into the practical realities faced by people using, or attempting to use, pharmacy services. The Committee further recognised that different decisions may legitimately attach differing weight to the number of responses, depending on the issues and the evidence before the decision-maker in each case. Each application falls to be determined on its own facts. In the present case, the Committee considered that the evidence required careful assessment by reference to its content and relevance, rather than by reference to numerical proportions alone, particularly where residents living in different parts of Great Baddow would have materially different experiences in accessing a pharmacy.
- 4.36 The Committee first considered whether, for those who access pharmaceutical services generally, granting the application would confer significant benefits by

securing a reasonable choice of pharmaceutical services (and general access to those services) within the meaning of Regulation 18(2)(b)(i).

- 4.37 The Committee accepted that the closure of the Boots pharmacy at The Vineyards reduced local provision and that there was a period of disruption and adjustment following that closure. The Committee also accepted that a number of criticisms advanced in support of the application related to that earlier transition period, including pressures on capacity and service availability immediately after closure. However, the Committee's task under Regulation 18(2)(b)(i) was to determine whether, at the time of its determination, the population generally lacked a reasonable choice of pharmaceutical services (and general access to them) such that granting the application was necessary to confer significant benefits.
- 4.38 In reaching its conclusion, the Committee placed weight on the nature and development of the existing provision. It accepted the evidence that the pharmacies serving the area included independent, locally operated pharmacies and that, over time, those pharmacies had adapted their service delivery in response to increased demand and that the problems of increased demand had been much reduced. The Committee noted evidence of operational changes following the Boots closure, including a refit at Pillbox in January 2024 and the subsequent introduction of additional services over time. The Committee also took into account evidence that, by the date of the hearing, service provision at existing pharmacies had improved from the position immediately after closure, and that the position was not static but generally the service had improved.
- 4.39 The Committee considered the submissions that the remaining pharmacies were busy, that dispensing volumes had increased, and that there had been periods when particular services were not offered. It accepted that those matters were relevant background but the evidence of those problems continuing at the date of the hearing was limited.
- 4.40 The Committee also considered submissions about the location of pharmacies and the practicalities of using them in day-to-day life, including that pharmacy access might require a specific journey when feeling unwell rather than being combined with other errands. This would apply to any person but would be exacerbated by other health and demographic factors. The Committee accepted that these were relevant considerations. It also accepted that experiences would vary depending on where in Great Baddow a person lived.
- 4.41 The Committee considered the significance of locality and siting. It found that The Vineyards was central to Great Baddow and functioned as an established access point within central Great Baddow. The pharmacies relied upon as alternatives were not located at that central point and required an additional outward journey to reach them. The Committee considered that, for those with mobility limitations and/or who are dependent on others, the difference between a central hub and a location "a little way out" can be material. This did not mean that every person would find The Vineyards the easiest option; rather, it meant that placing pharmaceutical services at the central hub was capable of reducing the practical burden of access.

- 4.42 The evidence showed that arrangements which are workable for many residents can operate very differently for others, particularly but not limited to those with mobility issues, disabilities and age-related frailty. For these people, the issue was not simply whether services existed in principle, but whether they could be accessed safely and reliably in practice, given impaired mobility, wheelchair use, inability to drive, reliance on carers or others, and limited tolerance for travel and physical exertion.
- 4.43 The Committee attached particular weight to the Parish Councillor's evidence and, more particularly, to the written representations describing the lived experience of access difficulty linked to disability and age-related frailty. The Committee placed weight on the quality and specificity of those representations. They did not simply list medical conditions; they repeatedly described the practical barriers to obtaining medicines and pharmacy support, including inability to drive, reliance on carers or others, difficulty walking distances, difficulty using public transport (including walking to and from stops and waiting), and reduced ability to stand and wait. The Committee treated waiting time issues with care. It did not proceed on the basis that queues alone established difficulty of access. Rather, the relevance of waiting in this context was that several individuals described being unable to stand for long or to remain in a queue, such that even routine waiting could become an access barrier for them. The Committee treated that as one aspect of a broader protected characteristic access difficulty, not as the primary basis of its conclusion.
- 4.44 The Committee noted the following representations, in the authors' words, as illustrating the nature of the difficulty described:

"My husband take life dependant medication. We moved to Great Baddow 4.5 years ago knowing that we had good access to a local pharmacy. Since this has closed we have experienced ongoing problems obtaining his medication. We now have to travel to Galleywood which is not the easiest thing to do....I am still able bodied, however my mobility is getting worse and getting to and from Galleywood or the city is becoming more difficult."

"The closure affected so many elderly like us who find it very difficult to travel further afield to obtain medication. The burden has fallen on the Pillbox on Meadgate Avenue to cope with the extra numbers, they are remarkable at trying to cope with the extra demand, but getting there for a lot of us is not easy when you no longer drive. My husband has Alzheimer's and I am on Chemotherapy treatment for Ovarian cancer, so would benefit on a local pharmacy closer to where we live to pick up prescriptions.....(Great Baddow is) a growing community that desperately needs a pharmacy especially the many many elderly who don't want to rely on other people to get what they need."

"I witnessed an elderly disabled lady in considerable distress whilst visiting Galleywood Pharmacy for her Covid vaccination. She walked with the aid of a 4 wheeled walker and arrived by bus from Great Baddow. Unfortunately one of the wheels had broken on her walker and she was unable to get to the bus stop for the return journey. Staff and customers rallied round to help her but were unable to repair the walker. Happily one of the customers offered to drive the

lady home but the situation should never have arisen and would not have done so had there been a pharmacy closer to her home."

"I am a blue badge disabled resident and also type 1 diabetic. I have non Hodgkin's lymphoma and thyroid disease. As you will appreciate I have life depended medication each month and find it difficult to walk to my nearest pharmacy. If I drive then the wait for collection of medication is longer than I can manage to stand. My husband has recently finished radiotherapy for prostate cancer, so he is also needing regular medication and not physically fit enough to keep visiting the very busy only chemist. Although our nearest pharmacy is excellent he is always so busy due to the fact that he is the only dispensary. At 77 and my husband at 81 we can only assume that our health will only deteriorate and access to medication becomes more important. A second pharmacy in our area may not be enough in the near future but it will relieve our current problems temporarily."

"I have several issues of which one of them is mobility, I can no longer drive and do not have close relatives. The distance to Pillbox at meadgate is too far to walk and too costly in a taxi as return is often required due to lack of the medication.....I am a resident of Roberts Court which is full of elderly in the same position."

"I am an 84year old resident of Kingfisher Lodge, Great Baddow. I am writing to support the application for a pharmacy in the Vineyards. The Boots pharmacy we had closed soon after I moved here. One of the reason I chose Kingfisher Lodge was it's proximity to all the everyday shopping requirements could be met at the Vineyards. A good local pharmacy is essential. I no longer drive and do not want to get a bus into Chelmsford to get my prescriptions made up and collected. With the winter months ahead, it is a daunting prospect. A quick chat with a pharmacist often dispels the need for a GP appointment. Boots in Chelmsford is so busy with long queues every day. I cannot stand for long so I go without."

"My name is (redacted) and I recently moved to [CM2 XXX] Great Baddow. I was hoping that by moving here I would be able to be more independent and less reliant on carers to do things for me, and for the most part that has worked out. However the lack of pharmacy nearby means I am still reliant on carers to collect my prescriptions for me as I am unable to get to the nearest pharmacy in my wheelchair as it is just too long a distance for me to wheel (especially given the state of the pavements & having to take longer routes for wheelchair access), and having an energy limiting condition means making the trip by public transport would mean days of recovering from flaring symptoms as a result of the energy expenditure. And as I am unable to drive, having someone else pick up my prescription is my only option. Which further reduces my independence & makes me feel like more of a burden. I can quite easily wheel from my home to The Vineyards to do some shopping and if there was a pharmacy there I could easily pick up my prescriptions and any other over the counter remedies I might need on my own."

"At 91, I have difficulty walking 1 mile down to the pharmacy in Meadgate. Because it's so busy, I have to wait in a queue, sometimes 20-30 mins. Using the buses could take most of a morning up, and have a 300 yd walk both ways

when I get back to Great Baddow. I have no family and am completely on my own. The friends I could rely on have problems of their own."

"Being 89 years old I can just manage to walk to the vineyards from my sheltered housing and there are many elderly here who cannot walk any further and do not drive. Closing the previous boots pharmacy has caused the other pharmacy at Meadgate to be far too busy and I have to rely on others to go to the Boots at chelmer village as there is no public transport there and I do not drive."

"We are both approaching 80yrs old and cannot get to Galleywood or Meadgate for prescriptions without help. .. is severely disabled since stroke 5 plus years ago left him needing full time care. He cannot walk or drive. I, .. (his wife) am frail. Recently needing a urine sample bottle (not supplied at the surgery) was told to buy a sample bottle at the Pharmacy! I could not do that."

- 4.45 The Committee then considered the principal submissions made in opposition insofar as it was suggested that residents travel to other destinations, including large stores, and that this undermined the case that access was difficult. The Committee did not accept that this answered the evidence before it. The written representations did not contend that those individuals never travelled. They described why access to pharmacy services in particular was difficult: regular and sometimes time-sensitive medication; the reality of attending when unwell; limited ability to stand and wait; and functional limitations associated with impaired mobility, wheelchair use, serious illness, and energy-limiting conditions. The Committee considered that those features distinguished pharmacy access from other travel that may occur with assistance, planning, and less time sensitivity.
- 4.46 The Committee also considered reliance on delivery services. It accepted that delivery may assist some individuals in receipt of dispensed medicines. However, it did not treat delivery as a complete answer under Regulation 18(2)(b)(i). Face to face pharmacy services cannot be delivered, and the evidence before the Committee included repeated reference to the need to obtain pharmacy support, advice and items in person, and to the impact on independence and dignity where individuals remained reliant on others to obtain medicines or pharmacy items.
- 4.47 The Committee further considered the pharmacy satisfaction surveys and the oral evidence relied upon by opponents. It accepted that such evidence could reflect the experience of those who were able to attend existing pharmacies and were satisfied with the service. However, the Committee considered that this evidence did not answer the statutory issue under Regulation 18(2)(b)(i), because it did not address the position of those who, found attendance itself difficult. The Committee also took into account the concern that a 100% satisfaction outcome was unlikely to provide a balanced picture unless the survey cohort had been constrained to those able to attend and further narrowed by the practical reality that pharmacy staff determined whom to ask and when. The Committee therefore treated the survey evidence as relevant to the experience of existing attenders, but of limited assistance in assessing access difficulty for those who struggled to attend.

- 4.48 Taking all the above into account, the Committee was of the view that there is not already reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB, such that it was 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.
- 4.49 In considering Regulation 18(2)(b)(ii) the Committee reminded itself that it was required to address the position of 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) and to decide whether, in the relevant area, access to pharmaceutical services which meet specific needs is difficult for such persons who require access, and whether granting the application would confer significant benefits.
- 4.50 On the evidence before it, the protected characteristics most clearly engaged were disability and age (including age-related frailty and impaired mobility).
- 4.51 The Committee considered that the above (and other) representations provided a sufficiently robust body of evidence that, for people sharing protected characteristics (notably disability and age-related frailty), access to existing pharmaceutical services was difficult in practice. The Committee did not accept that the comments were merely general in nature or equally applicable to persons without protected characteristics. They repeatedly linked the difficulty to protected characteristic circumstances such as inability to drive, dependence on carers, wheelchair use and mobility aids, serious illness, inability to stand for long, and isolation. The Committee also considered it significant that the representations explained why a more centrally located pharmacy in Great Baddow would reduce the practical burden of access, in circumstances where existing pharmacies were “a little way out” from the central hub.
- 4.52 However, whilst the Committee had regard to patient comments, there was little reference to services that meet specific needs. The comments on access were general in nature and might apply to any persons as explained by the assessment as to the lack of reasonable choice above. The Committee considered that there was not a robust body of evidence that enabled it to be satisfied that a pharmacy at the proposed site would convey significant benefits pursuant to Regulation 18(2)(b)(ii).
- 4.53 Taking the evidence as a whole, the Committee was not satisfied that, for those sharing protected characteristics including disability, access to existing pharmaceutical services which meet specific needs was difficult within the meaning of Regulation 18(2)(b)(ii).
- 4.54 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.
- 4.55 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.

- 4.56 The Applicant accepted that no innovative approach to the delivery of pharmaceutical services was proposed. The Committee was therefore not satisfied that, having regard to the desirability of innovative approaches to the delivery of pharmaceutical services, the application met Regulation 18(2)(b)(iii), and it accordingly proceeded on the basis that no significant benefits arose under that limb.

Regulation 18(2)(b) generally

- 4.57 The Committee considered whether there were any additional factors which would confer significant benefits on patients who share protected characteristics. In doing so, it had regard to the need, in the exercise of its functions, to eliminate discrimination, to advance equality of opportunity between persons who share a protected characteristic and those who do not, and to foster good relations between them. The Committee was satisfied that its assessment under Regulation 18(2)(b)(i), and in particular its focus on the practical impact of access difficulties arising from disability and age-related frailty, properly addressed those considerations. The Committee did not identify any further equality-related factors that gave rise to separate or additional significant benefits beyond those already assessed.
- 4.58 The Committee was of the view that in accordance with Regulation 18(2)(b) the granting of this application would confer significant benefits on persons in the area of the HWB which were not foreseen when the PNA was published.

Other considerations

- 4.59 Having determined that Regulation 18(2)(b) had been satisfied, the Committee needed to have regard to Regulation 18(2)(c) to (e) and found that it was not aware of any other application or appeals relating to the provision of pharmaceutical services in Great Baddow and that in any event it would not be desirable to consider any such appeals or applications before reaching a decision on the current application.
- 4.60 No deferral or refusal under Regulation 18(2)(f) was required in this case.
- 4.61 The Committee had regard to Regulation 18(2)(g) and found that the circumstances envisaged in that provision would not apply as no consolidation applications had been made in that area.
- 4.62 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.
- 4.63 The Committee was satisfied that the information provided demonstrates that there is difficulty in accessing current pharmaceutical services such that a pharmacy at the proposed site would provide better access to pharmaceutical services.
- 4.64 The Committee had regard to Regulation 19(6) which states:

(6) If NHS England is satisfied as mentioned in regulation 18(2)(b), it may grant the application notwithstanding that the improvements or better access were or was not included in the relevant pharmaceutical needs assessment..

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

4.65.1 confirm the Commissioner's decision;

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

4.65.3 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.

4.66 As the application has been granted, the Committee determined that the decision of the Commissioner must be quashed.

4.67 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.

4.68 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.

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

4.70 The Committee had regard to Regulation 50(1) which states:

Discontinuation of arrangements for the provision of pharmaceutical services by doctors

In circumstances where NHS England has arrangements (whether they were made under these Regulations or were made under or continued by virtue of the 2012 Regulations) with a dispensing doctor (D) to provide pharmaceutical services to a person (P), if...

D must terminate the provision of pharmaceutical services to P, subject to any postponement of the discontinuation by NHS England in accordance with paragraphs (2) to (6).

4.71 Regulation 50(3) states:

This paragraph applies where—

- (a) *NHS England grants a routine or excepted application, the result of which is the inclusion in a pharmaceutical list of pharmacy premises that are not already listed in relation to an NHS pharmacist; .*
- (b) *the pharmacy premises to which that application relates are not distance selling premises but— .*
 - (i) *are in a controlled locality, or*
 - (ii) *are within 1.6 kilometres of a part of a controlled locality in which patients of a dispensing doctor reside and those patients are being provided with pharmaceutical services by that dispensing doctor; and*
- (c) *granting the routine or excepted application, in the opinion of NHS England, results in a significant change to the arrangements that are in place for the provision of pharmaceutical services (including by a person on a dispensing doctor list) or local pharmaceutical services in any part of a controlled locality.*

4.72 Pursuant to paragraph 9(4)(a) of Schedule 3 to the Regulations, the Committee may:

4.72.1 confirm the Commissioner's decision;

4.72.2 substitute for that decision, any decision that the Commissioner could have taken when it took that decision;

4.72.3 quash the Commissioner's decision and remit the matter to the Commissioner for it to redetermine the decision, subject to such directions as the Secretary of State considers appropriate.

4.73 The Committee noted that the Commissioner did not consider gradualisation, at the point at which the application was refused and therefore the matter is remitted back to the Commissioner to consider.

5 DECISION

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

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

5.3 The Committee determined that the application should be granted on the following basis:

5.3.1 In considering whether the granting of the application would confer significant benefits, the Committee determined that –

- 5.3.1.1 there is not already a reasonable choice with regard to obtaining pharmaceutical services;
- 5.3.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and
- 5.3.1.3 there is no evidence that innovative approaches would be taken with regard to the delivery of pharmaceutical services;
- 5.3.2 Having taken these matters into account, the Committee is satisfied that granting the application would confer significant benefits as outlined above that would secure improvements or better access to pharmaceutical services.
- 5.4 The question of gradualisation is remitted back to the Commissioner to consider.

Committee Chair

REF: SHA/26720

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

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

**APPEAL AGAINST MID AND SOUTH ESSEX ICB
DECISION TO REFUSE AN APPLICATION BY
BADDOWPHARMA LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING
UNFORESEEN BENEFITS UNDER REGULATION
18 AT 8 THE VINEYARDS, GREAT BADDOW,
CHELMSFORD, CM2 7QS**

1 The Application

By application dated 14 May 2024, Baddowpharma Ltd (“the Applicant”) applied to Mid and South Essex ICB (“the Commissioner”) for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 at 8 The Vineyards, Great Baddow, Chelmsford, CM2 7QS. In support of the application it was stated:

1.1 In response to why the application should not be refused pursuant to Regulation 31, the Applicant stated:

1.1.1 “Not applicable. The proposed location is not the same as, or adjacent to, premises which are currently included in the pharmaceutical list.”

Information in support of the application

1.2 “Granting our application would secure improvements in, and better access to, pharmaceutical services in the HWB’s area. In particular, it would confer significant benefits for those who share a protected characteristic and require access to pharmaceutical services but who currently find access difficult and would secure a reasonable choice of service provision.

1.3 Great Baddow, located in south east Chelmsford, encompasses a diverse geographical landscape with both urban and suburban elements. The village features residential areas interspersed with green spaces, parks, and local amenities, contributing to its vibrant community atmosphere.

1.4 Great Baddow is a thriving community teeming with resilience and diversity. Its population of 15,000 is a testament to its vibrancy, with approximately a third of its residents aged 65 and over. Among them, ninety percent proudly call the UK their birthplace, while the remainder boasts a rich background of Asian, black Afro-Caribbean, and mixed-race heritage. Delving deeper into its household composition, 31% consist of single individuals, more likely than not, often elderly individuals who have weathered the loss of their partners, while the remainder are single-family homes. Health-wise, 48% enjoy good health, 35% are in good health and 17% report fair or poor health, a figure expected to rise as they age.

- 1.5 Housing statistics mirror this diversity: a third of the population owns their homes outright, while 32% hold mortgages, and 19% and 11.5% reside in social and private rentals respectively. This mix encapsulates a broad spectrum of society, from retirees to working-class individuals and those from lower socioeconomic backgrounds.
- 1.6 Notably, the bookends of this spectrum — retirees and the economically disadvantaged — are the ones most reliant on NHS services, heightening the impact of any service withdrawals on Great Baddow.
- 1.7 Furthermore, Hopkins Homes; a UK leading house builder, submitted a detailed hybrid application to Chelmsford City Council for 360 new homes and a country park on land north of Maldon Road, Sandford Park, Great Baddow as well as access via a five-arm roundabout junction on Maldon Road. This application was approved in November 2021 with full details of the plan was subsequently submitted in November 2022. The construction has not started, with anticipated completion date of 2025/2026 is proposed. Once completed, this would pose further pressure on the healthcare system in Great Baddow. The proposed pharmacy would secure a reasonable choice of pharmaceutical service provision. (<https://www.chelmsford.gov.uk/media/kfnn2a2z/east-chelmsford-manor-farm-masterplan.pdf>)
- 1.8 Despite its economic vibrancy, a significant portion of the population, 40%, is economically inactive, a demographic often correlated with higher rates of retirement. Moreover, 17% of residents do not own a car or van, likely comprising elderly and disabled individuals and those on lower incomes who rely heavily on local services. The closure of pharmacies in the area threatens to disproportionately affect these vulnerable groups, exacerbating their already challenging circumstances and making access to pharmaceutical services difficult. <https://www.chelmsford.gov.uk/yourcouncil/data-and-statistics-about-chelmsford/parish-tier-profiles/great-baddow/>
- 1.9 Boots Pharmacy, a longstanding fixture in Great Baddow, ceased operations abruptly in October 2023, leaving a gap in pharmaceutical services but in terms of access to services and choice of service provision. This closure was part of a nationwide trend of multiple closures within the industry. Additionally, another branch located at 51A Moulsham Street, Chelmsford, CM2 0HY, approximately 1.7 miles from Great Baddow village, shut its doors in November 2023. These closures have resulted in significant gaps in pharmaceutical services in both areas, with particular impact felt in Great Baddow Village. At the time of closure, the Boots pharmacy in the village was dispensing 9000 items per month, underscoring the scale of the service disruption.
- 1.10 Great Baddow boasts a vibrant shopping centre located in Vineyards, offering residents a convenient hub for their shopping needs. This is where the proposed pharmacy will be located. The area sees frequent foot traffic throughout the day as people utilise its diverse range of shops and amenities. Here's how residents would typically use the area for their shopping needs and how establishing a pharmacy there would benefit the local community:
- 1.11 Shopping Centre at Vineyards: The shopping centre in Vineyards serves as a bustling focal point for residents, offering a variety of shops, including grocery stores, post office, boutiques, cafes, and other essential services. Residents

often visit the area to purchase groceries, household items, clothing, and other necessities.

- 1.12 **Shopping Routine:** Throughout the day, residents visit the shopping centre to fulfil their daily and weekly shopping needs. Some may stop by in the morning to pick up groceries or grab a coffee, while others may visit during lunch breaks or after work to run errands or shop for essentials.
- 1.13 **Establishing a Pharmacy:** Re-introducing a pharmacy within the shopping centre at Vineyards would greatly benefit local residents. It would provide convenient access to essential healthcare services, including prescription medications, over-the-counter remedies, health advice, and wellness products. With the shopping centre already serving as a central hub for the community, integrating a pharmacy would enhance its role as a one-stop destination for residents' needs.
- 1.14 **Proximity to Village Surgery:** The close proximity of the village surgery, just 100 yards across the road, to the shopping amenities in Vineyards further enhances the convenience for residents. With essential healthcare services and shopping facilities located in close proximity, residents can easily combine their errands, making efficient use of their time while addressing both their health and shopping needs in one trip.
- 1.15 **The shopping centre at Vineyards plays a vital role in the daily lives of Great Baddow residents, serving as a central hub for shopping and socialising. Establishing a pharmacy within this bustling area would offer immense benefits to the local community, providing convenient access to essential, enhanced and advanced pharmacy and healthcare services and further enhancing the area's appeal as a vibrant and well-equipped neighbourhood hub. Additionally, the proximity of the village surgery to the shopping amenities ensures that residents have easy access to both healthcare and shopping facilities, contributing to their overall convenience and wellbeing.**
- 1.16 **Situated within the premises of the shopping facility, our proposed pharmacy unit measures approximately 300 square meters of space. Within these premises, careful consideration will be implemented to every aspect of patient care. Three consultation rooms will offer a welcoming space for patients to receive personalised attention and services, while a thoughtfully designed retail area ensures accessibility for all, including those with disabilities, with specialised equipment catering to their needs.**
- 1.17 **Yet, by the incorporation of advanced technology that will truly set this pharmacy apart. State-of-the-art IT equipment, including AI-powered patient medication software, promises to streamline processes and enhance safety by reducing the risk of prescription errors. Through precise scanning and matching of medications, patients can rest assured that their health is in capable hands.**
- 1.18 **In this setting, we will commit to patient well-being, with a blend of innovation and compassion, we aim to redefine the pharmacy experience, one that prioritises the needs and comfort of our patients and alike above all else.**
- 1.19 **This is the future of pharmacy - creating a place where subtle yet significant advancements pave the way for improved healthcare outcomes and a brighter, healthier tomorrow for the patients.**

- 1.20 The closest pharmacies to the proposed location are:
- 1.20.1 Pillbox Pharmacy, located at 152 Meadgate Ave, Great Baddow, Chelmsford CM2 7LJ.
 - 1.20.2 Colecross Pharmacy, situated at 1 Hylands Parade, Wood St, Chelmsford CM2 8BW.
- 1.21 For completeness, the distances from the proposed pharmacy (Baddow Pharmacy) to the nearest pharmacies are as follows:
- 1.21.1 Pillbox Pharmacy: 0.95 miles (approximately 20 minutes walking distance).
 - 1.21.2 Colecross Pharmacy: 2.4 miles (approximately 48 minutes walking distance).
- 1.22 The closure of nine pharmacies in the Chelmsford area between November 2022 and April 2024 left residents with drastically reduced healthcare options and choice of pharmaceutical service provision. Notably, within a mere 1.7-mile distance in the CM2 postcodes, two Boots pharmacies closed, leaving Pillbox Pharmacy as the sole option near Great Baddow and its medical facilities. This was particularly devastating for the elderly and disabled, who often struggle with transportation and have urgent healthcare needs, meaning that patients no longer have a choice of service provision. Pillbox Pharmacy refocused on essential services, reflected in an NHS-recorded reduction in enhanced and advanced service activity. However, this restructuring led to significant challenges in accessing crucial services like NMS, Pharmacy First, and vital vaccinations such as Covid-19 and flu shots. At the time of this application, Pillbox Pharmacy had only provided 24 CPCS and no NMS services for the month of December, underscoring the strain on essential care provision. For the same month, they submitted 16800 items for pricing. This underscores the resource constraints at the pharmacy (and lack of reasonable choice), posing challenges in providing enhanced or advanced services. Consequently, this situation is likely to impact the delivery of Pharmacy First services from Pillbox Pharmacy.
- 1.23 This surge in demand for essential services not only affected Great Baddow but rippled out to surrounding areas, creating a noticeable service gap. Despite the outcry from the community, including a petition launched by the Parish Church, concerns were summarily dismissed by the authorities. The Pharmaceutical Needs Assessment (PNA) published and supplemented during this period failed to adequately investigate or provide evidence regarding the impact of these closures, choosing instead to downplay the significance of the Boots and other closures and their ramifications.
- 1.24 Furthermore, the implementation of advanced services like Pharmacy First to alleviate pressure on primary care services likely has been hindered in Great Baddow.
- 1.25 NHS Digital data from May 2023 paints a troubling picture, with only 51.5% of GP appointments being seen on the same day or within 24 hours of booking. This backlog is spread over subsequent weeks, with 18.1% seen within 2-7 days, 12.9% within 8-14 days, and 12.7% within 15-28 days (Nuffield Trust:

<https://www.nuffieldtrust.org.uk/news-item/how-long-are-patients-waiting-for-a-gp-appointment-in-england>).

- 1.26 The recent closure of Boots in the area could exacerbate these statistics, potentially surpassing national averages.
- 1.27 This situation not only highlights the difficulty patients face in securing timely appointments but also underscores the domino effect of pharmacy closures on GP services. A national survey conducted by GPs revealed that nearly a quarter of patients were unable to book ahead, while almost a third couldn't secure appointments on the day or time of their preference (Quote from Nuffield Report), further emphasising the strain on primary care services.
- 1.28 Having an accessible pharmacy will significantly benefit patients by offering essential and advanced services. The closure of the Boots pharmacy in the area has increased pressure on local health services. The remaining pharmacy, Pillbox, is struggling to keep up with the demand for essential services and lacks the capacity to provide advanced ones as highlighted above, indeed, according to Pharma Data, a source for NHS.
- 1.29 Investing in accessible pharmacies with a broader range of services will enhance patient care. The closure of Boots prompted the local community to launch petitions expressing concern over the loss of a vital pharmacy. With support from the parish council and local businesses, these petitions highlighted the crucial need for convenient pharmacy access, especially for those reliant on regular medications or facing difficulties with long-distance travel.
- 1.30 The closure of Boots has not only reduced access to essential and advanced services but also increased travel times for local residents seeking medication, potentially leading to treatment delays and worse health outcomes. We are currently conducting an impact survey on the pharmacy closure and will share our findings in due course.
- 1.31 An article in a local newspaper raised awareness about pharmacy closures, drawing attention from local politicians and health advocates.
- 1.32 Discussions at the Essex County Council's health scrutiny board revealed concerns about the increasing number of closures, particularly noting the misalignment of large chain business models with NHS Pharmacy First plans. Councillor Marie Goldman voiced numerous complaints from Chelmsford residents about these closures.
- 1.33 Additionally, in the same article, the Director of Primary Care for the mid and south Essex NHS Integrated Care System highlighted the challenges posed by large chain business models, complicating the implementation of Pharmacy First and exacerbating health disparities compared to unaffected regions. These observations underscore significant gaps in Pharmacy First service delivery, potentially impacting GP appointments and widening health inequalities in the area. (<https://www.echonews.co.uk/news/24038585.essex-pharmacies-closing-concerning-amid-plans-easegp-pressure/>)
- 1.34 We will have in place a robust staffing plan that guarantees the provision of top-tier pharmaceutical care. Our proposal includes two permanent full-time

pharmacists: one, the owner and director of the company, and the other, an employed pharmacist. This dynamic setup is designed for maximum effectiveness, with the employed pharmacist handling essential services while the owner/director, boasting extensive clinical pharmacy expertise, spearheads enhanced and advanced services.

- 1.35 This staffing configuration isn't just about filling roles; it's about addressing health disparities head-on and ensuring seamless delivery of all essential, enhanced, and advanced services. We're acutely aware of the evolving landscape of pharmaceutical services, which increasingly revolves around clinical care. That's precisely why we're placing such a strong emphasis on integrating enhanced and advanced services alongside essential ones, catering to the diverse needs of our population. Patients would benefit directly from the advanced clinical knowledge of the owner/director, leading to improved health outcomes and better management of complex conditions.
- 1.36 Moreover, our model isn't just theoretical; one of our company directors is currently implementing a similar approach in the Mid-Essex Health and Wellbeing Board, showcasing its real-world efficacy. If adopted, our model has the potential to revolutionise PNA assessments, providing a template for future care standards.
- 1.37 The petition launched before the closures sought to shed light on these issues, yet it was met with indifference by the Health and Wellbeing Board (HWB) during the PNA update in November 2023. Great Baddow's strength lies in its people, their resilience, and their interconnectedness—a fact that should not be overlooked when making decisions that impact their well-being.
- 1.38 We also would like to emphasis the following for completeness of why the proposed application should be granted.
 - 1.38.1 Central Location: The proposed location for the pharmacy is strategically situated in the heart of Great Baddow, offering convenient access to residents from all corners of the community. Its central position ensures that individuals can easily reach the pharmacy on foot or by vehicle, minimizing travel time and enhancing accessibility for all residents, especially those with mobility challenges or without access to private transportation.
 - 1.38.2 Abundant Parking: With two free car parks adjacent to the pharmacy, parking availability is abundant, eliminating the stress and inconvenience of searching for parking spaces. This ample parking provision not only encourages residents to visit the pharmacy but also facilitates quick and hassle-free pickups for those on tight schedules.
 - 1.38.3 Surrounded by Essential Amenities: The proposed location is surrounded by essential amenities that residents frequent on a daily basis, including local supermarkets, post offices, banks, and various shops. By co-locating the pharmacy with these amenities, residents can conveniently address multiple needs in one trip, optimizing time and resources while enhancing the overall convenience of accessing healthcare services.

- 1.38.4 Support for Housing Developments: The area surrounding the proposed pharmacy location is experiencing ongoing housing developments, indicating a growing population in need of accessible healthcare services. By establishing a pharmacy in this burgeoning neighbourhood, we can proactively meet the evolving healthcare needs of new residents while fostering community wellbeing and vitality.
- 1.38.5 Superior Accessibility Compared to Pillbox: In comparison to the existing Pillbox Pharmacy, the proposed location offers superior accessibility due to its central positioning, ample parking facilities, and proximity to essential amenities. Residents can enjoy a more convenient and seamless healthcare experience without the logistical challenges often associated with traveling to distant pharmacy locations. Furthermore, the Baddow Village surgery is 100 yards from the central location, making it easily accessible for the pharmaceutical services if the application is granted. Moreover, the proposed pharmacy is situated within a shopping area boasting 100 parking spaces, a significant contrast to the 19 spaces available near Pillbox Pharmacy. This discrepancy in parking availability suggests that an influx of people to the area could lead to parking congestion near Pillbox Pharmacy, inconveniencing regular users of the facility. The proposed pharmacy location in the prominent area of Great Baddow presents a compelling opportunity to enhance healthcare accessibility and convenience for residents. Its central position, abundant parking, proximity to essential amenities, and support for housing developments make it an ideal choice for granting a pharmacy contract, ensuring that residents can easily access the vital healthcare services they need to thrive.
- 1.39 To provide a comprehensive overview of bus services passing through Great Baddow, it's essential to consider all available routes serving the area. <https://www.firstbus.co.uk/essex/routes-and-maps/route-maps>
- 1.40 Bus Route 31:
- 1.40.1 Route: Chelmsford Bus Station to Danbury via Great Baddow, every hour.
- 1.40.2 Stops: Various stops along the High Street in Great Baddow.
- 1.41 Bus Route 332
- 1.41.1 Route: Chelmsford Bus Station to Danbury via Great Baddow, every 6 hour on Saturday and Sunday only.
- 1.41.2 Stops: stops at the Great Lion in Great Baddow, a distance from the High Street and Pillbox pharmacy.
- 1.42 Bus Route C7:
- 1.42.1 Route: Chelmsford Bus Station to Galleywood via Great Baddow, every hour.
- 1.42.2 Stops: stops at the Meadgate Avenue in Great Baddow.

- 1.43 Regarding pedestrian infrastructure, Great Baddow generally provides sidewalks or pavements along roadsides, offering designated pathways for pedestrians. These pathways may vary in width and condition.
- 1.44 As residents traverse from areas like Running Paws' to the High Street, Great Baddow, they would encounter a mixture of pedestrian-friendly pathways, residential streets, and potentially busier roads with designated crossings. The terrain includes flat stretches, slight inclines, and some uneven surfaces, particularly in areas with older infrastructure that located on the outskirts.
- 1.45 For those without transportation, although 3 bus routes serve Great Baddow, none directly reach Pillbox Pharmacy. Nevertheless, residents can use these routes to access nearby stops on the High Street in Great Baddow, from where they can easily walk to our proposed pharmacy (2 minutes walks from the stop). The distance from the proposed pharmacy and the High Street bus stop to Pillbox Pharmacy is 0.9 and 0.91 miles, with an estimated walking time of around 18 and 20 minutes respectively.
- 1.46 Additionally, residents living on the outskirts of Great Baddow, such as Running Paws, have two options. First, they can walk approximately 18 minutes to reach the Kings Head Stop, where they can catch Bus 332 to the Hives and walk another 4 minutes to reach the pharmacy. This bus service only operates on Saturday and Sunday. The total journey through this route is 25 minutes and somehow irrelevant because of restriction on number of operating days.
- 1.47 Alternatively, residents can choose to walk directly from Running Paws to the Pillbox Pharmacy via a route that does not go through the location of the proposed pharmacy, a journey that takes approximately 32 minutes to complete. The walking route from Running Paws to the proposed pharmacy would take 18 minutes with further 18 minutes to reach Pillbox Pharmacy from the proposed pharmacy.
- 1.48 Likewise, the journey from the aforementioned location to Colecross Pharmacy requires even more time compared to reaching Pillbox Pharmacy. The distance from Running Paw's to Colecross spans 2.5 miles, equating to a 48-minute walk, with no direct bus route available between the two destinations.
- 1.49 This scenario serves as a tangible example of the challenges residents encounter when relying on public transportation to access local pharmacies. These distances impose significant burdens, particularly on elderly individuals residing in Great Baddow Village, who may lack convenient access to delivery services due to the current pharmacies operating at maximum capacity. Since delivery services are not subsidized by the NHS and are contingent upon financial and resource availability, the accessibility gap is unlikely to be resolved.
- 1.50 The closure of Boots pharmacy, which served a substantial volume of 9000 items per month exacerbates the strain on existing pharmacies, disrupting the delivery model and other essential services in the process.

Local Covid and Flu provisions in the area are:-

- 1.51 In 2021, during the rollout of COVID-19 vaccinations, the capacity for COVID-19 vaccination in Chelmsford and its surrounding areas was limited. However,

with the removal of the only pharmacy in Great Baddow, access to COVID-19 vaccination would become even more challenging, placing additional strain on existing pharmacies that may struggle to meet demand. This highlights a significant gap in services in the area.

Urgent Care Service Access

- 1.52 Pillbox Pharmacy currently lists several services on their NHS website, but notably missing are key enhanced, advanced, and Pharmacy First services. We believe that these missing services are either not offered by Pillbox Pharmacy or, if they are, they are significantly impacted by the closure of Boots due to capacity issues.
- 1.53 The service list includes:
- 1.53.1 New Medicine Service (NHS)
 - 1.53.2 Appliance dispensing (prescription charges apply)
 - 1.53.3 Appliance use review service (NHS)
 - 1.53.4 Prescription delivery service
 - 1.53.5 Stoma appliance customisation service (NHS)
 - 1.53.6 Appointment booking available for consultations.
 - 1.53.7 Appointment booking for consultations not required.
 - 1.53.8 Multi-lingual staff
 - 1.53.9 Needle and syringe exchange.
 - 1.53.10 Private consultation room.”

Please explain how you intend to secure the unforeseen benefit(s).

- 1.54 “Our goal in securing a new contract is to enhance pharmaceutical services in the HWB’s area, addressing the gaps we have identified within the locality both in terms of physical access and a lack of reasonable choice of service provision. To address these gaps, we aim to offer a wider range of services that cater to specific needs, as outlined below:
- 1.55 With the proposed contract secured, we express confidence in our capacity to enhance accessibility to pharmaceutical service. Both directors of Baddowpharma Ltd boast extensive experience as seasoned practitioners, each having served as independent prescribers in GP practices for years. The Superintendent, with a track record dating back to 2002, has been actively engaged in clinical service delivery within medical practices. He will oversee the day-to-day clinical service provision, while another pharmacist will focus on essential services.
- 1.56 As qualified healthcare professionals, we can offer expert advice and treatment for various minor illnesses and conditions through enhanced and advanced

service platforms, thereby allowing easy and convenient access to healthcare provision, recognising that patients currently experience difficulties in access healthcare advice from the remaining pharmacy network and local GP surgeries.

Specific Services Offered by the Proposed Pharmacy:

- 1.57 Our pharmacy will be equipped with three consultation rooms, emphasizing the delivery of clinical services by a dedicated pharmacist. We will be fully staffed and equipped to provide an array of enhanced services, including:
 - 1.57.1 Pharmacy First: Treating seven critical conditions without the need for a GP appointment.
 - 1.57.2 Pharmacy Contraceptive Services: Offering contraception advice and prescribing services.
 - 1.57.3 Hypertension Case Finding: Identifying and managing high blood pressure.
 - 1.57.4 Smoking Cessation Support: Aiding individuals in smoking cessation.
 - 1.57.5 New Medicines Service: Offering medication adherence support for newly prescribed medications.
 - 1.57.6 COVID-19 and flu Vaccinations: Subject to ongoing NHS guidance.
- 1.58 By offering these services, we aim to address identified gaps in pharmaceutical services and contribute to improved healthcare outcomes within the community.
- 1.59 Quantifying the Impact: Studies have indicated that pharmacies offering a wider range of services can reduce GP workload by up to 20%. Great Baddow residents deserve convenient access to high-quality healthcare, including a well-staffed pharmacy offering a comprehensive range of services as outlined above.”

2 **Comments to the Commissioner**

On reviewing the paperwork provided by PCSE, it was noted that the comments made by the Applicant and interested parties 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 **TEMPLE BRIGHT ON BEHALF OF THE APPLICANT**

- 2.1.1 “I continue to act for Baddowpharma Limited. On behalf of my client I write further to your letter of 19th May 2025 and in order to respond to representations made by interested parties on my client’s application.

2.1.2 As a preliminary matter, my client has already responded to representations from interested parties which were provided following an earlier circulation of its application. I am attaching to this letter a copy of that response dated 19th August 2024 for the sake of completeness. [see 2.2 below]

2.1.3 Taking each letter in turn, my client responds as follows:

Parish Council

2.1.4 My client notes the support of the Parish Council to its application, noting the Council's comments that "our residents are missing a vital service" and expressing frustration with the delays in determining the application.

Galleywood Pharmacy

2.1.5 As a preliminary matter, my client notes that Galleywood Pharmacy is located approximately 3.3km from my client's proposed premises, or a 46-minute walk. It is therefore clear that patients who my client believes would obtain a significant benefit from granting its application would not be able to access Galleywood Pharmacy on foot.

2.1.6 In response to the specific comments from Galleywood Pharmacy:

2.1.7 Galleywood Pharmacy appear to be using data taken from the 2021 census. In relation to the two wards of Great Baddow West and Great Baddow East relevant data from the census are as follows:

2.1.7.1 The population size of Great Baddow is 14,953

2.1.7.2 Of those, 3,330 residents are aged 65 and over

2.1.7.3 1,291 homes are social rented homes (around 20% of the total number of homes in Great Baddow)

2.1.7.4 1,162 homes have no car or van at all (18% of households)

2.1.7.5 691 residents have either bad or very bad health

2.1.7.6 1,009 residents have a disability which limits their day-to-day activities a lot

2.1.7.7 A further 1,463 residents have a disability which limits their day-to-day activities a little

2.1.8 It is not at all clear how NHS England is going to be assisted by comparing the local resident profile with other parts of England in the way in which Galleywood Pharmacy seek to do. For example, it is not at all clear why the fact that other parts of the country may be "worse" in terms of health or car ownership means that residents of Great Baddow have to have their needs ignored.

- 2.1.9 What is important is that it can clearly be seen that irrespective of how the local population compares to an “average” population, there are many thousands of residents living in Great Baddow who have a relevant protected characteristic either because of their age or their health (or, indeed, both), thousands of residents living in social housing (who are likely to have lower incomes) and thousands of residents who have no access to private transport.
- 2.1.10 Whilst my client asserts that convenience is not an irrelevant factor in determining its application, it is clear that Galleywood Pharmacy is taking the word “convenience” in my client’s application form out of context. The context of the use of the word “convenience” in the application form is against a backdrop where not only are existing pharmacies difficult to access (as detailed in the application), but the proposed location would confer significant benefits because of its central “hub” nature. The word “convenience” in the application form, when read in its proper context, is therefore clearly being used as shorthand for current access difficulties versus the benefits of the proposed location.
- 2.1.11 In terms of Baddow Village Surgery being a dispensing surgery, in accordance with the recent controlled locality determination, it is clear that none of the built up area of Great Baddow itself is within the controlled locality, meaning that none of the 15,000 local residents are able to use the GP surgery dispensary.
- 2.1.12 Galleywood Pharmacy refer to the number of pharmacies within a “2-mile radius”, but this information is meaningless, because these distances are as the crow flies rather than by road.
- 2.1.13 Since patients tend not to fly to access a pharmacy, the distances set out in the Galleywood Pharmacy letter significantly misrepresent the true picture. The actual distances to those pharmacies listed in the letter from Galleywood Pharmacy by road is as follows:
- 2.1.13.1 Pillbox Pharmacy. 0.9 miles
 - 2.1.13.2 Boots Pharmacy. 2.1 miles
 - 2.1.13.3 Day Lewis Pharmacy. 1.6 miles
 - 2.1.13.4 Shantys Pharmacy. 1.7 miles
 - 2.1.13.5 Apple Tree Pharmacy. 2.8 miles
 - 2.1.13.6 Boots Pharmacy. 2.3 miles
 - 2.1.13.7 Tesco Pharmacy. 2 miles
 - 2.1.13.8 Colecross Pharmacy. 2.3 miles
 - 2.1.13.9 Galleywood Pharmacy. 2.1 miles
 - 2.1.13.10 Rivermead Pharmacy. 3.5 miles

- 2.1.14 When distances by road are used rather than as the crow flies, instead of there being 10 pharmacies within 2 miles, there are only 3, with the nearest pharmacy (Pillbox) being almost a mile away.
- 2.1.15 It is submitted that pharmacies which are these distances away cannot secure a reasonable choice of service provision, particularly having regard to the size and nature of the local population and the nature of the proposed location as detailed in my client's application.
- 2.1.16 In relation to Pillbox Pharmacy, as NHS England will be aware, the pharmacy is dispensing an average of approximately 18,000 items a month. NHS England will note the comments from local residents which are contained within the attached letter of 19th August 2024 which talk of the busyness of local pharmacies and long queues, which is unsurprising given the number of items being dispensed by Pillbox Pharmacy from a single unit shop.
- 2.1.17 In relation to the bus service, it is correct that route C7 operates every 20 minutes, but this is not a reasonable alternative to a pharmacy located at The Vineyards. The Vineyards is, itself, a local shopping hub which also has a GP surgery and other services nearby as detailed in my client's application. For those coming to The Vineyards to shop and access other services to then have to travel by bus (waiting up to 20 minutes each way) in order to access a pharmacy is clearly unreasonable.

Day Lewis

- 2.1.18 My client has already responded to the letter from Day Lewis dated 9th July 2024 in the attached letter of 19th August 2024.
- 2.1.19 In relation to the letter of 30th April 2025, my client agrees that the closure of a pharmacy does not "mean that an application should automatically be approved to replace it". However, each application must be determined on its own facts and the closure of the Boots Pharmacy has created a gap in service provision such that my client's application should be granted for the reasons given in its application form.
- 2.1.20 The HWB does not appear to have commented on my client's application, so it is not clear whether it has formed a particular view on the consequences of the Boots pharmacy closure. However, the local Parish Council is clearly strongly in support of the application.
- 2.1.21 Day Lewis cannot be correct, as a matter of fact, to assert that "the fact that the proposed location for the pharmacy is close to the village surgery is not a reason to grant a new pharmacy contract". It must be a relevant factor for NHS England to consider when determining this application since a GP Surgery clearly creates a focus for demand for pharmaceutical services in the vicinity of the proposed premises.
- 2.1.22 My client has provided evidence in support of its application in its application form, my letter of 19th August 2024 and in this letter.

2.1.23 Day Lewis state (without, it would appear, any supporting evidence) that “it is highly likely that many residents living in Great Baddow visit Chelmsford on a regular basis as part of their everyday lives. When doing so they can easily access pharmaceutical services whilst going about their daily business.” A simple consideration of the proposed location will demonstrate that this assertion is clearly wrong. The proposed location has a wide range of shops and services which means that the proposed location is in an area which local residents access whilst going about their daily lives. If they are shopping or using services at Great Baddow, they clearly cannot also be in Chelmsford City Centre.

2.1.24 Additionally, the statement from Day Lewis ignores the presence of the GP surgery. Any patient who is unwell, has visited their GP and requires access to a pharmacy is clearly not going to then go shopping in Chelmsford.

LMC

2.1.25 My client has no comments to make on the letter from the LMC which appears to be neutral in terms of my client’s application.

LPC

2.1.26 My client has already responded to the letter from the LPC in its letter of 19th August 2024 (attached).

Pillbox Pharmacy

2.1.27 My client has already responded to the letter from Pillbox Pharmacy in its letter of 19th August 2024.

2.1.28 In conclusion, for the reasons given above, those given in my client’s letter of 19th August 2024 and those given in my client’s application form, on behalf of my client I invite NHS England to conclude that its application would secure improvements and better access to pharmaceutical services for the population of Great Baddow and to grant the application.

2.2 TEMPLE BRIGHT ON BEHALF OF THE APPLICANT

2.2.1 “I continue to act for Baddowpharma Limited. On behalf of my client I write further to your letter of 6th August 2024 and in order to respond to representations submitted in respect of my client’s application. Taking each letter in turn, my client comments as follows:

The Pillbox Pharmacy

2.2.2 Pillbox Pharmacy Limited is incorrect in its assertion that “without a need being highlighted [in the PNA], an application has to be rejected”. My client’s application has been submitted pursuant to regulation 18 of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, being an application to secure improvements in, and better access to, pharmaceutical services which are not contained within the relevant PNA. Pillbox Pharmacy gives the

distance to its pharmacy “as the crow flies”. However, since patients tend to walk rather than fly in order to access a pharmacy, distances “as the crow flies” are not of any assistance to NHS England. The distances given in my client’s application are via the shortest practicable route by road.

- 2.2.3 Pillbox Pharmacy refer to two other pharmacies (Day Lewis Pharmacy and Galleywood Pharmacy). However, both of these are further away from the proposed location than Pillbox Pharmacy, and so offer no additional benefit in terms of accessibility.
- 2.2.4 In relation to the postcode cited in the application form, as NHS England will be aware this has already been resolved with NHS England and the address and postcode accepted.
- 2.2.5 For the reasons given in my client’s application form, my client does not agree with the assertion by Pillbox Pharmacy that “Since the closure of the Boots Pharmacy in the vineyards, the existing pharmacies have properly and efficiently supported the community’s needs...”.

North & South Essex LMC

- 2.2.6 My client has no comments to make on the letter from North & South Essex LMC.

Day Lewis

- 2.2.7 The application is based on the closure of two Boots pharmacies in the area, not just one. My client does not assert that the closure of a pharmacy automatically creates a gap in service provision which necessitates the granting of a new pharmacy application. However, my client does believe that the closure in Great Baddow has created a gap such that granting my client’s application would secure improvements in, and better access to, pharmaceutical services.
- 2.2.8 Day Lewis is correct that construction of Sandford Park has not commenced. However, this is just one of the factors in support of my client’s application and is not determinative as to whether a new pharmacy is currently needed to support the local population’s health needs.
- 2.2.9 My client’s application is fully evidenced. By way of example of the pressure that has been placed on the nearest pharmacy to the proposed location, in November 2022 Pillbox Pharmacy Ltd dispensed 12,000 items a month. By April 2024, that figure had risen to 17,000, representing a 42% increase in dispensing volumes over a period of less than 18 months. I also attach, to this letter, emails in support recently received from local residents which detail their support of my client’s application.
- 2.2.10 The assertion that patients can access pharmaceutical services in Chelmsford “whilst going about their daily business” entirely ignores the fact that there is a GP surgery in the vicinity of the proposed site (so that patients cannot access pharmaceutical services “whilst going about

their daily business” of visiting their GP) and a number of shops and other services at The Vineyards (which local residents use “whilst going about their daily business”).

Community Pharmacy Essex

- 2.2.11 It would be entirely disproportionate to delay determination of my client’s application whilst a review of the controlled locality area is undertaken since my client’s application is not for premises within a controlled locality.
- 2.2.12 My client’s application is not made on the basis of additional opening hours, but on the gap in service provision for patients and residents of Great Baddow.
- 2.2.13 Whilst the supplementary statement referred to by the LPC does refer to the closure of Boots Pharmacy at Great Baddow, it is not at all clear from the supplementary statement that it has fully and properly assessed the consequences of the closure. In any event, my client has submitted its application pursuant to regulation 18, and so falls outside the scope of the PNA.
- 2.2.14 The distances given in the LPC’s letter to other pharmacies appear to be distances as the crow flies, not by the shortest practicable route. By way of example, the LPC states that the distance to Boots Pharmacy at Chelmer Village Retail Park is 1.2 miles, but the actual distance by road is 2.5 miles. In relation to the distance to Shanty’s, the actual distance by road is 2.1 miles, not the 1.3 miles quoted by the LPC. In relation to Day Lewis, the actual distance by road is 1.6 miles, not 1 mile. For the same reason, the LPC is also incorrect to assert that “there are a further 5 pharmacies within 2 miles of the premises” since these are all distances as the crow flies, and not by the shortest practicable route.
- 2.2.15 In relation to the provision of services by Pillbox Pharmacy, the LPC asserts that this was due to a refit which took place in January 2024. However, for the avoidance of doubt, Pillbox Pharmacy provided no Pharmacy First or NMS consultations in January, February, March or April 2024. Contrary to the assertion by the LPC the failure of Pillbox Pharmacy to provide these advanced services does not represent “a single month of low service provision”, but several months of no service provision.

Conclusion

- 2.2.16 In conclusion, for the reasons given above and those given in my client’s application form, I invite NHS England to conclude that my client’s application satisfies the requirements of regulation 18 and to grant it.”

2.3 NORTH & SOUTH ESSEX LMC

- 2.3.1 “Thank you for your letter dated 6th August 2024.

- 2.3.2 The LMC is not aware of any lack of pharmacy provision being reported by patients of the GP surgeries in the area and therefore has no further comments on this application. We look forward to receiving notification of the outcome of the application in due course.”

3 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 19 August 2025 states:

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

- 3.1 “Mid and South Essex 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.”

Extract from the decision report

- 3.2 “The Pharmaceutical Services Regulations Committee (hereafter referred to as “the Committee”) considers all pharmaceutical services applications for the 6 Integrated Care Boards (ICB) within the East of England footprint. NHS Hertfordshire and West Essex ICB (HWE ICB) hosts the meeting on behalf of the 6 ICBs, in accordance with the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 as amended (hereafter referred to as “the Regulations”).
- 3.3 Application for inclusion in a pharmaceutical list: routine application offering to secure unforeseen benefits: Baddowpharma Ltd, 8 The Vineyards, Great Baddow, Chelmsford, CM2 7QS
- 3.4 The Committee considered this routine application offering unforeseen benefits in the area of the Essex Health and Wellbeing Board (HWE) under Regulation 18 of the Regulations.
- 3.5 The Committee first considered Regulation 31.
- 3.6 The Committee noted that the applicant has provided an address of 8 The Vineyards, Great Baddow, Chelmsford, CM2 7QS for the location of the pharmacy premises.
- 3.7 The Committee noted the nearest pharmacies in the attachment ‘Nearest Pharmacies’ contained within the Committee Report in the Additional Information Section on page 2 (information obtained from the NHS website, Pharmaceutical List and Google maps). The Committee Report was circulated to attendees prior to the meeting.
- 3.8 The Committee noted that the applicant has stated the following with regards to Regulation 31:
- 3.8.1 *“Not applicable. The proposed location is not the same as, or adjacent to, premises which are currently included in the pharmaceutical list.”*

- 3.9 The Committee agreed that there are no existing services being provided by anyone on the pharmaceutical list from the proposed premises or at adjacent premises.
- 3.10 It was noted that the Committee is not required to refuse the application under the provisions of Regulation 31.
- 3.11 The Committee noted there are no other premises providing pharmaceutical services at the proposed location, therefore the Committee agreed they were not required to refuse under this regulation.

Regulation 32 – Is the application to be deferred?

- 3.12 The Committee noted that this Regulation does not apply as there are no LPS designations in the area covered by the best estimate.

Regulation 40 – 44 Is the relevant location in a reserved location?

- 3.13 The Committee noted that these Regulations do not apply as the best estimate location is not within a controlled locality, nor is this location in a reserved location as the GP registered population is greater than 2,750.

Regulation 18(1) – does the need on which the applicant based its application satisfy the elements of Regulation 18(1)?

- 3.14 The Committee considered if Regulation 18(1)(a) is satisfied in that it is required to determine whether it is satisfied that granting the application or granting it in respect of some 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.
- 3.15 The Committee also considered 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 were not included in the relevant pharmaceutical needs assessment (PNA) in accordance with paragraph 4 of Schedule 1.
- 3.16 The Committee considered the applicant's full supporting evidence, which was embedded within the Committee report, page 21, and noted that the applicant had provided the following background:

3.16.1 *"The shopping centre at Vineyards plays a vital role in the daily lives of Great Baddow residents, serving as a central hub for shopping and socialising. Establishing a pharmacy within this bustling area would offer immense benefits to the local community, providing convenient access to essential, enhanced and advanced pharmacy and healthcare services and further enhancing the area's appeal as a vibrant and well-equipped neighbourhood hub. Additionally, the proximity of the village surgery to the shopping amenities ensures that residents have easy access to both healthcare and shopping facilities, contributing to their overall convenience and wellbeing."*

- 3.17 The Committee noted the current Essex PNA for 2022-2025 states that there are 249 community pharmacies across Essex (p78), which includes 5 Distance

Selling Pharmacies (DSPs). However, it should be noted that the overall number of providers of pharmaceutical services increases when combined with dispensing GP practices present in Essex. Essex has 46 dispensing GP practices providing pharmaceutical services, of which 7 are located in the locality of Chelmsford.

- 3.18 The 2022-2025 PNA lists 28 pharmacies as being in the Chelmsford locality. The 2022-2025 PNA concluded that:

3.18.1 *"The HWB has not identified any services that would secure improvements, or better access, to the provision of pharmaceutical services either now or within the 3-year lifetime of this pharmaceutical needs assessment."*

- 3.19 In its supporting statement the applicant noted that:

3.19.1 *"Notably, within a mere 1.7-mile distance in the CM2 postcodes, two Boots pharmacies closed, leaving Pillbox Pharmacy as the sole option near Great Baddow and its medical facilities."*

- 3.20 With the applicant noting that *"The Pharmaceutical Needs Assessment (PNA) published and supplemented during this period failed to adequately investigate or provide evidence regarding the impact of these closures, choosing instead to downplay the significance of the Boots and other closures and their ramifications."*

- 3.21 However, the subsequent Supplementary Statement to PNA Chelmsford Locality June 2024 noted that 6 pharmacies have closed since the original statement, with the June 2024 statement concluding:

3.21.1 *"No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to necessary pharmaceutical services across the locality."*

- 3.22 The Committee were not of the view that the improvements or better access that the applicant is claiming would be secured by its application, were not included in the relevant PNA in accordance with Paragraph 4 of schedule 1.

- 3.23 The Committee noted that in order to be satisfied in accordance with Regulation 18(1), regard had to be given to those matters set out at Regulation 18(2).

Regulation 18(2)(a)(i) & (ii)

- 3.24 The Committee considered whether it was satisfied that granting the application would cause significant detriment to —

- proper planning in respect of the provision of pharmaceutical services in the area of the relevant HWB,
- or the arrangements the [ICB] has in place for the provision of pharmaceutical services in that area;

- 3.25 The Committee noted that there was no evidence to suggest granting the application would cause significant detriment to proper planning in the area and

for any arrangements the ICB has in place for the provision of pharmaceutical services in the area.

- 3.26 In the absence of any significant detriment as described in Regulation 18(2)(a), the Committee agreed that it was not obliged to refuse the application and should go on to consider Regulation 18(2)(b).

Regulation 18(2)(b)(i)

- 3.27 The Committee considered whether, notwithstanding that the improvements or better access were not included in the Essex PNA, 2022 - 2025, it was satisfied that, having regard in particular to the desirability of —

- there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also the [ICB'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))

granting the application would confer significant benefits on persons in the area of Essex HWB that were not foreseen when the PNA was published.

- 3.28 The Committee noted that the applicant stated the following points:

3.28.1 *"The closure of nine pharmacies in the Chelmsford area between November 2022 and April 2024 left residents with drastically reduced healthcare options and choice of pharmaceutical service provision. Notably, within a mere 1.7-mile distance in the CM2 postcodes, two Boots pharmacies closed, leaving Pillbox Pharmacy as the sole option near Great Baddow and its medical facilities. This was particularly devastating for the elderly and disabled, who often struggle with transportation and have urgent healthcare needs, meaning that patients no longer have a choice of service provision."*

3.28.2 *Pillbox Pharmacy refocused on essential services, reflected in an NHS-recorded reduction in enhanced and advanced service activity. However, this restructuring led to significant challenges in accessing crucial services like NMS, Pharmacy First, and vital vaccinations such as Covid-19 and flu shots. At the time of this application, Pillbox Pharmacy had only provided 24 CPCS and no NMS services for the month of December, underscoring the strain on essential care provision. For the same month, they submitted 16800 items for pricing. This underscores the resource constraints at the pharmacy (and lack of reasonable choice), posing challenges in providing enhanced or advanced services. Consequently, this situation is likely to impact the delivery of Pharmacy First services from Pillbox Pharmacy."*

- 3.29 The nearest pharmacy, The Pillbox Pharmacy, Great Baddow (FR890) lies to the northwest of the proposed location; with there being no nearest pharmacies to the east or the south/southeast.

- 3.30 The Committee noted that the applicant stated the following:

3.30.1 *"The closest pharmacies to the proposed location are:*

3.30.1.1 *Pillbox Pharmacy, located at 152 Meadgate Ave, Great Baddow, Chelmsford CM2 7LJ.*

3.30.1.2 *Colecross Pharmacy, situated at 1 Hylands Parade, Wood St, Chelmsford CM2 8BW.*

3.30.2 *For completeness, the distances from the proposed pharmacy (Baddow Pharmacy) to the nearest pharmacies are as follows:*

3.30.2.1 *Pillbox Pharmacy: 0.95 miles (approximately 20 minutes walking distance).*

3.30.2.2 *Colecross Pharmacy: 2.4 miles (approximately 48 minutes walking distance)."*

3.31 Based on walking distance/time, the next nearest pharmacy after The Pillbox Pharmacy is Shantys, followed by Day Lewis Pharmacy. This is followed by Boots and then Colecross Pharmacy, making Colecross the fifth nearest pharmacy and not the second, as stated by the applicant.

3.32 The Committee noted that the Pillbox Pharmacy is currently providing Hypertension Case Finding and NMS as advanced services.

3.33 The Committee noted that the applicant proposed to offer the following enhanced and advanced services:

3.33.1 Pharmacy First

3.33.2 Contraceptive Services

3.33.3 Hypertension Case Finding

3.33.4 Covid and Flu vaccinations

3.33.5 Smoking Cessation

3.33.6 NMS

3.34 The next two nearest pharmacies, Shantys and Day Lewis Pharmacy, offer the following and provide coverage of the same enhanced and advanced services proposed by the applicant:

<u>Shantys (FP682)</u>	<u>Day Lewis Pharmacy (FN033)</u>
Pharmacy First	Pharmacy First
Contraceptive Services	Contraceptive Services
Hypertension Case Finding	Hypertension Case Finding
Smoking Cessation	Smoking Cessation
NMS	NMS

3.35 The Committee noted that the applicant proposed to offer 40 core hours and 8 supplementary hours; with the proposed core hours being from 09:00-12:00 and 13:00-18:00 weekdays and supplementary hours from 12:00-13:00 Monday to Friday and 09:00-12:00 on Saturday.

- 3.36 The Committee were provided with information on opening hours prior to the meeting of four pharmacies within a 2-mile walking distance of the proposed location. These are all 40-hour pharmacies, with a mixture of hours covering from 9am to 8pm Monday to Friday, 9am to 8pm Saturday and 10.30-4.30pm Sunday.
- 3.37 The Committee also noted data showing the top 20 dispensing locations for prescriptions issued by the nearest four pharmacies that are within a 2-mile walking distance of the proposed site. The data was shared with the Committee prior to the meeting.
- 3.38 The Committee noted that of the four nearest pharmacies, The Pillbox Pharmacy are covering the largest number of prescriptions.
- 3.39 A map showing the nearest GP practices within a 2 km radius of the proposed location was provided to the Committee prior to the meeting.
- 3.40 The Committee were presented with dispensing data for the nearest three GPs, showing that patients are using a wide range of pharmacies for their pharmaceutical needs, with only 36.3% of Baddow Village Surgery patients using the nearest pharmacy, The Pillbox Pharmacy, for prescriptions. Of the next two nearest GP surgeries 31.8% of Sutherland Lodge Surgery patients and 1.2% of Moulsham Lodge Surgery patients use The Pillbox Pharmacy for their prescriptions.
- 3.41 The Committee noted that the P&O Team had not been notified of any complaints received by the ICB regarding patients not being able to access pharmaceutical services.
- 3.42 Taking all the above into account, the Committee concluded that there is patient choice available and that patients are able to access pharmaceutical services within the area of Essex HWB.
- 3.43 The Committee noted that the test is whether there is reasonable choice with regard to accessing pharmaceutical services in the area of Essex HWB, not within the area of Chelmsford.
- 3.44 It has previously been established within appeals that in order to have reasonable choice, those living in the area of a pharmacy application must be able to exercise that choice. No evidence had been provided to demonstrate that those living in the Chelmsford area of Essex are currently unable to exercise a choice in obtaining pharmaceutical services.
- 3.45 Based on the information presented, 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 cannot be 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 in the area of the relevant HWB which were not foreseen when the Essex PNA, 2022-2025 was published.
- 3.46 Reg 18(2)(b)(ii) - people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access.

3.47 The Committee considered whether, notwithstanding that the improvements or better access were not included in the Essex PNA 2022-2025, it was satisfied that, having regard in particular to the desirability of—

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

granting the application would confer significant benefits on persons in the area of Essex HWB that were not foreseen when the PNA was published.

3.48 The applicant stated that:

3.48.1 *“The proposed location for the pharmacy is strategically situated in the heart of Great Baddow, offering convenient access to residents from all corners of the community. Its central position ensures that individuals can easily reach the pharmacy on foot or by vehicle, minimizing travel time and enhancing accessibility for all residents, especially those with mobility challenges or without access to private transportation.”*

3.49 The Committee noted the public transport provision as shown on SHAPE which was provided within the Committee Report and circulated in advance of the meeting.

3.50 The proposed location has a bus and coach station a 1-minute walk away which provides buses to Chelmsford town centre every 10-20 minutes between 8.30-6pm Monday to Friday, 9.30-5.30pm on Saturdays and every hour between 9.50-7.10pm on Sunday.

3.51 Overall, the Great Baddow area is served by a bus network that covers a large proportion of the town, all of which links to Chelmsford City Centre.

3.52 The Committee noted that the Essex PNA 2022-25 states a 20-minute one-way car journey as acceptable:

3.52.1 *“Overall, across Essex, generally residents are within a relatively short travel time whichever method is chosen:*

- *99.9% of the Essex population could get to a pharmacy in a 20-minute drive.*
- *95% a 20-minute public transport journey”*

3.53 The furthest areas of the Great Baddow area, including the village of Sandon on the outskirts, are currently no more than a 7-minute car journey away from the nearest pharmacy i.e. The Pillbox Pharmacy.

3.54 The Committee noted that the Pharmacy and Optometry Team (P&O Team) had not been notified of any complaints received by the ICB from patients who share a protected characteristic who are unable to access pharmaceutical services.

- 3.55 The Committee noted the applicant had not provided any evidence to meet the criteria of Regulation 18(2)(b)(ii). Whilst it is accepted that there would be people with protected characteristics living in the Great Baddow area and that some may need pharmaceutical services as a result, there was no evidence that any specific groups had any difficulty accessing such services.
- 3.56 The Committee was therefore not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant pharmaceutical needs assessment was published.
- 3.57 Reg 18(2)(b)(iii) – Providing an innovative approach to the delivery of pharmaceutical services
- 3.58 The Committee considered whether, notwithstanding that the improvements or better access were not included in the Essex PNA 2022-2025, it was satisfied that, having regard in particular to the desirability of—
- there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also the NHSCB'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 Essex HWB that were not foreseen when the PNA was published.
- 3.59 The applicant had stated that:
- 3.59.1 *“Yet, by the incorporation of advanced technology that will truly set this pharmacy apart. State-of-the-art IT equipment, including AI-powered patient medication software, promises to streamline processes and enhance safety by reducing the risk of prescription errors. Through precise scanning and matching of medications, patients can rest assured that their health is in capable hands.*
- 3.59.2 *In this setting, we will commit to patient well-being, with a blend of innovation and compassion, we aim to redefine the pharmacy experience, one that prioritises the needs and comfort of our patients and alike above all else.”*
- 3.60 A search on [ChatGPT](#) using the phrase “how widely is AI powered patient medication software being used in community pharmacies in the UK”) resulted in the following information: “AI-powered patient medication software is gradually being adopted in UK community pharmacies, though its use is not yet widespread.”
- 3.61 The applicant had stated they will be providing “AI-powered patient medication software”, however the Committee concluded that this type of software is available in some community pharmacies and other healthcare settings e.g. hospitals. The Committee also noted that the applicant has not mentioned how they intend to manage any potential drawbacks.

- 3.62 Hospital and Healthcare Management paint a generally positive picture of the use of Artificial Intelligence (AI) in medication management [“How AI is Revolutionizing Medication Management”](#). However, Chat GPT ([ChatGPT-“What are the drawbacks of ai powered patient medication software”](#)) lists a number of possible drawbacks such as:
- 3.62.1 data security and privacy
 - 3.62.2 errors or biases in the data the AI is trained on
 - 3.62.3 AI may not consider or have access to all the contextual patient factors, especially in complex cases – the applicant will need to evidence what oversight they will be incorporating into their processes to take this into account
 - 3.62.4 overreliance on AI and accountability for errors (as the legal framework around AI use in healthcare is still evolving) – the applicant will need to evidence how they will mitigate against this
- 3.63 The Committee noted that the applicant had not provided sufficient assurance regarding the use of innovative approaches relating to AI-powered patient medication software in the delivery of pharmaceutical services. Therefore, the Committee could not be 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 in the area of the relevant HWB which were not foreseen when the Essex PNA, 2022 - 2025 was published.

Representations

- 3.64 The Committee noted that the 45-day notification period was restarted due to incorrect status (i.e. relating to within 1.6km of a controlled locality) on first referral.
- 3.65 During the initial 45-day notification period, representations were received from:
- 3.65.1 North and South Essex LMC
 - 3.65.2 Community Pharmacy Essex
 - 3.65.3 Day Lewis PLC
 - 3.65.4 The Pillbox Pharmacy
- 3.66 The full representations were shared with the Committee prior to the meeting. There were objections from Day Lewis PLC, the Pillbox Pharmacy and Galleywood Pharmacy Ltd. Community Pharmacy Essex identified a number of inaccuracies within the application and were of the opinion that the requirements for an unforeseen benefits application had not been met.

Regulation 18(2)(b) generally

- 3.67 The opening hours of those pharmacies that are closest to the proposed postcode were shared with the Committee prior to the meeting. The Committee noted that supplementary hours can be withdrawn at any time in line with the Regulations.
- 3.68 The Committee considered whether there are any other factors that would confer significant benefits including on patients who share protected characteristics based on the information provided by the applicant. The Committee were mindful of 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.
- 3.69 The Committee noted the applicant provided no evidence to satisfy the conclusion that there are other factors that would confer significant benefits on patients who shared protected characteristics.

Regulation 65 – core opening hours conditions

- 3.70 The Committee noted that the applicant is not offering more than 40 core opening hours and therefore regulation 65(4) does not apply.

Decision

- 3.71 The Committee refused the application on the following basis, under Regulation 18(2)(b):
- 3.71.1 There is no evidence that there is not already a reasonable choice with regard to obtaining pharmaceutical services in the area of Essex HWB.
- 3.71.2 There is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services that meet their specific needs for such services in the area of Essex HWB.
- 3.71.3 Whilst there is some evidence that innovative approaches are being taken with regards to AI-powered patient medication software, the applicant has not stated how they will manage any potential drawbacks relating to this approach. The granting of this application would not offer significant benefits to people within the area of Essex HWB.
- 3.71.4 There is no information provided to support a finding that pharmaceutical services are not currently provided at such times as needed and therefore the Committee was not satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits (in relation to opening hours) on persons.
- 3.72 In accordance with Regulation 18(2)(b), the Committee agreed that the granting of this application would not confer significant benefits on persons in the area of the Essex HWB which were not foreseen when the Essex 2022 - 2025 PNA was published.
- 3.73 The Committee were not satisfied that granting the application would confer significant benefits as outlined above or would secure improvements or better access to pharmaceutical services.

Regulation 50 - Discontinuation of arrangements for the provision of pharmaceutical services by doctors

- 3.74 The Committee agreed that as the application was refused, it was not required to consider Regulation 50, discontinuation of arrangements for the provision of pharmaceutical services by doctors.

Regulation 66 – directed services conditions.

- 3.75 The Committee agreed that as the application was refused, it was not required to consider this regulation.
- 3.76 The Committee agreed that, if they had been minded to grant the application, the grant would have been subject to Regulation 66.
- 3.77 The Committee agreed that as the application was refused, appeal rights are given to the applicant, Baddowpharma Ltd.”

4 The Appeal

In a letter dated 17 September 2025 addressed to NHS Resolution, Temple Bright on behalf of the Applicant appealed against the Commissioner’s decision. The grounds of appeal are:

- 4.1 “I act for Baddowpharma Limited. On behalf of my client I write to appeal a decision of NHS England to refuse my client’s application for inclusion in the pharmaceutical list offering unforeseen benefits for premises at 8 The Vineyards, Great Baddow, Chelmsford, CM2 7QP.
- 4.2 The decision was notified to my client by letter dated 19th August 2025.
- 4.3 My client’s ground of appeal is that NHS England failed to have proper regard to the evidence provided by my client in support of its application. Consequently, NHS England’s conclusion that my client’s application would not secure improvements or better access to pharmaceutical services was materially flawed.

Factual background

- 4.4 By way of background, my client has applied for inclusion in the pharmaceutical list for premises at 8 The Vineyards, Great Baddow, Chelmsford, CM2 7QP pursuant to regulation 18 of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.
- 4.5 Great Baddow is a large, well-defined, community located to the south/southeast of Chelmsford as shown in the Google maps image below. [see Appendix A for Committee] Great Baddow is the area contained within the red line, and this area is coterminous with the Great Baddow East and Great Baddow West wards.
- 4.6 In terms of the local area profile, information from the 2021 census for the two Great Baddow wards provides as follows:
- 4.6.1 The population size of Great Baddow is 14,953

- 4.7 Of those,
 - 4.7.1 3,330 residents are aged 65 and over
 - 4.7.2 1,291 homes are social rented homes (around 20% of the total number of homes in Great Baddow)
 - 4.7.3 1,162 homes have no car or van at all (18% of households)
 - 4.7.4 691 residents have either bad or very bad health
 - 4.7.5 1,009 residents have a disability which limits their day-to-day activities a lot
 - 4.7.6 A further 1,463 residents have a disability which limits their day-to-day activities a little
- 4.8 A significant portion of the population, 40%, is economically inactive, a demographic often correlated with higher rates of retirement.
- 4.9 In addition to the current population, there is also housing planned for Great Baddow, with a detailed planning application for 360 new homes currently under consideration. There is, therefore, likely to be population growth in Great Baddow in the short to medium term.
- 4.10 In response to my client's application, interested parties compared the above statistics with national averages. Given the size of the Great Baddow community and the number of residents, it is submitted on behalf of the applicant that it does not greatly assist NHS Resolution with its determination of this appeal to consider health, age and social data against national averages but, instead, to have regard to the fact that irrespective of how the local population compares to an "average" population, there are many thousands of residents living in Great Baddow who have a relevant protected characteristic either because of their age or their health (or, indeed, both), thousands of residents living in social housing (who are likely to have lower incomes) and thousands of residents who have no access to private transport.
- 4.11 Great Baddow is considered by residents as being a "village" with a distinct community feel. It contains a range of shops and other services to meet the needs of the local community, including:
 - 4.11.1 a hospital
 - 4.11.2 A large secondary school – Great Baddow High School, which has approximately 1,500 pupils aged 11 to 15
 - 4.11.3 Primary/junior schools (Meadgate primary school and Baddow Hall infant and junior schools)
 - 4.11.4 leisure centre and other leisure facilities
 - 4.11.5 light industrial units
 - 4.11.6 Chelmsford Office and Technology Park

- 4.11.7 shopping centre (the location of the proposed site)
- 4.11.8 library
- 4.11.9 numerous pubs, restaurants and take away restaurants
- 4.11.10 garden centre
- 4.11.11 vets
- 4.12 The proposed location is within a very busy and well-used local shopping area (The Vineyards) which contains a large number of shops and other services to meet local needs and acts as a central shopping district centre for the Great Baddow community. The Vineyards is in a central location in Great Baddow as shown in the Google maps image below (area bordered in red). [see Appendix A for Committee]
- 4.13 Shops in the Vineyards district centre include:
 - 4.13.1 Subway
 - 4.13.2 Havens Hospice Charity
 - 4.13.3 Greengrocer
 - 4.13.4 Butcher
 - 4.13.5 Morrisons Local including Post Office
 - 4.13.6 Card shop
 - 4.13.7 William Hill
 - 4.13.8 Mortgage lending
 - 4.13.9 Beautician
 - 4.13.10Gents hairdresser
 - 4.13.11Co-Op Local
 - 4.13.12Children's Society Charity
 - 4.13.13Fish & Chip shop
 - 4.13.14Greggs
 - 4.13.15Turkish Restaurant
 - 4.13.16Chinese takeaway
 - 4.13.17Ladies hairdressers
 - 4.13.18The Glasshouse Café

- 4.14 The proposed location is within close proximity (approximately 300 metres) of the Baddow Village GP surgery (at 7 Longmead Avenue, Great Baddow, Chelmsford, CM2 7EZ) which has a patient list size of around 11,000 patients and prescribes an average of around 26,000 items per month.
- 4.15 The application was first submitted to NHS England in May 2024 following the closure of a Boots pharmacy at 1 The Vineyards, Great Baddow. Prior to its closure, Boots Pharmacy was dispensing an average of approximately 9,500 items per month.
- 4.16 The closure of the Boots Pharmacy is against a backdrop of 9 pharmacy closures in the Chelmsford area between November 2022 and April 2024, which has left residents with drastically reduced healthcare options and choice of pharmaceutical service provision. In addition to the closure of the Boots pharmacy at 1 The Vineyards, another Boots pharmacy in the CM2 postcode also closed at the same time, leaving Pillbox pharmacy as the sole provider of pharmaceutical services to Great Baddow and its residents.
- 4.17 These closures have been particularly devastating for the elderly and those with reduced mobility, who often struggle with transportation and have urgent healthcare needs. The closure of the Boots pharmacies has left a gap in service provision for the Great Baddow community, in particular for those who require access to pharmaceutical services from the local community hub at The Vineyards and/or after a visit to the Baddow Village GP surgery.
- 4.18 As stated above, there is now only one pharmacy left in the Great Baddow ward (although it is located in the Meadgate area), which is the Pillbox pharmacy. Pillbox pharmacy is located at the northwestern edge of Great Baddow as shown the Google maps image below [see Appendix A for Committee] and so is not geographically well-placed to serve the Great Baddow community.
- 4.19 By way of example of the effect of the Boots closures on local service provision, the number of items dispensed by Pillbox pharmacy has leapt from an average of around 12,000 items per month prior to the Boots closure to an average of around 18,000 items per month now (a 50% increase in dispensing volumes over a period of only 2 years).
- 4.20 It appears that the pressure placed on Pillbox pharmacy in respect of the massive increase in dispensing volumes has put pressure on the delivery of other pharmaceutical services. For example, at the time of submitting this appeal, Pillbox Pharmacy appears to have provided no Pharmacy First consultations since the service was implemented, nor does it appear to have provided any flu vaccinations last season, evidencing a clear gap in service provision to the Great Baddow community.
- 4.21 Having become aware of significant local concerns in relation to the provision of pharmaceutical services in the area following the closure of the Boots pharmacies, my client submitted an application to, in essence, reopen the pharmacy that had been located within The Vineyards for many years. For the avoidance of doubt, in submitting its application my client does not assert that the closure of a pharmacy automatically creates a gap in service provision requiring the granting of a new pharmacy application. However, for the reasons given in this letter of appeal, my client asserts that a gap has been created in Great Baddow as a result of pharmacy closures. NHS Resolution is kindly

referred to my client's application form (and subsequent correspondence sent to PCSE in response to representations from interested parties) which sets out the basis upon which my client's application was submitted.

- 4.22 Following NHS England's refusal, my client has sought to engage with the local community to seek their views on pharmaceutical service provision. My client has leafletted local homes, and a poster has been displayed in the vacant unit at The Vineyards inviting local residents to submit their comments on pharmaceutical service provision. A total of 175 emails and letters have been received from local residents and councillors over the last 3 weeks.
- 4.23 I attach to this letter of appeal a copy of the emails (with names, addresses and email addresses removed) [see Appendix B for Committee]. NHS Resolution will note that these emails and letters are in addition to the support emails that were submitted to NHS England under cover of my letter of 19th August 2024, which NHS Resolution will no doubt obtain directly from NHS England.
- 4.24 As NHS Resolution will see from the attached, the email responses demonstrate significant difficulties being experienced with existing service provision by local residents. The emails and letters highlight the urgent need for a pharmacy in the Vineyards area of Great Baddow, including the challenges faced by residents, particularly the elderly and those with mobility issues, due to the closure of the local pharmacy with a number of common themes:

Need for a Pharmacy in Great Baddow

- 4.25 Residents express urgent need for a local pharmacy in Great Baddow due to accessibility issues and health concerns.
- 4.25.1 Many elderly residents rely on medications and face difficulties accessing pharmacies located far away often relying on others for transportation.
- 4.25.2 Current pharmacy options require multiple bus rides or long walks, causing significant inconvenience.
- 4.25.3 The closure of Boots pharmacy has led to increased pressure on nearby pharmacies, resulting in long wait times and service delays. Current alternatives, such as Pill Box in Meadgate, are overwhelmed and have long wait times.
- 4.25.4 Residents report that the lack of a local pharmacy affects their ability to manage health conditions effectively.
- 4.25.5 Community members emphasise the importance of having a pharmacy for consultations and over-the-counter needs and for quick access to health advice and medications.
- 4.25.6 Patients also complain about having to make repeat visits to pharmacies to collect medication which is not ready when they attend at the pharmacy. This causes particularly hardship given the general access difficulties getting to pharmacies since it means repeated trips which are, of themselves, difficult for patients to manage.

4.25.7 The absence of a pharmacy has led to increased stress and anxiety regarding medication access.

4.25.8 A pharmacy at The Vineyards would improve community health and convenience for local residents.

4.25.9 Many elderly individuals are unable to drive and rely on public transport, which is limited.

Impact on Vulnerable Populations

4.26 The absence of a pharmacy disproportionately affects vulnerable groups, including the elderly and disabled.

4.26.1 Elderly residents often struggle with mobility and cannot travel far for medications.

4.26.2 Many individuals rely on public transport, which is infrequent and unreliable, making it hard to access necessary prescriptions.

4.26.3 Vulnerable residents report increased anxiety and health risks due to delays in obtaining medications.

4.26.4 The community includes a significant number of individuals with chronic health conditions who require regular access to medications.

Accessibility and Transportation Issues

4.27 Transportation challenges hinder residents' ability to access pharmacies effectively.

4.28 The only bus service available is the C6, which runs hourly and is often unreliable.

4.28.1 Residents report that taxi fares to distant pharmacies are prohibitively expensive.

4.28.2 Many individuals do not have access to private transportation, making it difficult to reach pharmacies in other areas.

4.28.3 The need for a pharmacy within walking distance is critical for those with mobility issues or health conditions.

4.28.4 Parking at the nearest pharmacy (Pillbox) is often described as difficult.

Health Risks Due to Delayed Access

4.29 Delays in accessing medications pose serious health risks for residents.

4.29.1 Residents have reported waiting days for essential medications, exacerbating health conditions.

4.29.2 The lack of timely access to prescriptions can lead to hospital visits and increased healthcare costs.

4.29.3 Some residents have experienced life-threatening situations due to delays in obtaining necessary medications.

4.29.4 The community's health is at risk without a local pharmacy to provide timely services and support.

Community Support for Pharmacy Application

4.30 There is strong community support for the application to reopen a pharmacy at The Vineyards.

4.30.1 Numerous letters and emails from residents highlight the necessity of a local pharmacy.

4.30.2 Many residents express frustration with the current situation and the impact on their health and wellbeing.

4.30.3 The community believes that a pharmacy would enhance the local shopping experience and support other businesses.

4.30.4 Local businesses also support the application, citing the benefits of having a pharmacy nearby.

4.30.5 The appeal for a pharmacy is seen as a critical step towards improving healthcare access in Great Baddow.

4.30.6 Supporters emphasise the importance of having a pharmacy for quick access to medications, health advice, and vaccinations.

4.30.7 A local pharmacy would alleviate pressure on existing pharmacies, which are currently overwhelmed with demand.

Future Considerations for Pharmacy Services

4.31 Residents urge reconsideration of the pharmacy application, especially in light of future community growth.

4.31.1 With new housing developments planned, the demand for pharmacy services is expected to increase significantly.

4.31.2 Residents argue that a local pharmacy would help reduce the burden on local healthcare services, including GP surgeries and A&E departments.

4.31.3 The community is advocating for a pharmacy that can provide essential services, including consultations and vaccinations, to improve overall public health.

Regulatory test

4.32 My client's application is submitted pursuant to regulation 18. NHS Resolution, on appeal, must therefore determine whether granting my client's application would secure improvements in, and better access to, pharmaceutical service provision in the local area.

4.33 In particular, NHS Resolution must have regard to the matters contained within regulation 18(2)(b) and whether it is satisfied that our client's application would confer significant benefits. having regard to the desirability of:

4.33.1 There being a reasonable choice of service provision in the HWB's area, and

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

4.34 Taking each of these in turn, our client comments as follows.

Reasonable choice of service provision

4.35 With the closure of 2 pharmacies in the immediate local area (and the closure of other pharmacies in the wider Chelmsford locality), my client asserts that there is no longer a reasonable choice of service provision in the local area.

4.36 The lack of reasonable choice is evidenced by the experience of long waiting times by local residents, the difficulties with access to pharmacy advice and the lack of advanced pharmaceutical service provision. In particular, the attached emails demonstrate the lack of reasonable choice for patients, both in terms of difficulties accessing the remaining pharmacy network and evidence of a lack of capacity.

4.37 My client is sure that NHS Resolution will carefully consider the contents of the supporting emails attached to this appeal. However, by way of example in relation to the attached emails from local residents, the following comments demonstrate a lack of choice (page numbers are at the right hand corner of the bundle):

4.37.1 With people like us we find that a visit to a Chelmsford pharmacy takes a long walk to a bus and then to a pharmacy which then takes an hour standing to collect a prescription The one chemist locally is inundated (page 4)

4.37.2 My current pharmacist is overwhelmed by patients and even if I could get a bus, it is not in an area where i would be safe waiting outside. I am a vulnerable person and fear unwanted social interaction. This pharmacy doesn't have time to fulfil individual prescriptions and I often need vital antibiotics for which I have to wait days if not a week all the while deteriorating. (page 7)

4.37.3 After Boots closed, I tried using one of the online pharmacy businesses (Pharmacy2u) but found them unreliable with appalling customer service. And then there's the issue of the Royal Mail delivery service which ignores my instructions of where to leave the parcel and simply throws the parcel over the fence, leaving my supplies of temperature sensitive insulin out in the rain. Online businesses are fine in principal, but not in practice. So now I am one of the many who are overwhelming other local pharmacies with their prescription demands. (page 8)

4.37.4 So now I am one of the many who are overwhelming other local pharmacies with their prescription demands. (page 9)

- 4.37.5 Since the Boots pharmacy closed 15 months ago, I have faced long queues at Pillbox Pharmacy, sometimes waiting over an hour, which is tough with young children. (page 13)
- 4.37.6 On several occasions, I have had to wait 40-60 minutes to be served at the Boots in Chelmer Village, which is a stressful experience. The closure of the Great Baddow pharmacy has put even more pressure on local services and makes it even harder for the local community to get the medication they need. (page 19)
- 4.37.7 Since the closure of Boots Pharmacy in the Vineyards, the Pill Box in Meadgate has had to take up most of the slack, covering a huge catchment area. This has put immense pressure on the staff lengthened with the queue sometimes extending out of the door. (page 36)
- 4.37.8 When the pharmacy closed in the vineyards I had to go to the one in Meadgate. There were two issues and they are, firstly there is always a long wait for the prescriptions because they were overwhelmed due to the closure of the pharmacy in the Vineyard... (page 59)
- 4.37.9 The Pillbox pharmacy in Meadgate is always crowded and you have to wait while they prepare your prescription. (page 63)
- 4.37.10 I would like to let you know of the problems I am having since the Boots pharmacy at the vineyards closed. I do not drive and now have to travel from my home in CM2 7BU into the city centre to get my prescriptions. I have tried going to The Pillbox pharmacy at Meadgate but in all honesty I don't think they can cope with all the extra customers they are now having to deal with. The queue is always out the door and quite often they don't have what you want and you need to make a second trip. It's a similar story in Boots in The Meadows. The queue is always horrendous and again, you get to the front only to be told to come back as they don't have prescription ready as they are too busy. We absolutely desperately need a pharmacy at the Vineyards again (page 71)
- 4.37.11 Chelmer Village Boots more often than not now has a queue of up to an hour long, having waited in this queue myself a few times, when I could have popped out on my lunch break to use Boots at The Vineyards. (page 79)
- 4.37.12 Despite ordering a week in advance I often have to wait, sometimes up to an hour, as the Pillbox is so busy. (page 104)
- 4.37.13 I was using the pharmacy in Meadgate but this is always busy and the waiting time is ridiculous although the pharmacist there is highly regarded. (page 113)
- 4.37.14 We used to get our flu & covid jab at Boots in the Vineyards, now we have to take up nurses time at our gp practice or go further afield with poor or no ability to find a parking space. (page 114)

4.37.15As a local resident (CM2 7DZ) I am struggling to pick-up prescriptions locally. The Pill Box in Meadgate is snowed-under with patients and the waiting time is often over an hour to collect a prescription. (page 163)

- 4.38 In short, the position is clear: since the closure of the local Boots pharmacy at The Vineyards (and other pharmacies in the wider Chelmsford area), the remaining pharmacies are experiencing overwhelming demand for pharmaceutical services that results in often very lengthy queues to obtain medication, a lack of additional service provision, the inability to speak to pharmacy staff (including to obtain advice or purchase over the counter items), etc.
- 4.39 It is therefore submitted that there is currently a lack of reasonable choice of pharmaceutical service provision within the Great Baddow community, and that pharmacies elsewhere do not secure a reasonable choice.

Difficulties accessing existing pharmacies

- 4.40 There are no pharmacies which are reasonably accessible to the majority of the Great Baddow population following the closure of the Boots Pharmacy at The Vineyards. That is particularly the case for those residents who use The Vineyards district shopping centre to fulfil their day to- day needs, those who require access to pharmaceutical services after a visit to the Baddow Village GP surgery and those who use the other services in Great Baddow.
- 4.41 Existing pharmacies are difficult to access from Great Baddow. In representations to NHS England, interested parties quoted the number of pharmacies within a 2-mile radius of the proposed location. However, it is submitted that this information is meaningless, because these distances are as the crow flies rather than by road. Since patients tend not to fly to access a pharmacy, the distances set out in representations from interested parties significantly misrepresented the true picture. The actual distances to the nearest pharmacies by road is as follows:

4.41.1 Pillbox Pharmacy. 0.9 miles

4.41.2 Boots Pharmacy. 2.1 miles

4.41.3 Day Lewis Pharmacy. 1.6 miles

4.41.4 Shantys Pharmacy. 1.7 miles

4.41.5 Apple Tree Pharmacy. 2.8 miles

4.41.6 Boots Pharmacy. 2.3 miles

4.41.7 Tesco Pharmacy. 2 miles

4.41.8 Colecross Pharmacy. 2.3 miles

4.41.9 Galleywood Pharmacy. 2.1 miles

4.41.10Rivermead Pharmacy. 3.5 miles

- 4.42 As can be seen, the nearest pharmacy to the proposed location is Pillbox pharmacy in Meadgate. Pillbox pharmacy is a 0.9 mile journey from the proposed location, although the actual patient journey could be anywhere up to 1.5 miles for those living towards the southern end of Great Baddow.
- 4.43 These distance, of themselves, present a barrier to accessing pharmaceutical services on foot, particularly for those with reduced mobility (with many examples given in the attached emails).
- 4.44 Existing pharmacies are also difficult to access by public transport, again as detailed in the attached emails. Public transport is infrequent (the C6, for example, is now running only every hour) and unreliable.
- 4.45 In relation to access by car, first of all it is, of course, the position that many residents do not have access to private transport. Even where they do, car parking at existing pharmacies (including at Pillbox) is described as difficult by many of those who have emailed in support of the application.
- 4.46 These themes are evident from the emails that are provided with this letter of appeal. By way of example in relation to the emails, the following comments demonstrate difficulties with access to existing pharmacies:
- 4.46.1 It is difficult to park at Galleywood (page 12)
- 4.46.2 I live with my partner, and have a 2-year-old son and 4-year-old daughter (postcode: CM2 8HY). I suffer from chronic bronchitis, which makes managing my health challenging. The walk or the C7 bus journey is difficult, especially with my condition and their needs. (page 13)
- 4.46.3 My reason for supporting the residents of Great Baddow is because I witnessed an elderly disabled lady in considerable distress whilst visiting Galleywood Pharmacy for her Covid vaccination. She walked with the aid of a 4 wheeled walker and arrived by bus from Great Baddow. Unfortunately one of the wheels had broken on her walker and she was unable to get to the bus stop for the return journey. Staff and customers rallied round to help her but were unable to repair the walker. Happily one of the customers offered to drive the lady home but the situation should never have arisen and would not have done so had there been a pharmacy closer to her home. (page 15)
- 4.46.4 I am a blue badge disabled resident and also type 1 diabetic. I have non Hodgkin's lymphoma and thyroid disease. As you will appreciate I have life depended medication each month and find it difficult to walk to my nearest pharmacy. If I drive then the wait for collection of medication is longer than I can manage to stand. (page 16)
- 4.46.5 I do not have a car, which makes it difficult for me to access my prescriptions. Relying on public transport or walking is challenging, especially when I am struggling with my mental health. (page 19)
- 4.46.6 The bus service is unreliable. (page 25)
- 4.46.7 I have several issues of which one of them is mobility, I can no longer drive and do not have close relatives. The distance to Pillbox at

meadgate is too far to walk and too costly in a taxi as return is often required due to lack of the medication. (page 27)

4.46.8 The two alternative Pharmacies for me are at Galleywood and Meadgate. Both of these venues have very much limited parking space compared with the Vineyards. Often there is no parking available!!! (page 33)

4.46.9 The lack of pharmacy nearby means I am still reliant on carers to collect my prescriptions for me as I am unable to get to the nearest pharmacy in my wheelchair as it is just too long a distance for me to wheel (especially given the state of the pavements & having to take longer routes for wheelchair access), and having an energy limiting condition means making the trip by public transport would mean days of recovering from flaring symptoms as a result of the energy expenditure. And as I am unable to drive, having someone else pick up my prescription is my only option. Which further reduces my independence & makes me feel like more of a burden. I can quite easily wheel from my home to The Vineyards to do some shopping and if there was a pharmacy there I could easily pick up my prescriptions and any other over the counter remedies I might need on my own. It really would be a benefit to me and I'm sure the wider community too as a few of my new neighbours commented on the lack of pharmacy in the area when I moved in and asked about GP surgeries. (page 37)

4.46.10I do not have access to the internet or access to my own transport. I need regular medication (for osteoporosis and bowel issues) to be picked up from the Pharmacy. I live within a 5 minute walk of the Vineyards and a Pharmacy there would be a lifesaver for me. At moment, I have to rely on friends to pick my prescription from a pharmacy which is over a mile away from my home - and I have limited mobility and unable to walk there and back, and the Bus services from Great Baddow are very limited. I also live on my own, with no relatives living in the county. (page 47)

4.46.11I am 91 and not very mobile. I can get to Vineyards on my disability scooter. But can't walk to bus stop and often needs medical items and advice. Please help us. (page 48).

4.46.12As a disabled resident, I find it very difficult to travel far to collect my medication. Easy access to local services is essential for me, and a pharmacy in Great Baddow would make a significant difference to my daily life. I am in the village every day for the local shops, which already provide vital support for my independence and mental health. Having a pharmacy nearby would reduce the need for unnecessary travel, which often leaves me in distress and pain. (page 52)

4.46.13At 91 I have difficulty walking 1 mile down to the pharmacy in Meadgate. Because It's so busy I have to wait in a queue sometimes 20-30 mins. Using the buses could take most of a morning up and have a walk both ways when I get back into Great Baddow. (page 53).

4.46.14I am fortunate at present that I can still drive, but at 79 this may not always be the case, I am a carer for my husband who has dementia

and with the increasing long queues and wait times at Boots, it inevitably means he has to be left for longer periods, which with a declining condition will only become more difficult. Many of us belonging to the older generation place a lot of importance on personal interaction with pharmacy staff to possibly raise queries, seek information etc. which of course would not be available with impersonal online or postal services. The travel difficulties were recently brought home to me when I had to have extended repairs to my car, I was then reliant on a friend to ferry me to Chelmer Village to collect prescriptions. (page 65)

- 4.46.15 I am 85 years old and although I still manage to drive my small car, I have difficulty walking more than a short distance. I can get to the Vineyards, essential for my normal food shopping and it is always easy to park there. I currently have to go to the Meadgate pharmacy for my monthly prescription, which is a longer and more difficult drive due to the parked cars on the roads. The car park by the shopping centre is normally full and I have to find somewhere to stop on the road a long distance from the pharmacy. This gives me an uncomfortable walk. This is compounded by the pharmacy not having all my drugs available and asking me to come back a day later to collect the item still owing. Due to the extra demand on what is now the only pharmacy in a village of over 1500 inhabitants, there is often a long wait to be served and then to wait for the prescription to be dispensed. There is also a problem obtaining the over the counter non-prescription medicines that only a pharmacist can sell. It is a big problem going to the Meadgate for just a tube of ointment (page 85)
- 4.46.16 I am 80 years old, live alone, and have lower back pain. Now I have to get the bus to Boots in town to get my medication and often have to queue for half an hour as usually only one person serving and helping with queries. I find it difficult standing all that time. (page 89)
- 4.46.17 My new pharmacy in Meadgate has limited parking and I am never able to collect my medication quickly as it is never ready. Even if I phone ahead, there is always a long queue just to speak to the staff. (page 94)
- 4.46.18 Since the closure we are having to use the pharmacy at Meadgate, we now have to either catch a bus or get our car out. If we drive it is always difficult to park at the Meadgate shops. Once at the pharmacy there is often a long queue/wait. (page 101)
- 4.46.19 There is no pharmacy covering central and east Baddow, since Boots left. I have just been to the Pillbox at Meadgate and there were 15 people in the queue and I waited 30 minutes. It is either a bus ride away or a long walk. (page 103)
- 4.46.20 Due to not being able to drive anymore and having no access to a car, having unreliable local bus services, anxiety in regard to travelling alone, feeling the need to rely on family members or friends to access healthcare services, relying on her daughters local pharmacy located in Chelmer Village which is already under pressure to get her prescriptions which she requires regularly this creates great difficulty in getting her the medication she requires. (page 119)

- 4.46.21 I myself have to travel to Galleywood to collect my prescription which is a uncomfortable journey by bus for an elderly person. (page 128)
- 4.46.22 Parking where the pharmacy is, is limited and it's always extremely busy in there. Even when we call in advance of collecting our prescriptions, we will be waiting to collect them for a long time. They do their best but are clearly over stretched. (page 129)
- 4.46.23 The pharmacy in Galleywood is good but parking is always difficult (page 147)
- 4.46.24 I am over 80 and often find it difficult to get to Danbury or Chelmsford for my needs. (page 155)
- 4.46.25 There is always a queue at the pharmacy I use and parking is very difficult. (page 159)
- 4.46.26 I have found it quite difficult getting my prescriptions since the last pharmacy closed. I have had difficulty in parking at other venues, whereas the parking at the vineyards is very convenient. (page 159)
- 4.46.27 Some of the paths we have to walk on to get to places are terrible and quite a lot of senior citizens fall over. (page 182)
- 4.47 On behalf of my client, it is therefore submitted that there is a significant weight of evidence to demonstrate that, for those who share a protected characteristic and who require access to pharmaceutical services, access is currently difficult.
- Would granting the application confer significant benefits?
- 4.48 My client asserts that its application would confer significant benefits in relation to the relevant regulatory test.
- 4.49 My client's application would secure a reasonable choice of pharmaceutical service provision through increased local capacity. Many of the issues reported by local residents and representatives (as summarised above and referred to in the attached emails and letters) relate to the pressure on existing service provision; since granting my client's application will create additional service provision it will, as a consequence, reduce this pressure.
- 4.50 My client's application would also overcome access difficulties which have been caused by the closure of the Boots Pharmacy. As stated above, my client's proposed pharmacy would be located within The Vineyards district centre and would therefore be easily accessible to local residents who access the District Centre as part of their daily lives (including being easily accessible by foot and by car).
- 4.51 The proposed pharmacy would also be of significant benefit in terms of accessibility for patients who are registered with the Baddow Village GP surgery and who require access to pharmaceutical services after a visit to their GP, since those patients currently have to travel significant distances away from their GP surgery in order to have a prescription dispensed.

- 4.52 My client intends to offer nationally commissioned services such as Pharmacy First, Pharmacy Contraception Service, Hypertension Case Finding, Flu and COVID vaccinations and the New Medicines Service. It is of note that at least some of these services (including vaccinations and Pharmacy First) do not appear to be provided by the nearest pharmacy to the proposed location, Pillbox Pharmacy, demonstrating a clear gap in service provision. My client's proposed pharmacy would address that gap in service provision and would, consequently, confer significant benefits.
- 4.53 The improvements and better access that would be secured by the granting of our client's application were not foreseen in the context of the current PNA for the simple reason that the PNA was published before the pharmacy closures. Whilst the fact of the various closures have been referenced in supplementary statements, these statements cannot identify unmet needs for a new pharmacy (as confirmed in recent regulatory changes introduced).
- 4.54 For the reasons given above, those given in my client's application form and those given in correspondence to PCSE in response to representations from interested parties, on behalf of my client it is asserted that there is overwhelming evidence that there is not currently a reasonable choice of service provision in the local area, and that existing pharmacies are difficult to access for many, including evidence of those who share a protected characteristic and who require access to pharmaceutical services.
- 4.55 On behalf of my client I therefore invite NHS Resolution to conclude that granting my client's application would secure improvements and better access to service provision and to uphold my client's appeal."

5 Summary of Representations

This is a summary of representations received on the appeal.

5.1 THE COMMISSIONER

- 5.1.1 "Please note that from the 1 April 2023, community pharmacy contracting and commissioning has been delegated to Integrated Care Boards (ICBs). Hertfordshire and West Essex (HWE) ICB are hosting the function on behalf of the six East of England ICBs.
- 5.1.2 As requested in your letter, the most recent Essex Pharmaceutical Needs Assessment (PNA) can be found at [Pharmaceutical Needs Assessment \(PNA\) 2025 - 2028 Essex Open Data](#). Please note that no supplementary statements have been published.
- 5.1.3 Please find below information we wish to be considered in relation to Baddowpharma Ltd in respect of the above unforeseen benefits application.
- 5.1.4 Having reviewed the grounds of appeal made by Temple Bright LLP on behalf of Baddowpharma Ltd (the "Appellant"), HWE ICB remains of the opinion that this application should be refused.
- 5.1.5 The main grounds for the appeal appear to be:

5.1.5.1 That HWE ICB failed to consider the evidence submitted by Baddowpharma Ltd in support of its application.

5.1.5.2 The decision reached by the Pharmaceutical Services Regulation Committee (PSRC) was flawed.

5.1.6 The Appellant provides a profile of the local area taking information from the 2021 census (page 2, appeals document). Whilst the HWE ICB does not dispute the statistics that have been provided, it should be noted that the Appellant's application was considered under the required regulations and by using the information contained within the Essex PNA which does not recognise Great Baddow as a standalone locality but instead is included within the Chelmsford locality.

5.1.7 In contrast to the profile that the Appellant has given where it lists the number of residents that have bad or very bad health, or have a disability which restricts their day to day activities, it is important to note the general health of the residents of Great Baddow, as shown in the table below:

General Health	%
Very good	47.8
Good	34.9
Fair	12.6
Bad	3.6
Very bad	1
Key Challenges	
Obesity – 68% adults overweight/obese	
Physical activity – 21% do less than 30 minutes per week	

(Source: Office for National Statistics (ONS) Census 2021 and Chelmsford District health and deprivation reports)

5.1.8 The Appellant refers to the correlation between the current population of Great Baddow and the planned housing (page 2, appeals document). Whilst there does appear to be a few housing developments in the area of Great Baddow, it should be noted that these are at various stages – from planning stages, being built or in the selling phase. It should be noted that the 2025/2028 Essex PNA recognises the housing growth for the locality of Chelmsford and concludes that:

“any housing delivered during the lifetime of this PNA has access to current provision and would also have access to provision from neighbouring areas and from DSPs” (page 80, Essex PNA) as well as “the impact of local housing development plans on provision of pharmaceutical services has been considered but has not identified any gaps in pharmaceutical services provision in the area during the lifetime of this PNA”, (page 62, 2025/2028 Essex PNA).

Service Provision

5.1.9 The Appellant refers to *“The closure of the Boots Pharmacy is against a backdrop of 9 pharmacy closures in the Chelmsford area between*

November 2022 and April 2024, which has left residents with drastically reduced healthcare options and choice of pharmaceutical service provision. In addition to the closure of the Boots pharmacy at 1 The Vineyards, another Boots pharmacy in the CM2 postcode also closed at the same time, leaving Pillbox pharmacy as the sole provider of pharmaceutical services to Great Baddow and its residents,” (page 4, appeals document).

5.1.10 It has not been possible to confirm the above statement made by the Appellant as on review of the supplementary statements published during the lifetime of the Essex PNA 2022/2025 and the pharmaceutical list for the Essex Health and Wellbeing Board, the table below shows the 6 recorded closures:

Table 1

	Pharmacy premises	Date of closure	Distance from CM2 7QS (miles)
1.	Lloyds Pharmacy (100 hr) 2 White Hart Lane Chelmsford CM2 5PA	July 2023	4.2
2.	Boots (40 hr) 1 The Vineyard Great Baddow Chelmsford CM2 7QS	October 2023	0
3.	Boots (40 hr) 51A Moulsham Street Chelmsford CM2 0HY	October 2023	1.8
4.	Boots (40 hr) 133 Sunrise Avenue Chelmsford CM1 4JW	March 2024	3.7
5.	Boots (40 hr) 10-12 Torquay Road Chelmsford CM1 6NF	March 2024	3.6
6.	Tesco Pharmacy (40 hr) 47-53 Springfield Road Chelmsford CM2 6QT	May 2025	2.4

5.1.11 Whilst there have been pharmacy closures in Chelmsford, the 2025/2028 Essex PNA confirms there are 23 community pharmacies in Chelmsford:

Type of contract	Chelmsford
Total Number of Community Pharmacies	23
Dispensing Doctors	7
Dispensing Appliance Contractors	1
Distance Selling Pharmacies	0

(Source: Table 16 - Number and type of providers of pharmaceutical services in the area, page 54, 2025/2028 Essex PNA)

- 5.1.12 Whilst it is noted that there are no Distance Selling Pharmacies (DSP) listed within the table above, it should be noted that DSPs are required to offer NHS pharmaceutical services to anyone in England. In relation to the Chelmsford locality, the 2025/2028 Essex PNA still concludes that *"No gaps in the provision of necessary pharmaceutical services have been identified in the Chelmsford locality"*, (page 62, 2025/2028 Essex PNA).
- 5.1.13 The Appellant has stated *"These closures have been particularly devastating for the elderly and those with reduced mobility, who often struggle with transportation and have urgent healthcare needs. The closure of the Boots pharmacies has left a gap in service provision for the Great Baddow community, in particular for those who require access to pharmaceutical services from the local community hub at The Vineyards and/or after a visit to the Baddow Village GP surgery,"* (page 4, appeals document).
- 5.1.14 The closure of Boots at 1 The Vineyards, Great Baddow took place in October 2023. People who did attend this pharmacy have accessed alternative providers of pharmaceutical services and have done so for over two years.
- 5.1.15 As part of the statutory process for the 2025/2028 PNA, public views on the provision of pharmaceutical services were sought and it states the following:

Overall, across Essex, generally residents are within a relatively short travel time whichever method is chosen:

- *99.9% of the Essex population could get to a pharmacy in a 20-minute drive.*
- *93% (Weekday Morning) within a 30-minute public transport journey.*
- *83% within a 20-minute walk. Residents have to travel for longer if they walk.*
- *12% over 30-minute walk away.*
- *Chelmsford residents can drive to a pharmacy within 20 minutes.*
- *Most residents can get to a pharmacy within a 20-minute journey on public transport in most districts. However, some districts see a relatively high % of their population having to travel for longer (Braintree, Maldon, Uttlesford 20-30 minutes; Braintree, Epping Forest, Uttlesford over 30 minutes.)*
- *Most residents can get to a pharmacy within 20-minute walk in most districts. Some districts however see a relatively higher % of their population that'd have to walk further (Braintree, Brentwood, Uttlesford 20-30 minutes; Braintree, Maldon, Uttlesford over 30 minutes).*

(Source: 2025/2028 Essex PNA, page 53)

- 5.1.16 The Health and Wellbeing Board were therefore aware of the coverage of pharmaceutical services and the travel times and did not determine that it is difficult to access pharmaceutical services within the Chelmsford locality as services can be reached within 20 minutes. Furthermore, the 2025/2028 PNA states:

“Whilst data on some of these protected characteristics is available and presented in this PNA, not all areas have good quality local coverage. However, for those groups not explored in detail, no specific pharmaceutical needs have been identified and all available and planned services are deemed accessible to these groups and their needs can be met by provision of necessary services,” (page 33, 2025/2028 Essex PNA).

- 5.1.17 The Appellant is of the opinion that the Pill Box Pharmacy, 152 Meadgate Avenue which is the main pharmacy for the Great Baddow area is not “geographically well-placed to serve the Great Baddow community,” (page 4, appeals document). The Health and Wellbeing Board were not of this opinion as they have reviewed local coverage, compared it against the population and no specific pharmaceutical needs have been identified.

- 5.1.18 The dispensing data published by the NHS Business Services Authority (NHS BSA) demonstrates that the Pillbox Pharmacy is highly utilised. During June 2025, the Pillbox pharmacy dispensed a total of 18,063 prescriptions across 59 GP practices with 53.5% of the prescriptions from the nearest GP practice to the proposed location. 27.8% were from the second nearest GP practice.

- 5.1.19 An illustration can be found in Appendix 1. [see Appendix C for Committee]

- 5.1.20 The Appellant makes an assumption that the closure of the Boots pharmacy at 1 The Vineyards over 2 years ago, has placed pressure on Pillbox Pharmacy (page 5, appeals document). The Appellant references the increase in items dispensed prior to and post the closure of Boots. Whilst there has been an increase, the Appellant has assumed this means the Pillbox pharmacy cannot cope with the demand. There are other factors to be considered for example, staffing numbers may have increased or existing part time staff members may have increased their hours. The Pillbox pharmacy has also confirmed in their representations that “since the closure of The Boots Pharmacy in the vineyards, the existing pharmacies have properly and efficiently supported the community’s needs without compromising on patient care and service.” (Attachment 1, email from Pillbox Ltd t/a Pillbox Pharmacy) [see Appendix C for Committee]

- 5.1.21 Additionally, the Appellant states “at the time of submitting this appeal, Pillbox Pharmacy appears to have provided no Pharmacy First consultations since the service was implemented....” (page 5, appeals document). The Pillbox pharmacy is registered to provide the Pharmacy

First, Contraception, Hypertension Case-Finding and Lateral Device services and can only act on referrals received.

Patient Engagement

- 5.1.22 The Appellant states *“my client has sought to engage with the local community to seek their views on pharmaceutical service provision. My client has leafletted local homes, and a poster has been displayed in the vacant unit at The Vineyards inviting local residents to submit their comments on pharmaceutical service provision. A total of 175 emails and letters have been received from local residents and councillors over the last 3 weeks”* (page 5, appeals document).
- 5.1.23 The PSRC did not have sight of the 175 emails that have now been supplied as part of this appeal. It is noted that the Appellant also asked for urgent action on the Great Baddow Parish Council Website - [Pharmacy Appeal | Great Baddow Parish Council](#).
- 5.1.24 It is clear from the emails and letters submitted by local residents of the Great Baddow area that those who are elderly, less mobile and have ongoing health issues are reporting in response to the “call to action” that they would find it easier to access pharmaceutical services if a pharmacy were situated nearer their home. Comments have been made with regards to the lack of public transport facilities although it is noted that there are two buses that serve this location. The C7 bus provides a service every 20 minutes and the C6 provides an hourly service Monday to Saturday with Sunday bus times being less frequent according to the bustimes.org website. The ICB understands that the emails submitted by local residents support the Appellant’s application and desire for a new pharmacy. Local residents had the opportunity to participate in the public consultation when the Essex 2025/2028 PNA was being produced. The views were considered and the Health and Wellbeing Board (HWB) concluded that pharmaceutical services were adequate and reasonable.
- 5.1.25 There is a clear theme within the letters and emails that residents of Great Baddow feel that waiting 20 minutes for their prescription to be fulfilled is too long a wait. Prescription processing times are influenced by a range of issues including clinical checks and workload and, in some cases, a 20 minute wait is both reasonable and typical. Furthermore, there is no evidence to suggest that if the ICB decision was overturned by NHS Resolution, all patient prescriptions would be fulfilled in less than 20 minutes at any new pharmacy.
- 5.1.26 Within the letters and emails submitted, it is evident that there are a proportion of local residents who since the closure of Boots, have chosen to obtain pharmaceutical services from either the nearest pharmacy, DSPs or pharmacies that are much further away. Within the letter and emails, it can be seen that some residents are describing the pharmaceutical services they receive as ‘good’ and ‘very good.’
- 5.1.27 This is demonstrated when reviewing the top 10 dispensing pharmacies from the nearest GP practice, Baddow Village Surgery, which is located at Longmead Avenue, Great Baddow, CM2 7EZ. Pillbox Pharmacy,

Galleywood Pharmacy Ltd and Baddow Village Surgery are the top 3 dispensers for this GP Practice. It is also noted that within this top 10 list, residents of Great Baddow are accessing pharmaceutical services from further afield which can be seen in Appendix 2. [see Appendix C for Committee]

5.1.28 It should also be noted that 2,860 prescriptions are repeat prescriptions which means most patients are not travelling to the GP practice prior to needing to collect a prescription (source: NHS England – Electronic Prescription Service (EPS)).

5.1.29 From the Appellant's application, it is noted that the opening hours of the pharmacy do not suggest an improvement in opening times to enable better access for patients. Whilst supplementary hours are suggested on a Saturday, it is noted that these can be withdrawn at any time with the required notice. The core hour coverage that the Appellant has suggested, offers nothing additional to other providers in the area and therefore does not secure better access for the people in the Health and Wellbeing Board. There is no offer of early core opening hours or core hours on a Saturday and Sunday.

5.1.30 The current hours provision (Appendix 3) [see Appendix C for Committee] shows that the nearest pharmacies have similar opening hours to those hours that the Appellant declared on its application form. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013

5.1.31 The Appellant states PSRC "*failed to have proper regard to the evidence provided by my client in support of its application,*" (page 1, appeals document).

Regulation 18(1)(a) and 18(1)(b)

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

5.1.33 When the PSRC considered Regulation 18(1)(b), it acknowledged that the 2022–2025 Essex PNA reflected the position at the time of its publication. It was also noted that the Applicant sought to deliver unforeseen benefits not identified in that PNA, in line with paragraph 4 of Schedule 1 to the 2013 Regulations, particularly regarding access and choice.

5.1.34 Following a review of the 2025–2028 Essex PNA, published in September 2025, it is evident that there is no material change from the previous assessment. The PNA confirms the presence of 23 community pharmacies (including one 100-hour pharmacy), one Dispensing Appliance Contractor (DAC), and seven dispensing doctors. While there are no DSPs listed for the Chelmsford area, DSPs remain obligated to provide services across England.

- 5.1.35 PSRC noted that the hours the Appellant is proposing to undertake are not offering any more than those pharmacies who are nearby.

Regulation 18(2)(a) (i) and (ii)

- 5.1.36 PSRC were satisfied there was no evidence to suggest that granting the application would cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of Essex HWB or the arrangements in place for the provision of pharmaceutical services in that area.

Regulation 18(2)(b)(i)

- 5.1.37 Based on the information PSRC had at the time of the meeting, it was of the view that there is reasonable choice with the Essex HWB. The PSRC was mindful that the closure of a pharmacy does not automatically lead to a conclusion that a new pharmacy is needed and an application granted.

- 5.1.38 Whilst PSRC acknowledged that the 2022-2025 Essex PNA does not identify gaps in the provision of pharmaceutical services, the travel distances and times set out in the PNA were considered, and they were deemed to be reasonable. PSRC were of the view that granting this application would not provide better access to pharmaceutical services.

- 5.1.39 Following a review of the 2025–2028 Essex PNA, it is evident that there is no material difference in travel times for the Chelmsford locality and confirm adequate access.

Regulation 18(2)(b)(ii)

- 5.1.40 PSRC considered whether those people who share a protected characteristic have difficulty accessing services that meet specific needs for pharmaceutical services in the Essex HWB.

- 5.1.41 PSRC noted there was no evidence to meet the criteria of Regulation 18(2)(b)(ii). Whilst it is accepted that there would be people with protected characteristics living in the Great Baddow area and that some may need pharmaceutical services as a result, there was no evidence that any specific groups had any difficulty accessing such services.

- 5.1.42 The 2025–2028 Essex Pharmaceutical Needs Assessment (PNA) does not identify any additional pharmaceutical service needs for individuals who share a protected characteristic within the Chelmsford locality. The Equality Impact Assessment and demographic review confirm that current provision remains adequate and equitable. Pharmacies are expected to continue offering reasonable adjustments, such as accessible premises, language support, and home delivery, ensuring compliance with the Equality Act 2010. No gaps in access or choice for these groups were highlighted in the updated PNA.

Regulation 18(2)(b)(iii)

- 5.1.43 PSRC noted the supporting statement provided by the Appellant:

“Yet, by the incorporation of advanced technology that will truly set this pharmacy apart. State-of-the-art IT equipment, including AI-powered patient medication software, promises to streamline processes and enhance safety by reducing the risk of prescription errors. Through precise scanning and matching of medications, patients can rest assured that their health is in capable hands.

In this setting, we will commit to patient well-being, with a blend of innovation and compassion, we aim to redefine the pharmacy experience, one that prioritises the needs and comfort of our patients and alike above all else.”

5.1.44 PSRC noted that the Appellant had not provided sufficient assurance regarding the use of innovative approaches relating to AI-powered patient medication software in the delivery of pharmaceutical services. Therefore, PSRC could not be satisfied that granting the application would confer significant benefits on persons within the Essex HWB that were not foreseen within the 2022-2025 Essex PNA.

5.1.45 It should be noted that the above statement would still apply when taking into consideration the newly published 2025/2028 Essex PNA.

5.1.46 For the avoidance of doubt, PSRC is not of the opinion that the applicant demonstrated any innovative approaches with regard to the delivery of pharmaceutical services.

Regulation 31

5.1.47 PSRC were not minded to refuse the application under regulation 31 as there are no existing services being provided by anyone on the pharmaceutical list from the proposed premises or at adjacent premises.

Galleywood Pharmacy Ltd

5.1.48 Galleywood Pharmacy Ltd were included on the Interested parties list as it submitted an Unforeseen Benefits which was received by the Pharmacy contracting team on the 24th February 2025. Notification was received on the 2nd April 2025 stating that the applicant wished to withdraw their application.

Conclusion

5.1.49 In summary, we remain of the opinion that the application should be refused.”

5.2 DAY LEWIS PLC

5.2.1 “Thank you for your letter dated 16th October informing us of the above appeal.

5.2.2 On behalf of Day Lewis PLC, who provide pharmaceutical services from premises at 136 Gloucester Avenue, Moulsham Lodge Estate, Chelmsford, Essex, CM2 9LG, we continue to object to this application

and ask the Primary Care Appeals Committee (“The Committee”) to take the following comments into account.

- 5.2.3 We note that numerous documents have been circulated with the appeal letter, including representations to the ICB at various stages. Inevitably there is significant overlap in these representations, so rather than respond to each one, we have commented on the substance of appeal letter dated 17th September, using the same headings as the appellant’s representative and we refer to other documents where appropriate within these comments.

Factual background

- 5.2.4 We note the satellite map provided by the appellant and agree that the boundaries defined by the red line match the combined ward boundaries for Great Baddow East and Great Baddow West.
- 5.2.5 We have provided the same map below (albeit not a satellite version) [see Appendix D for Committee] and overlaid the locations of the proposed site (marked with a red star) and nearby pharmacies marked with blue stars. We note that some of the pharmacies marked on our map are not shown on the map supplied by Primary Care Appeals. However, in our opinion these are relevant when taken in the context of the size of the area the appellant claims its pharmacy will serve. This map is important because it shows that Great Baddow is not an ‘island’. It does not exist in isolation from its surroundings. There are no physical or social barriers to movement for patients who live within these wards that prevent them from accessing pharmacies to the west or south-west of Great Baddow, or indeed Pillbox Pharmacy to the north of the Great Baddow area. This map shows that there are several pharmacies close to the boundaries of Great Baddow.
- 5.2.6 The map also clearly illustrates (and this is clear from the satellite image as well) that the residential areas of Great Baddow are concentrated to west of the proposed site, closer to these other pharmacies. The eastern edge of Great Baddow largely comprises green space. In relation to the residential population, the proposed site is located towards the north-east of Great Baddow population area; it is certainly not central in this respect.
- 5.2.7 The appellant goes on to repeat data from the 2021 that had been presented previously. We do not challenge the accuracy of any of that data, but we ask that it is considered in the context of the map above.
- 5.2.8 Whilst the population of Great Baddow was close to 15,000 at the time of the census, many of these people will live closer to existing pharmacies than they do to the proposed site.
- 5.2.9 No further information is provided by the appellant in respect of where, within this large area, the specific groups it discusses live. For example, if the patients who are over 65, have bad health, are disabled or do not own a car live to the west of Great Baddow, then it may be that the proposed pharmacy will do nothing to change the accessibility of

pharmaceutical services, because they already live closer to one of the existing pharmacies.

- 5.2.10 The appellant then goes on to dismiss the relevance of comparing demographic data with national averages but we strongly disagree with the appellant on this point.
- 5.2.11 The whole purpose of providing demographic data in the context of an application for inclusion in the pharmaceutical list is that it looks at broad populations and considers their characteristics. Looking at this broad data the Committee can gain a sense of how a population may go about their daily lives, including how they might access pharmaceutical services.
- 5.2.12 If we do not use national data as a benchmark, it is not clear what alternative measure might be more appropriate for the Committee to use to form its opinion.
- 5.2.13 Looking at the quantum of people with various demographic characteristics is unhelpful unless we are able to interrogate this data in much greater detail. For example, if the residents with reduced mobility are all car owners, then access to pharmaceutical services is likely to be much less of an issue than it would be if they did not own a car. Equally, whilst residents living in social housing are likely to be less affluent, if they have good mobility and live within comfortable walking distance of a pharmacy, the fact they live in social housing is irrelevant to how they access pharmaceutical services.
- 5.2.14 Without this level of granularity all we can do is compare this data to national averages to gain a feel for how this broad population is likely to access pharmaceutical services at present.
- 5.2.15 Looking at the demographic measures raised by the appellant, the comparison with the national averages is as follows:

	Gt Baddow	England
Residents aged 65 or older	22.3%	18.1%
Socially rented houses	19.9%	17.1%
Households with no car or van	17.9%	23.5%
Residents in bad or very bad health	4.6%	5.2%
Residents with disability	16.5%	17.3%

- 5.2.16 As this data shows, it is correct to say that there are more residents over the age of 65 than the national average. It is slightly surprising, therefore, that levels of bad / very bad health and disability are actually lower than the national average. This suggests a population that, despite being older than average, is in relatively good health and had good mobility.
- 5.2.17 Furthermore, whilst social housing occupation is higher than average, so is car ownership, so there does not appear to be any evidence that income levels are such that residents are unable to afford their own

cars. It is notable that car ownership is significantly higher than the national average.

- 5.2.18 It is also notable, looking at the recently released 2025 indices of multiple deprivation, that Lower Super Output Area Chelmsford 013B, in which the proposed site is located, is ranked 30,457 out of 33,755 areas in England, where 1 is the most deprived i.e. it is in the top 10% least deprived areas of the country.
- 5.2.19 It may be, therefore, that the relatively high number of economically inactive people is a measure of the fact many residents have no need to work or have retired early but comfortably. There is no evidence that this correlates with a higher than average reliance on pharmaceutical services provision.
- 5.2.20 In respect of the proposed new housing discussed, as the appellant acknowledges, this development is at the planning stage only. We ask the Committee to place little weight on this given the uncertainty of if, or when, these proposed houses will be occupied.
- 5.2.21 The appellant then goes on to list various services that meet the needs of local residents, but many of these amenities are located as close to Day Lewis pharmacy as they are to the proposed site, as show on the map below where our pharmacy is marked with a blue star and the application site with a red star.
- 5.2.22 In fact, other than the shopping centre and library, most of the amenities the appellant claims are used by Great Baddow residents are spread throughout the Great Baddow area and are no closer to its proposed site than they are to existing pharmacies. This simply serves to illustrate that residents of Great Baddow travel around a relatively large area to access a range of amenities in their day to day lives. That being the case they are also able to access a range of pharmacies.
- 5.2.23 In terms of the shops listed in the Vineyards (which is described by the local community website as a shopping centre rather than a “district centre”), whilst these provide local convenience shopping it is clear that this is not a destination shopping centre. For example there is not a large supermarket; the nearest major supermarkets are located towards Chelmsford, such as the Lidl store visible at the top of the map above or the Tesco store (which has a pharmacy) which is shown on the map on page 2.
- 5.2.24 The appellant references the Baddow Village GP surgery. Whilst this is clearly a relevant facility, it is located even less centrally, being at the very north-eastern edge of the residential area, as shown on the map below. [see Appendix D for Committee]
- 5.2.25 It is clear that vast majority of residents who access this medical centre travel a reasonable distance from their home to do so, further illustrating the mobility of the local population. It is also noteworthy that the LMC did not support the application, and there does not appear to be any written support from the medical centre itself, suggesting that the

practice team are not concerned about the current access to pharmaceutical services.

- 5.2.26 The appellant discusses various other pharmacy closures, without showing where these pharmacies were located in relation to the Great Baddow population. With the exception of the Boots pharmacy referenced by the appellant at 1 The Vineyards, none of these other pharmacies were closer to Great Baddow than the pharmacies that exist today. We submit that these other closures are irrelevant to this application.
- 5.2.27 We disagree with the appellant's assertion that the Pillbox pharmacy is the "sole provider to Great Baddow and its residents". Whilst Pillbox might be the only pharmacy in Great Baddow, other pharmacies are accessible to these residents, including our pharmacy on Gloucester Avenue.
- 5.2.28 The appellant states that Pillbox is not geographically well placed to serve the Community, but as we have shown, neither is its proposed location, which is not central to the residential population either.
- 5.2.29 We note the comments made about dispensing numbers and services at Pillbox. Whilst we are not able to comment on that pharmacy, we would point out that other pharmacies in the area, including ours, provide a comprehensive range of pharmaceutical services. For example we provide on average around 50 Pharmacy First consultations each month, more than 100 NMS consultations and we offer a well-used Covid 19 & 'flu vaccination service.
- 5.2.30 The appellant then goes in to discuss its engagement with the local community to "seek their views on pharmaceutical services provision".
- 5.2.31 We note that the appellant has not included a copy of the poster or the leaflets it produced, so we have provided a copy of this below. [see Appendix D for Committee]
- 5.2.32 Whilst we have no doubt that the comments made by local residents are heartfelt and genuine, it is also clear that there has been a degree of 'coaching' in respect of comments they were being asked to make. This goes beyond 'seeking views on pharmaceutical services provision'.
- 5.2.33 In particular, it is clear that respondents are only invited to comment if they "have faced difficulties accessing medicines or pharmacy services". The responses are therefore limited to those people who may have experienced issues for one reason or another. The appellant has not asked the more general question of whether residents are satisfied with current levels of provision, so it is unsurprising that there are few comments from patients who are happy with the services they receive.
- 5.2.34 For this reason the responses received are not a balanced reflection of the views of the wider population. The Committee may take the view that fewer than 200 responses of support from a population of 15,000

residents does not illustrate a significant level of concern in respect of service provision.

5.2.35 In respect of the representations made generally, we do not intend to comment on these in general. It is not for us to challenge the opinions of local residents. It will be for the Committee to form its own view on them, and their relevance to this application.

5.2.36 We would, however, like to make a few general comments as follows:

5.2.37 Bus route C7 stops at The Vineyards every 20 minutes and stops outside Pillbox Pharmacy. It then travels into Chelmsford town centre where there are several pharmacies. We have included the timetable for this bus route. It is not correct to say that residents need to take “multiple bus rides” or that the hourly C6 is the only service.

5.2.38 Google reviews provide Pillbox Pharmacy with 4.9 stars out of 5 as shown below. [see Appendix D for Committee] This is not consistent with concerns raised by the appellant in respect of the service levels at this pharmacy.

5.2.39 In respect of parking at Pillbox, there is a dedicated car park at the shopping parade with more than 20 spaces, including for ‘blue badge’ holders. There is also plentiful free parking on surrounding residential roads. The parking arrangements are shown below. [see Appendix D for Committee]

Reasonable choice of service provision

5.2.40 We disagree with the appellant’s assertion that there is no longer reasonable choice of service provision. It is clear from the ICB’s decision report that they gave careful consideration to the matter of choice and concluded that it is reasonable. It is also noteworthy that the very recently published PNA considered the accessibility of pharmaceutical services in this area and found there to be no gaps.

5.2.41 Whilst it may be the case that some residents may have experienced issues some of the time, we maintain that for the population overall there remains reasonable access, and therefore reasonable choice for the following reasons:

5.2.42 There is already one pharmacy in Great Baddow which is rated very highly based on 85 Google reviews. This is accessible on foot, by car and using public transport from the proposed site.

5.2.43 There are several other pharmacies in adjacent areas that are close to the residential areas of Great Baddow. For many residents these are as close, if not closer, to their homes than the proposed site. These pharmacies provide a comprehensive range of services.

5.2.44 Levels of disability are below the national average, so there is no reason to believe that access to pharmaceutical services for residents with reduced mobility is any more difficult in Great Baddow than in other areas of the country.

5.2.45 Can ownership levels are high, and the area is not deprived. Most residents can easily drive to pharmacies in the surrounding area. Given that most people will travel out of Great Baddow for their 'weekly supermarket shop' they can access pharmaceutical services in the wider area as well.

5.2.46 The Vineyards is very well connected by public transport to Chelmsford, where residents will travel for destination shopping. There are several pharmacies in the town centre.

Difficulties accessing existing pharmacies

5.2.47 The appellant states that "there are no pharmacies which are reasonably accessible to the majority of the Great Baddow population" without having regard to the fact its proposed site is not central to the residential area.

5.2.48 If, for example, we consider the location of the leisure centre which, as can be seen on the map on page 5, [see Appendix D for Committee] is broadly central to the residential population:

5.2.48.1 Pillbox Pharmacy is located 0.6 miles away on foot.

5.2.48.2 Day Lewis Pharmacy is located 0.8 miles away on foot.

5.2.48.3 The Vineyards (proposed site) is 0.9 miles away on foot.

Note these are walking distances, not 'as the crow flies'.

5.2.49 The appellant's comment does not, therefore, reflect the reality.

5.2.50 The appellant quotes distances to pharmacies from its proposed site, but it is not clear why residents who require pharmaceutical services would start their journey at this site.

5.2.51 In conclusion, the burden of proof, to the extent this exists, rests with the applicant and we say that it has not provided evidence that will lead the committee to conclude the regulatory tests are met.

5.2.52 We have no further comments to make at this time and look forward to hearing the outcome of this appeal in due course."

5.3 HEALTHCARE PLUS CONSULTING LTD ON BEHALF OF PILLBOX PHARMACY LTD and GALLEYWOOD PHARMACY LTD

"Introduction

5.3.1 Thank you for your letter dated 16th October 2025. We act for Galleywood Pharmacy Ltd (t/a Galleywood Pharmacy) & Pillbox Ltd (t/a Pillbox Pharmacy) and have been instructed by our clients to respond to the above appeal.

5.3.2 To reiterate, as the Committee will be aware, the initial application above was submitted under Regulation 18 of the National Health

Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (the “Regulations”). Regulation 18 requires the Applicant to prove that granting the application will secure improvements, or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB area; whilst having regard in particular to the desirability of

5.3.2.1 there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB

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

5.3.2.3 there being innovative approaches taken with regard to the delivery of pharmaceutical services.

5.3.3 The meeting of the above criteria is a high bar. We agree with the ICB’s decision to refuse the application and do not believe the Appellant’s case meets the regulatory requirements and thus remain of the position that the application should be refused. We reattach our representations at local level for re-consideration by the Committee.

Great Baddow

5.3.4 First, we note that any grant of an application must secure significant benefits in the HWB area. In the Applicant’s case, this is the Essex HWB, and the relevant Pharmaceutical Needs Assessment is the Essex PNA (2025-2028).

5.3.5 The Essex PNA defines the Chelmsford borough as consisting of two main urban areas; the county town of Chelmsford and the town of South Woodham Ferrers (Essex PNA 2025-2028, Point 6.5 Chelmsford Locality, pg. 49).

5.3.6 When taking a closer look at the geography, we can see that Chelmsford town is naturally delineated by the major A12 road to the east and south. This is depicted in the map below. [see Appendix E for Committee] It is therefore very clear that the area which the Applicant is proposing to open a pharmacy is part of the Chelmsford town area.

5.3.7 While the Applicant identifies amenities within Great Baddow when describing the area, the list fails to detail the distances from the proposed site. For completeness, we have provided these distances below:

5.3.7.1 Hospital – 0.9 miles

5.3.7.2 Great Baddow High School – 1.1 miles

5.3.7.3 Meadgate Primary School – 0.8 miles

5.3.7.4 Baddow Hall Infant and Junior School – 0.4 miles

5.3.7.5 Leisure Centre; Hamptons (0.9 miles) and Reflections (0.8 miles)

5.3.7.6 Light industrial units – 0.9 miles

5.3.7.7 Chelmsford Office and Technology Park – 0.9 miles

5.3.7.8 Library – 0.1 miles

5.3.7.9 Garden Centre – 1.5 miles

5.3.7.10 Vets – 0.1 miles

5.3.8 Although the Applicant accepts that Pillbox Pharmacy is located 0.9 miles away from the proposed site, it is notably omitted from their list. When we consider that our client's pharmacy is the same distance as or even closer to the proposed site than these amenities, by the Applicant's logic, we submit that residents of Great Baddow already have access to a pharmacy in the area.

5.3.9 We also highlight that Great Baddow is not served by a single supermarket. While we accept that there are small convenience stores at The Vineyards, we submit that these are not locations where residents are likely to undertake their main weekly shopping. Thus, we note that these residents are clearly accustomed to travelling further afield to access a supermarket for their main shopping trips, such as ALDI (1.3 miles away) or in Chelmsford City Centre (1.8 miles away).

Demographics

5.3.10 The Applicant does not dispute that its proposed site is situated within the 9th decile of the 2019 Index of Multiple Deprivation. We also note that it remains in the 9th decile in the 2025 Index of Multiple Deprivation. This indicates that the area is affluent and local residents are unlikely to face any financial barriers to access.

5.3.11 We disagree with the assertion that local statistics should not be compared with national averages. In order to draw meaningful conclusions from the figures presented by the Applicant, it is essential to have a benchmark for comparison. With that being said, we have provided a table below to compare Great Baddow's statistics with the averages for England.

	Great Baddow	England
Car/van ownership	82.2%	76.5%
Very good/good/fair health	95.3%	94.9%
Not Disabled under the Equality Act 2010	83.5%	82.7%
Home Ownership (outright & with a mortgage or loan or shared ownership)	68.9%	62.3%

- 5.3.12 While the average number of residents aged 65 and above is slightly higher than the average for England, this does not of itself create a gap.

Planning Application

- 5.3.13 While there may be an application for new homes in the area, we submit this is merely a planning application which has not been approved.
- 5.3.14 Further, the Essex PNA (2025-2028) considered housing plans in the Chelmsford locality and concluded; "The impact of local housing development plans on provision of pharmaceutical services has been considered but has not identified any gaps in pharmaceutical services provision in the area during the lifetime of this PNA." (Essex PNA 2025-2028, Chelmsford Locality, pg. 62).

2025 Essex Pharmaceutical Needs Assessment (PNA)

- 5.3.15 We also highlight that as well as projected housing developments and population increases, the 2025 Essex PNA, which was published in September 2025, would have considered the impact of any closures on the need for pharmaceutical services.
- 5.3.16 However, no need was identified in the Chelmsford locality with the PNA concluding that; "No gaps in the provision of necessary pharmaceutical services have been identified in the Chelmsford locality. No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to relevant services across the Chelmsford locality." (Essex PNA 2025-2028, Chelmsford Locality, pg. 62)

Granted New Contract Application – (SHA/ 26507)

- 5.3.17 Regarding the reduction of pharmaceutical provision, the Committee will be aware of the extant grant of a new contract application within the Essex HWB (SHA/ 26507). We highlight this is within Chelmsford, which will reinstate pharmaceutical provision on Torquay Road, Springfield, CM1 6NF. As a result, any issues with capacity currently experienced at the pharmacies within the Essex HWB are likely to be resolved. This is therefore not a sound basis for a grant.

Opening Hours

- 5.3.18 We submit that the Applicant has proposed to open the minimum 40 core opening hours, from Monday-Friday. Therefore, during hours outside of Baddow Village Surgery - specifically on Saturdays - patients will not be able to access pharmaceutical services due to the limited core opening hours proposed by the Applicant. Consequently, they will still be required to travel to alternative pharmacies. Thus, we submit that the application does not secure any improvements or better access to pharmaceutical services by way of core opening hours.
- 5.3.19 We also note that supplementary hours may be withdrawn at any given notice by the contractor, meaning they do not 'secure' any benefits.

Access to Pharmaceutical Provision

- 5.3.20 When considering patient access, we reiterate that there is already a pharmacy located within Great Baddow, The Pillbox Pharmacy, just 0.9 miles away from the Applicant's proposed site. Thus, patient journeys by car, public transport, and foot are very good, and access to alternative pharmacies is unlikely to pose any significant difficulties.
- 5.3.21 Regarding patient access, the Essex PNA concluded that residents live within a short travel time whichever method of transport they choose (Essex PNA 2025-2028, Point 6.5, Chelmsford Locality, pg. 53):
- "99.9% of the Essex population could get to a pharmacy in a 20-minute drive."
 - "93% (Weekday Morning) within a 30-minute public transport journey."
 - "83% within a 20-minute walk."
- 5.3.22 Using the Applicant's proposed site, we submit that all the above criteria are met and in line with the relevant PNA. Thus, there is clearly no unforeseen benefit provided by this application when considering access to pharmaceutical provision. We have analysed patient journeys to both our clients' pharmacies below.

By Car

- 5.3.23 We reiterate that there are clearly high levels of car ownership within Great Baddow (82.2% with one or more cars), indicating a highly mobile population which primarily travels by car. This is also reflected in the representations provided by the Applicant, where many residents highlight that they currently use their car to access pharmaceutical provision. From the Applicant's proposed site, both of our clients' pharmacies are within a 5-minute drive, with Pillbox Pharmacy being just 3-minutes away and Galleywood Pharmacy 5-minutes away. Both journeys are well within the travel times as outlined in the Essex PNA, thus demonstrating very good access to pharmaceutical provision.

By Public Transport

- 5.3.24 We submit that both of our clients' pharmacies are situated along the main bus route that travels through Great Baddow. We note that any patient who can access the proposed site, the Vineyards, will not find our clients' pharmacies significantly less accessible.
- 5.3.25 The Applicant does not dispute that the C7 Chelmsford Shuttle Bus operates every 20 minutes –and is therefore a highly frequent service. This is also supported by the comments from the local community provided by the Applicant, who also noted that the C7 service is "good" (Appendix 1, pg. 65).
- 5.3.26 We reiterate that the C7 Chelmsford Shuttle bus service stops directly outside the Applicant's proposed site at the Vineyards bus stop. The journey to Pillbox Pharmacy itself is only 5-minutes, stopping directly outside the pharmacy at the Meadgate Shops bus stop. We submit that

an additional 5-minutes travel time via a frequent bus service is not significant in any way, and thus patients already have a reasonable choice and very good access to Pillbox Pharmacy. This journey is depicted in the image below. [see Appendix E for Committee]

- 5.3.27 We also note that Galleywood Pharmacy can be reached by the C7 Chelmsford Shuttles bus service. From the Vineyards, the journey to Galleywood Pharmacy is just a 12-minute bus journey, which also stops directly opposite Galleywood Pharmacy at the Skinner Lane Shops bus stop. We submit that an additional 12-minutes travel time along a frequent bus service is not significant, and thus represents a reasonable choice and very good access to Galleywood Pharmacy. This journey is also depicted in the image overleaf. [see Appendix E for Committee]
- 5.3.28 We can clearly see that hardly any additional walking is required along these journeys, and therefore those with mobility issues are highly unlikely to find this journey physically burdensome.
- 5.3.29 With regard to the hourly C6 Chelmsford Shuttle Bus, while not as frequent, we note that residents who choose to live in this area will be aware of this service. However, if these residents are able to access the Vineyards, it is reasonable to conclude that they can also utilise the C7 public transport service.
- 5.3.30 Again, these journeys are well within the travel times as outlined in the Essex PNA, thus demonstrating very good access to pharmaceutical provision by public transport.

By Foot

- 5.3.31 The journey by foot from the Applicant's proposed site to Pillbox Pharmacy is a 20-minute walk. It is well-lit, characterised by flat terrain with wide footpaths. We submit that we are unaware of any barriers to access along this journey. Further, this journey is within the travel time as outlined in the Essex PNA, thus demonstrating good access to pharmaceutical services by foot.

Baddow Village Surgery

- 5.3.32 Baddow Village Surgery is a dispensing GP practice, which can dispense medication to patients residing further than 1 mile away (1.6 kilometres) from the nearest pharmacy.
- 5.3.33 The Committee will be aware that patients who live within a 1.6km radius of a pharmacy are not eligible to receive medicines from their GP. When looking at a 1.6km radius of Pillbox Pharmacy, we can see that the areas to the east and southeast of Great Baddow fall outside this radius and thus can receive prescriptions from the surgery.
- 5.3.34 As can be seen above, residents to the south of Maldon Road and Church Street (known as the Maltings Estate) are outside the 1.6km radius and therefore meet the eligibility criteria, allowing them to obtain their prescriptions directly from the surgery. It is also of note that

Baddow Village Surgery provides a free delivery service for housebound patients on repeat prescriptions.

5.3.35 Should these patients wish to access a pharmacy, we reiterate that if they are able to access the Vineyards then they would also be able to utilise the C7 Chelmsford Shuttles Bus service to reach both our clients' pharmacies.

5.3.36 Figure 6: Image showing areas in Great Baddow outside 1.6km radius of Pillbox Pharmacy Black Marker – depicts Pillbox Pharmacy (CM2 7LJ) Yellow Marker – depicts Baddow Village Surgery (CM2 7EZ) [see Appendix E for Committee]

The Pillbox Pharmacy

5.3.37 The increase in the number of items dispensed at Pillbox Pharmacy clearly indicates that residents are now accustomed to accessing pharmaceutical services at our client's pharmacy. However, it is of note that this increase does not represent the entirety of those at the former Boots site, therefore, clearly indicating that patients are exercising their reasonable choice when accessing pharmaceutical services.

5.3.38 Whilst we acknowledge that there was a period of adjustment following the sudden closure of the Boots Pharmacy, our client has since undertaken a refit of their premises to better enhance workflow for the increased volume and patients are now being served within 15 minutes. We also acknowledge that during this adjustment period advanced services were not as readily delivered due to Pillbox Pharmacy ensuring essential services were being secured effectively. We submit that workflow has now stabilized for essential services and Advanced services are currently being provided. It is of note that the Pillbox Pharmacy have been offering Pharmacy First services as of September 2025.

5.3.39 It is important to highlight that Pillbox Pharmacy provides a free delivery service to all patients. We are unaware of any difficulties that patients are currently experiencing when accessing pharmaceutical services and, to substantiate this position, our client has conducted a patient survey.

Patient Survey

5.3.40 Our client has undertaken a patient survey to gather data on patient satisfaction, how they access the pharmacy, where they do their weekly shopping and the location of their GP Practice. We note that there were 59 respondents.

5.3.41 When asked about their satisfaction with the service provided by Pillbox Pharmacy and to share their average wait times, the results are as follows:

5.3.41.1 100% were satisfied with the service provided by Pillbox Pharmacy

5.3.41.2 100% had an average wait time of 0-15 minutes

5.3.42 When asked to elaborate on their satisfaction with the pharmacy, we submit that all respondents provided very positive feedback detailing their experiences at our client's pharmacy. While we have only highlighted a few comments below, we invite the Committee to read these in full.

5.3.42.1 "Hands down the best pharmacy I have ever used everyone it's so personable it's such a friendly helpful and caring environment I can not fault them at all. It's how every pharmacy should be It's an absolutely gem." – Survey 47

5.3.42.2 "Yes. Staff are very lovely, got my prescription in good time. No complaints" – Survey 10

5.3.42.3 "The service is excellent which is why I travel there rather than go to a pharmacy more local to me." – Survey 34

5.3.43 We also note that 100% of patients answered that they had an average wait time of 0-15 minutes when inside the pharmacy, and 31% of these waited just 0-5 minutes. Such short wait times are clearly demonstrative of very good access to pharmaceutical service at Pillbox Pharmacy. Thus, we disagree with the Applicant's claim that the level of demand justifies describing the pharmacy as overwhelmed.

5.3.44 When asked what method of transport they use to access the pharmacy, the survey revealed that most travelled by car. We note that some of these residents provided more than one answer:

5.3.44.1 61% travelled by car

5.3.44.2 36% travelled by foot

5.3.44.3 2% travelled by public transport

5.3.44.4 2% travelled by bike

5.3.45 We can clearly see that the majority of those accessing pharmaceutical services at Pillbox Pharmacy are travelling by car, reflecting the high levels of car ownership in Great Baddow. This further indicates that the local population are indeed highly mobile.

5.3.46 When asked how they find this journey, we submit that 0 respondents revealed any difficulties when accessing the pharmacy. While just one patient stated; "Good, but I do choose the time of day when Road and car park are likely to be quieter" (Survey 17), we submit that the busier hours of the day can be easily avoided and thus does not present any significant difficulties when accessing pharmaceutical provision.

5.3.47 Despite such high levels of car ownership, we submit that 36% of respondents in fact travel by foot – which proved to be the second highest method of transport. It is likely that many residents are therefore

choosing to walk to the pharmacy despite owning a car, thus demonstrating very good access to pharmaceutical provision.

5.3.48 When asked how they find their journey, we submit that 0 respondents revealed any difficulties when accessing the pharmacy by foot, with many describing the walk as “easy”, “good”, and even “enjoyable”. This also indicates that there are no barriers to access along this journey. In particular, we highlight Mr Furlong in Survey 7, who described his journey as an “easy walk”. From the postcode provided, this resident lives a 20-minute walk away from Pillbox Pharmacy (CM2 7HP).

5.3.49 When asked where they do their weekly shopping, the survey revealed that residents are accessing multiple supermarkets. We note that some of these residents provided more than one answer:

5.3.49.1 47% shopped at ALDI (nearest is 1.3 miles away)

5.3.49.2 36% shopped at Tesco (nearest is 1.8 miles away in Chelmsford)

5.3.49.3 10% shopped at Lidl (nearest is 1.5 miles away in Moulsham)

5.3.49.4 12% shopped at Sainsbury’s (nearest is 4.1 miles away in Springfield)

5.3.50 As per the survey, we submit that nearly all residents travel between 1.3-4.1 miles to access their weekly shopping. Notably, almost half of respondents shop at ALDI, which is located 1.3 miles away from the Applicant’s proposed site.

5.3.51 We submit that only two respondents utilise Morrisons daily in the Vineyards for their shopping. We highlight that one of these residents added that they utilise Morrisons “sometimes” (Survey 39).

5.3.52 Further, just one resident revealed that they utilise the Co-op Food in the Vineyards for their shopping. It is therefore evident that the Vineyards location is not accessed for main shopping trips, and residents will still be required to regularly travel at least 1.3 miles to access a supermarket.

5.3.53 When asked where their GP surgery is located, the survey revealed that residents are accessing a variety of surgeries. It is of note that just over half (51%) are utilising Baddow Village Surgery. We note that the other 49% of respondents access GP surgeries within and outside of Chelmsford, and therefore travel between 1.6-15.8 miles.

Summary of Patient Survey

5.3.54 To summarise, we reiterate that 100% of those surveyed were satisfied with the level of service provided by Pillbox Pharmacy, which can also be attributed to the fact that 100% of patients had an average wait time within 15-minutes.

- 5.3.55 We submit that the majority of patients travelled by car, indicating a highly mobile population with vehicular access. Those travelling by foot did not reveal any difficulties or barriers to access along the journey.
- 5.3.56 As mentioned, Great Baddow does not have a supermarket, and thus the survey clearly shows that residents are indeed travelling out of Great Baddow to undertake their main shopping trips and thus mobile.
- 5.3.57 Further, we can see that nearly half of those surveyed are travelling to GP surgeries within and outside of Chelmsford.
- 5.3.58 From the findings detailed above, we submit that residents of Great Baddow already have very good access to pharmaceutical provision. Thus, we disagree that the Applicant's proposed pharmacy will provide better access to pharmaceutical services.

Google Reviews

- 5.3.59 We highlight that our client's pharmacy has a 4.9/5 Star Google Review rating – one of the highest we have seen for a Pharmacy as a consultancy. Below we have included a snapshot of reviews [see Appendix E for Committee] from August-September, during the period which the Applicant received representations from patients.
- 5.3.60 They clearly show that Pillbox is a very popular pharmacy, providing an excellent level of service to the community. Unlike the representations solicited by the applicant, we submit that Google Reviews invite users who have had both good and bad experiences, thus giving a more balanced and reliable view of patient sentiment. We also invite the Committee to read all the reviews in full on Google to paint the picture as a whole

Galleywood Pharmacy

Patient Survey

- 5.3.61 Our client has also undertaken a patient survey to gather data on patient satisfaction, how they access the pharmacy, where they do their weekly shopping and the location of their GP Practice. We note that there were 147 respondents.
- 5.3.62 When asked if satisfied with the level of service provided by Galleywood Pharmacy and to detail their average wait time, the findings are:
- 5.3.62.1 100% were satisfied with the service provided by Galleywood Pharmacy
- 5.3.62.2 100% had an average wait time of 0-15 minutes
- 5.3.63 When asked to elaborate on their satisfaction with the pharmacy, we submit that all respondents provided very positive feedback detailing their experiences at Galleywood Pharmacy. While we have only highlighted a few comments below, we invite the Committee to read these in full.

5.3.63.1 “Extremely satisfied, I have worked for the NHS for 23+ years and I am well aware of the standards demanded by the NHS that are very much instilled into its employees and affiliates. I find the level of professionalism, ethos and ethics, patient care, diligence, staff knowledge, availability of products, willingness to assist patients and an excellent electronic system to be of a consistently exemplary standard. GWP continues to provide a very high level of service to the public and they are an integral part of, as well as a major asset to the local community.” (Survey 105)

5.3.63.2 “Always helpful, friendly and never have to wait” (Survey 104)

5.3.63.3 “Undoubtedly. Warm welcome , highly efficient, sensitive and professional.” (Survey 12)

5.3.64 Similarly to Pillbox Pharmacy, we submit that 100% respondents revealed that their average wait time is between 0-15 minutes, of which 96% waited between 0-5 minutes.

5.3.65 When asked what method of transport they use to access the pharmacy, the survey revealed that most travelled by car. We note that some of these residents provided more than one answer:

5.3.65.1 59% travelled by car

5.3.65.2 38% travelled by foot

5.3.65.3 2% travelled by public transport

5.3.65.4 2% travelled by mobility scooter

5.3.66 We can clearly see that the majority of those accessing pharmaceutical services at Galleywood Pharmacy are travelling by car, again, indicating that the local population are highly mobile. When asked how they find this journey, many residents stated it is “easy” and “good”, also noting that it is “easy to park” and has “great parking”.

5.3.67 We highlight that only two residents stated that they use the Co-op in vineyards and just one uses the Morrisons daily in vineyards. We reiterate that the amenities at the Applicant’s proposed site are not accessed for main shopping trips, thus the vast majority of residents will still be required to regularly travel to access a supermarket.

Summary of Patient Survey

5.3.68 We reiterate that 100% of those surveyed were satisfied with the level of service provided by Galleywood Pharmacy, which can also be attributed to the fact that 100% of patients had an average wait time within 15-minutes. Again, the vast majority of residents do their weekly shop outside of Great Baddow as the area lacks a supermarket. This will continue to be the case.

- 5.3.69 As per the survey findings, we submit that patients already have good access to pharmaceutical services. Therefore, we disagree that the Applicant's proposed pharmacy will provide better access to pharmaceutical provision.

Google Reviews

- 5.3.70 We highlight that our client's pharmacy has a 4.7/5 Star Google Review rating – also one of the highest we have seen with regards to a pharmacy. Again, we have included a snapshot of reviews from August-September below [see Appendix E for Committee], during the period which the Applicant received emails from local residents. Like Pillbox, they reveal that they are a popular pharmacy providing an excellent level of service to the community. We also invite the Committee to read all the reviews in full on Google to paint the picture as a whole.

Solicited Representations

- 5.3.71 We note that the Applicant has provided 175 representations from the population of 14,953 residents. This is not a significant proportion of the area. Should the Committee place weight on the number of representations received, we trust that the Committee will also consider that the vast majority of Great Baddow's population are not represented.
- 5.3.72 We also note that the sample is likely to be biased since emails were solicited to support the pharmacy. The emails therefore only represent the most supportive members of the local population without reference to the remainder of the populations who are likely to be indifferent to a new pharmacy.
- 5.3.73 As per the posters above [see Appendix E for Committee], we submit that the phrasing of the bullet point examples is leading and can influence respondents' answers. We note a number of the points in the letter and poster are echoed in some responses. Furthermore, some of these prompts suggest quite an extreme experience, for example, 'anything else you think important and caused you harm or near harm'. This poster has therefore distorted the responses, making them unreliable.
- 5.3.74 When we consider that the Applicant has not proposed any core opening hours on weekends, we submit that the prompts; 'transport issues at weekends when it is even harder to access medicines' and 'struggles at weekends to get medicines' is also irrelevant. Even if such a difficulty existed, the Applicant would be unable to address it.
- 5.3.75 We submit that the Applicant's invitation for representations steers respondents toward negative experiences rather than providing a full account of experiences. This approach does not reflect a balanced perspective nor the wider community and therefore the conclusions reached in the Applicant's representations should be carefully considered with this in mind.
- 5.3.76 We also submit that there are a number of issues with the emails provided as detailed in the analysis in Appendix 1 [see Appendix F for

Committee] and summarised below. Our analysis concludes that many respondents are not currently experiencing significant difficulties and, therefore, will not confer significant benefits. We invite the Committee to read this analysis in full, however we have summarised the main issues here.

Convenience

- 5.3.77 A sentiment of inconvenience from the Boots closure is shared across most of the emails provided, with many of these residents detailing their preferences for convenient access. The Committee will be aware that an application will be granted if it is considered that it “would confer significant benefits on persons in the area of the relevant HWB....”. The regulatory requirements are simply not satisfied from a preference for a conveniently located pharmacy, especially within an area where pharmaceutical provision already exists.

Access to Transport

- 5.3.78 Many residents in the representations provided reveal that they have vehicular access. When we consider that there are two pharmacies within a 5-minute drive of the proposed site, the present application would not offer a significant benefit.
- 5.3.79 As outlined above, it logically follows that if residents are able to access the Vineyards, then they can also utilise the C7 bus service which already stops directly at this location and travels directly to alternative pharmacy provision.

Opening Hours

- 5.3.80 Many residents reveal that they would benefit from a new pharmacy providing Saturday opening hours. We reiterate that the Applicant has not proposed any core opening hours above the minimum of 40, and none on Saturdays. In fact, even a local resident states; “If it is expecting to be an ordinary shop that is opened from 9 am to 5 pm Monday to Friday I will not be able to support it fully...” (pg. 66).
- 5.3.81 We address each email provided by the Applicant individually in Appendix 1. We invite the Committee to review this analysis with great consideration as it shows residents currently experience no significant difficulties when accessing pharmaceutical services.

Conclusion

- 5.3.82 To conclude, we reiterate that this application does not meet the high bar required for applications submitted under Regulation 18.
- 5.3.83 As defined by the Essex PNA (2025-2028), Great Baddow is part of the Chelmsford locality which is served by 23 community pharmacies, with one of these in Great Baddow. When we consider that Pillbox Pharmacy is less than a mile away from the Applicant’s proposed location, we submit that these residents already have good access to pharmaceutical provision.

- 5.3.84 This is further supported by the fact that access to Pillbox Pharmacy falls well within the travel time criteria as stipulated by the Essex PNA by car, public transport, and foot. We also note that Galleywood Pharmacy is within these travel times by car and public transport, which further provides a choice of alternative provider.
- 5.3.85 It is undisputed that Great Baddow is affluent, ranked within the 9th decile according to the 2019 and 2025 IMD. The demographics of Great Baddow's population denote high levels of car ownership, high rates of very good/good/fair health and low levels of residents disabled under the Equality Act 2010 when compared to national averages.
- 5.3.86 To better understand those accessing our clients' pharmacies, a patient survey was conducted. The findings clearly reveal that patients are satisfied with the level of service provided, with 100% experiencing an average wait time of just 0-15 minutes. We reiterate that this is not a wait time typically associated with an overwhelmed pharmacy. The survey also revealed that the vast majority of residents travel out of Great Baddow for supermarket shopping and access GP services within and outside of Great Baddow. This is notwithstanding the snapshots of unbiased positive Google Reviews within the timeframe that the Applicant received support from the local community.
- 5.3.87 We submit that the majority of support included in the Applicant's representations relates primarily to convenient access to a pharmacy as opposed to one that would confer significant benefits. Further, most residents have vehicular access and are therefore highly mobile.
- 5.3.88 We reiterate that the Applicant is proposing to open the minimum 40 core hours, Monday-Friday, which does not reflect the days and hours which the local community express they would prefer. Thus, we do not believe that residents would confer significant benefits from this application.
- 5.3.89 We submit that Regulation 18 has not been met and invite the Committee to refuse this application."

5.4 COMMUNITY PHARMACY ESSEX

- 5.4.1 "Thank you for inviting the committee's representations in respect of the above appeal. The committee notes that deadline for representations is 15th November 2025 and trust that you will confirm safe receipt of this correspondence within the above deadline.
- 5.4.2 We append separately our initial comments to Mid and South Essex ICB with regard to this application. [see 5.4.21 below]
- 5.4.3 Our representations below are therefore in respect of the appeal document submitted by the appellant.
- Population of Great Baddow
- 5.4.4 The comment regarding potential development of 360 new homes is not relevant to this application, attached is the housing analysis statement

which forms appendix G of the 2025 Essex Health and Wellbeing board which identifies significant developments for the lifetime of the 2025-2028 PNA and does not include this development. [see Appendix G for Committee]

- 5.4.5 Residents may consider Great Baddow as a “village” however it now forms part of the built up area of Chelmsford as defined by the Office for National Statistics.
- 5.4.6 The appellant gives some information regarding prescriptions generated by Baddow Village GP surgery, c 26,000 items per month, and the dispensing activity of the previous Boots branch in The Vineyards, 9,500 per month, indicating that a majority of the Baddow Village GP surgery prescriptions were dispensed at pharmacies other than at The Vineyards.
- 5.4.7 With regard to pharmacy premises in the Chelmsford locality of the Essex Health and Wellbeing board area indeed there were 9 closures between 2022 and 2024, largely as part of consolidation/rationalisation by national pharmacy chains and one consolidation of a pharmacy previously admitted under the “100 hour” exemption. Since 2024 an application has been approved (on appeal) for a new pharmacy in North Chelmsford, and further applications are being considered in North Chelmsford in an area that was until recently a controlled location.

Effects of closures on Pillbox Pharmacy

- 5.4.8 Pillbox Pharmacy was indeed affected by the closure of two Boots branches, that at The Vineyards in Great Baddow and another, smaller branch in Moulsham Street, CM2, which dispensed c4000 prescription items a month, with only the 3 months’ notice required in regulations to accommodate this additional capacity.
- 5.4.9 Pillbox Pharmacy actively requested support from the Local Pharmaceutical Committee, the Primary Care Network clinical pharmacist and primary care managers from the Mid and South Essex integrated care board to mitigate the impact of this on patients.
- 5.4.10 A decision was taken to delay the implementation of some advanced services, such as pharmacy first and vaccination services, to allow for migration of prescriptions including the additional workload to set up new patient medication records and EPS nominations, and other unforeseen administrative work such as amendment of manufacturers’ supply quotas.
- 5.4.11 Pillbox Pharmacy also undertook a major premises refit to accommodate this additional demand, and increased its non-contractual, free of charge delivery service to residents who would otherwise have difficulty accessing medicines. There is an incorrect statement in one of the patient comments provided by the appellant that this service does not extend to those who previously used the Boots pharmacy at the Vineyards.

- 5.4.12 Pillbox Pharmacy now offers NHS Pharmacy First Advanced Service, NHS Pharmacy Contraception Advanced Service, NHS Hypertension Advanced Service and NHS flu vaccination Advanced Service. Resident survey.
- 5.4.13 We are aware that the appellant has been very active in seeking input from the local residents and businesses in Great Baddow, in addition to the poster and leaflets referenced in the appeal document there have also been (unauthorised) requests attached to lampposts, and several posts on the Baddow and Sandon Community Facebook page.
- 5.4.14 We would like to remind the panel of comments made in appeal 18446: "...Whilst noting the comments, the Committee was mindful that this represented a very small sample of people and most respondents when presented with the question of whether they would like additional services are likely to respond positively..."
- 5.4.15 According to the appellant this activity has yielded 175 responses: this represents just under 1.2% of the resident population of Great Baddow: The panel may wish to consider whether this is too small to be considered representative.
- 5.4.16 We are confident that other interested parties will include this in their own comments, but would bring to your attention the unsolicited reviews attached to both Pillbox and Galleywood pharmacies, many from patients who changed pharmacy following the closure of the previous Boots in The Vineyards.
- 5.4.17 The previous pressure on other pharmacies has been addressed above, and it is both subjective and incorrect to state that PillBox is overwhelmed. The changes in both the premises and service offer at Pillbox is now embedded, and importantly is sustainable at current or increased activity levels.
- 5.4.18 The appellant makes reference to health risks due to delayed access to medications. Challenges with wait times, delays and availability of medicines is well documented, including a Royal Pharmaceutical Society report published November 2024, a Community Pharmacy England report published June 2025 and an All Party Parliamentary Group report published July 2025. This has been a national issue in recent years and is not due to or unique to the pressure on remaining pharmacies in Chelmsford.
- 5.4.19 In summary we feel that the appellant has not identified any error in the ICB's processes in reaching its decision, and is therefore relying on comments that have been actively requested from a small sample of residents and local businesses.
- 5.4.20 We would wish to attend an oral hearing should one be considered necessary."

In a letter to the Commissioner dated 11 July 2024, Community Pharmacy Essex stated:

5.4.21 “Thank you for inviting the committee’s comments in respect of the above application. The committee notes that the deadline for submission for comments is 14th July 2024 and trust that you will confirm safe receipt of this submission within the above deadline.

5.4.22 This application has been discussed by the committee at its meeting 10th July 2024 less those who declared an interest in this application, and we would like to submit the following comments:

Location of premises

5.4.23 The applicant has provided detail of premises: However these are within 1.6km of a controlled locality. Community Pharmacy Essex has requested a review of the controlled locality, and this should be undertaken before the application is considered.

Proposed core opening hours

5.4.24 The applicant has proposed 40 core opening hours per week, and a further eight supplementary hours including weekdays 12 noon to 1pm and Saturday mornings 9am to 1pm. There is no proposal to include hours that would improve access to services in the evenings or at weekends which are not currently provided by other pharmacies nearby.

Proposed services to be provided at the premises

5.4.25 The applicant has described how they will provide stoma customisation, which is an advanced service under the regulations, via a third party, however it is not clear whether the applicant is intending to provide appliances or not, the commissioner may wish to seek clarity on this.

5.4.26 The applicant has also stated that they will provide a covid-19 vaccination service as an advanced service. This service is commissioned by Integrated Care Boards as a National Enhanced Service.

Close proximity to other listed chemist premises

5.4.27 The best estimate for the application (if accepted) is not at any premises adjacent to, or in close proximity to, premises on the Pharmaceutical List, and therefore the application does not need to be refused according to regulation 31.

Unforeseen benefits

5.4.28 The applicant refers to the closure of the former Boots branch at The Vineyards. Despite the comment that operations ceased “abruptly.” In fact the 3-month notice period required by regulations was served.

5.4.29 The Essex Health and Wellbeing board PNA steering group met on in November 2023 and April 2024 to review changes since the PNA was published and has issued a supplementary statement with regard to the

closure of Boots pharmacy at 8 The Vineyards, however the steering group concluded that:

5.4.29.1 “No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to necessary pharmaceutical services across the locality”

5.4.30 The applicant is incorrect in their assertion that the PNA steering group failed to adequately investigate or provide evidence regarding the impact of this or other closures: The steering group includes broad representation including patient representation through Healthwatch, and Essex HWB PNA steering group actively meets to thoroughly discuss and review the PNA and supplementary statements on a 6-monthly basis.

18(2)(a) Detriment to proper planning or arrangements for provision of pharmaceutical services.

5.4.31 We have no comments with regard to this other than to reiterate that a request for a review of the controlled locality within 1.6km of the premises is undertaken prior to determining this application.

18 (2)(b)(i) Reasonable Choice

5.4.32 The application is factually incorrect in its description of the nearest pharmacies to the proposed location. While Pillbox Pharmacy is indeed the nearest pharmacy, it is incorrect to state that Colecross is the next nearest: Day Lewis Pharmacy in Gloucester Avenue CM2 9LG (1 mile), Boots at Chelmer village retail park CM2 6XE (1.2miles), and Shanty's, 62 Baddow Road CM2 0DL (1.3miles) are all closer than Colecross.

5.4.33 There are a further 5 pharmacies (in addition to Colecross) within 2 miles of the premises.

5.4.34 In addition essential services are available from distance selling pharmacies to anyone in England who requests them.

5.4.35 The applicant refers to low provision of advanced service at Pillbox pharmacy during December 2023:

5.4.36 It should be noted that Pillbox pharmacy undertook an extensive refit during January 2024 specifically to accommodate the additional workload and capacity coming to the premises, and a single month of low service provision during the transition period and immediately prior to a refit should not be considered representative of ongoing activity and service provision by Pillbox pharmacy.

5.4.37 The applicant also refers to comments made at the Essex County Council Health Scrutiny Board, which received attention in the local press at the time: These comments were made erroneously by the ICB Director of Primary Care, and corrections were made and published within 24 hours, however the applicant has not chosen to include this correction.

18 (2)(b)(ii) People Sharing a Protected Characteristic

- 5.4.38 The applicant has described the population of Great Baddow but has not identified any difficulties accessing services specific to those sharing protected characteristic.

18 (2)(b)(iii) Innovative Approaches with regard to the delivery of pharmaceutical services

- 5.4.39 The applicant has not proposed any innovative approaches in the delivery of pharmaceutical services.

Conclusion

- 5.4.40 There are some factual inaccuracies in the application relating to service provision, proximity to and services offered by nearby pharmacies, Pharmaceutical Needs Assessment reviews and reporting of Pharmacy First service engagement.

- 5.4.41 This application proposes unforeseen benefits, however these appear to be limited to the closure of the Boots pharmacy at the Vineyards. Since that closure the Essex Health and Wellbeing board have issued a supplementary statement to the PNA and not identified any gap in provision in the locality.

- 5.4.42 There are ten pharmacies within a two-mile radius of the proposed premises, well-served by public transport, which offer choice and reasonable access to services.

- 5.4.43 We therefore feel that the requirements for an unforeseen benefits application have not been met, and this application should be refused.

- 5.4.44 The committee looks forward to receiving your deliberations on this application.”

5.5 NORTH & SOUTH ESSEX LMC

- 5.5.1 “Thank you for your letter dated 16th October 2025, inviting representations on the appeal for the above pharmacy application in Great Baddow.

- 5.5.2 The applicant has submitted their appeal pursuant to Regulation 18 and the appeal will be determined in accordance with the Regulations.

- 5.5.3 In reaching a determination of the application, the ICB concluded that the provisions of Regulation 18 had not been met and determined that the application for a pharmacy in Great Baddow should be refused. They were satisfied that:-

- 5.5.3.1 Granting the application would not confer significant benefits or secure improvements in the area, which were not foreseen in the Essex HWB PNA of 2022 – 2025.

- 5.5.4 The PNA for 2025 – 2028 has now been published, which concluded:-

Housing

The impact of local housing development plans on provision of pharmaceutical services has been considered but has not identified any gaps in pharmaceutical services provision in the area during the lifetime of this PNA.

- No gaps in the provision of necessary pharmaceutical services have been identified in the Chelmsford locality.*
- No gaps in pharmaceutical services have been identified that if provided either now or in the future would secure improvements or better access to relevant services across the Chelmsford locality.*

5.5.5 Medical services are provided to residents of Great Baddow by Baddow Village Surgery, which provides a full range of dispensing services and the full range of services that pharmacies can offer via Pharmacy First. There is good availability and choice of pharmaceutical services within two miles of Great Baddow and the LMC is not aware of any formal complaints regarding access being made to the ICB. A pharmacy in Great Baddow may be convenient to residents, but this is not a matter for consideration within the Pharmaceutical Regulations 2013. The Regulations do provide that patients who experience “serious difficulty” in accessing pharmaceutical services can choose to apply to the local dispensing GP practice to join the list of dispensing patients.

5.5.6 The view of the LMC remains that there is no gap in the provision of pharmaceutical services in the area and the appeal on the application for unforeseen benefits should be refused.”

6 Observations

Observations were received by NHS Resolution in response to the representations received on appeal.

6.1 TEMPLE BRIGHT ON BEHALF OF THE APPLICANT

6.1.1 “I write further to your letter of 20th November 2025 and in order to respond to representations submitted by interested parties on my client’s appeal. In responding to those representations, I have sought to address the matters raised by interested parties without repeating matters which are already contained in my client’s letter of appeal. I have also sought to avoid repeating responses where interested parties have made the same general comments.

6.1.2 Taking each letter in turn, my client comments as follows.

LMC

6.1.3 The Baddow Village Surgery cannot “provide a full range of dispensing services and the full range of services that pharmacies can offer via pharmacy first” for the simple reason that it can only provide dispensing services to patients who live in a controlled locality and who live more than 1.6km from a pharmacy. Since none of the built-up area of Great

Baddow is a controlled locality, no patients living in that community can use the GP dispensing services.

- 6.1.4 My client disagrees that there is “good availability” or a reasonable choice of pharmaceutical service provision either in or to Great Baddow for the reasons given in my client’s letter of appeal.
- 6.1.5 It is submitted that convenience is not an irrelevant factor, particularly having regard to the size and nature of the local population, the presence of a large GP surgery, the range of shops and other services within the immediate vicinity of the proposed location, the fact that there was a pharmacy at the proposed location for many years until it was closed down and the distance to existing pharmacies.
- 6.1.6 The LMC refers to the possibility that patients who experience “serious difficulty” can apply to the NHS to receive dispensing services from the Baddow Village Surgery, but that is a different regulatory test than whether, for example, patients have a reasonable choice of service provision and is not a substitute for a reasonable choice of pharmaceutical service provision from a pharmacy.

Day Lewis

- 6.1.7 My client does not assert that Great Baddow is an “island”. Indeed, my client’s letter of appeal makes it clear (both by description and by reference to a Google maps satellite image) that Great Baddow is part of Chelmsford (albeit that it has a strong identity as a “village” in its own right and is located at the southeastern edge of the city).
- 6.1.8 For the reasons given in my client’s application and letter of appeal, my client does not agree with the submissions by Day Lewis that there are “no physical or social barriers to movement” for residents of Great Baddow who require access to pharmaceutical services.
- 6.1.9 It is helpful of Day Lewis to have provided a map showing the Great Baddow ward boundaries and the location of existing pharmacies, because this shows that there is only one pharmacy in Great Baddow (a community of some 15,000 residents) and that my client’s proposed location is within a more central location compared to Pillbox Pharmacy, which is at the northwestern edge of Great Baddow.
- 6.1.10 To be clear, the reason why it is not helpful to compare Great Baddow’s demographics with national demographics is because of the number of people who live in Great Baddow. To explain this further, I have provided – in the letter of appeal – the actual numbers of patients “behind” the census percentages. This information is provided to demonstrate that we are talking about large numbers of people overall who, for example, have bad or very bad health, do not have a car, have a disability, etc. The fact that there are other communities which have a higher percentage of these groups entirely misses the point being made in the letter of appeal.

- 6.1.11 Day Lewis refers to the index of multiple deprivation for a Lower Super Output Area. However, the population of this LSOA is less than 1,700, so represents only just over 10% of the Great Baddow population.
- 6.1.12 Day Lewis is wrong to assert that “many” of the amenities referred to at page 3 of the letter of appeal are located “as close to Day Lewis pharmacy as they are the proposed site”. Most importantly, of course, the shopping centre and GP surgery are in the vicinity of the proposed location.
- 6.1.13 In relation to food shopping, there are two important points to note. Firstly, there is a large Co-op convenience store and a Morisson’s Local convenience store at the proposed location which, together with a butchers and greengrocers (and a range of other shops and services) meet daily needs. Secondly, of course, people do not need to physically visit a supermarket to carry out their weekly shop since many people carry out their grocery shopping online.
- 6.1.14 According to available data (eg a recent Savills report - [Savills France | Spotlight: UK Grocery Report – 2025](#)) over 10% of grocery shopping is carried out solely online.
- 6.1.15 It is also important to note that it is unlikely that patients will require access to pharmaceutical services whilst carrying out a weekly grocery shop, but they are highly likely to require access to pharmaceutical services in the vicinity of the proposed site after leaving the Baddow Village Surgery.
- 6.1.16 Contrary to the assertion by Day Lewis, the proposed location is geographically well placed to serve Great Baddow given its location in the shopping centre and close to the GP surgery.
- 6.1.17 In relation to services provided by Day Lewis Pharmacy, I note that Day Lewis Pharmacy is located 2.5km from the proposed location, meaning a round trip of 5km (or 1 hour and 10 minutes). Given these distances, it is submitted that the services provided by the Day Lewis Pharmacy do not secure the pharmaceutical needs of the Great Baddow population. A route map is shown below. [see Appendix H for Committee]
- 6.1.18 It is also of note that Day Lewis Pharmacy cannot be accessed by public transport from the proposed location, meaning that this pharmacy can only be accessed by car from Great Baddow. Whilst there is a car park at the Day Lewis Pharmacy site, it is small and often full.
- 6.1.19 The fact that Day Lewis Pharmacy is not easily accessible to residents of Great Baddow (and nor does it provide a reasonable choice for the population) is evident from dispensing data for Baddow Village Surgery. It is of note that Day Lewis Pharmacy dispenses only 4.3% of items prescribed by the Baddow Village Surgery, demonstrating that patients of the Surgery do not look towards Day Lewis for their pharmaceutical service provision.

- 6.1.20 In relation to the “poster” referred to by Day Lewis, there is nothing inappropriate about the wording being used. NHS Resolution must consider whether patients find existing pharmaceutical services difficult to access as part of its assessment of this application, so requesting patients to provide any comments about access difficulties they may have assists NHS Resolution in its assessment of this appeal. There was certainly no “coaching” of responses, in the sense that each response has been written by the individual in their own words and provides their own experience of service provision. For NHS Resolution’s information, the information campaign was conducted for a period of 2 weeks. The “poster” was erected 5 days before the set deadline of 15th September.
- 6.1.21 My client agrees that it is for the Committee to consider the emails in support received and assess that evidence as part of its decision-making process.
- 6.1.22 In relation to bus route C7, one of the difficulties with this bus route is that it does not travel through the majority of Great Baddow. The bus route map is provided below. [see Appendix H for Committee]
- 6.1.23 The result, of course, is that anyone living away from the linear bus route must first walk to the bus stop, then wait up to 20 minutes for a bus, then travel by bus, and then repeat the journey to return home. Ironically, this means that for most of the people living to the east of the bus route, their nearest bus stop is likely to be at the proposed location.
- 6.1.24 If a resident happens to live along the bus route, this may be convenient, but for the great majority of residents, it is clearly not. Even for those who are present at the proposed location when they require access to pharmaceutical services (eg if they have walked to the GP surgery or shopping centre from home), having to wait for a bus, travel to another area to access a pharmacy and then repeat the journey back before walking home) clearly will present difficulties for many and, at the very least, will be inconvenient for everyone.
- 6.1.25 The ICB’s decision as to whether there is a reasonable choice of service provision is not determinative of this appeal since NHS Resolution must consider this application afresh. My client maintains that there is not a reasonable choice of service provision for the reasons given in its letter of appeal.
- 6.1.26 Whilst it may not particularly assist NHS Resolution in its determination of this appeal, it is self-evident that the leisure centre referred to by Day Lewis is clearly not “central” to Great Baddow, and the relevant maps are provided by Day Lewis which show this.

Hertfordshire and West Essex ICB

- 6.1.27 For the avoidance of doubt, my client’s application does not rely upon housing developments in Great Baddow. Information in relation to proposed housing developments was included by way of background information to demonstrate that the local population continues to grow,

but the current population (15,000) is already significant and supports the granting of my client's application as it currently stands.

- 6.1.28 The table of closures provided by the ICB is noted, confirming 6 closures since July 2023. The conclusions contained within the current PNA are noted, but my client's application is submitted pursuant to regulation 18 and would secure improvements and better access to pharmaceutical services which are not contained within the relevant PNA.
- 6.1.29 In relation to the fact that the Boots Pharmacy has now been closed for 2 years, it is important not to confuse the necessity that people have to access a pharmacy if they require their medication with whether patients have difficulty doing so or have a lack of reasonable choice when doing so, which, of course, is the relevant regulatory test.
- 6.1.30 The broadbrush assessment of the provision of pharmaceutical services in the PNA by reference to travel times clearly fails to consider the relevant local subtleties in Great Baddow which are detailed in my client's application and appeal. It is for that reason that the significant benefits that would be secured by the granting of my client's application are unforeseen in the context of the PNA. By way of example, the PNA refers to travel times by public transport of "within 20 minutes", but this ignores the fact that almost all residents have to walk to the nearest bus stop and may have to wait up to 20 minutes for the next bus (in the case of Great Baddow), meaning actual journey times are likely to be at least twice those stated in the PNA. The dispensing data referred to in the ICB's letter for Pillbox Pharmacy does, indeed, demonstrate that it is "highly utilised". In fact, Pillbox Pharmacy dispenses well over twice as many prescription items per month compared to an "average" pharmacy. My client submits that this is part of the evidential matrix for NHS Resolution to consider in determining whether patients have a reasonable choice of pharmaceutical services or (as my client submits) there is no reasonable choice leading to overconcentration of services from a limited number of providers.
- 6.1.31 Evidence that there is pressure on Pillbox Pharmacy includes the lack of advanced pharmaceutical services provided at the pharmacy. The ICB states that Pillbox is "registered" to provide Pharmacy First, Contraception, Hypertension Case Finding and Lateral Device services, but NHS Resolution will no doubt have regard to the fact that the ICB avoids stating that Pillbox is actually providing these services (as opposed to being "registered" to provide them).
- 6.1.32 The ICB refers to an email provided by Pillbox Pharmacy asserting that "the existing pharmacies have properly and efficiently supported the community's needs without compromising on patient care and services" but, with respect, this is not an unexpected comment for Pillbox to make in the circumstances where an application for a new pharmacy has been submitted and should not be given undue weight.
- 6.1.33 The ICB further refers to the bus service in response to the comments made by local residents in their emails. This reflects the difference

between the ICB's perception of whether the bus service offers a reasonable alternative method of accessing services (which appears to be based solely through a "desktop" review) and the reality which is that, for many, the bus service is not a suitable method of accessing pharmacies as detailed above. The ICB remarks on comments from local residents of wait times, stating that "[T]here is a clear theme within the letters and emails that residents of Great Baddow feel that waiting 20 minutes for their prescription to be fulfilled is too long a wait." This is clearly a highly selective quote from the emails, because several emails refer to wait times of up to an hour (see, for example, pages 13, 19, 79, 104, 163). Others refer to long waits and "queues outside the door" without specifically referring to a time period.

- 6.1.34 In relation to patients accessing pharmaceutical services elsewhere, with respect to the ICB there is no evidence whatsoever that this represents patients "exercising choice" as opposed to acting out of necessity. Indeed, given the concerns raised about difficulties accessing the remaining pharmacy network, it is submitted that the evidence points away from patients exercising a choice towards acting due to necessity.
- 6.1.35 In relation to the assertion by the ICB that residents of Great Baddow "are accessing pharmaceutical services from further afield" having regard to dispensing data for the Baddow Village Surgery, in fact the evidence points in the other direction. Of the 27,600 items prescribed by the Surgery in July 2025 (the last month for which data is available at the time of writing), 37% of items are dispensed by Pillbox Pharmacy, 20% by Galleywood Pharmacy and 16% are "self dispensed" (ie supplied by the surgery for their dispensing patients). This means that almost three quarters (73%) of all prescriptions from the Surgery are either self dispensed or dispensed by the nearest two pharmacies.
- 6.1.36 To put this into context, the next-nearest surgery to the proposed site is Sutherland Lodge GP Surgery at 115 Baddow Road, Chelmsford, CM2 7PY. According to dispensing data for Sutherland Lodge GP Surgery, 6 pharmacies between them dispense 71% of the Surgery's prescriptions. This means that there are twice as many pharmacies dispensing an equivalent percentage of Sutherland Lodge GP Surgery's prescriptions compared to Baddow Village Surgery.
- 6.1.37 The ICB is correct that non-core hours can be varied by giving notice to the ICB. However, the ICB fails to state whether other pharmacies which are open on Saturdays are open as part of their core or supplementary hours (for example, Pillbox and Day Lewis are both open from 9am to 1pm but it is asserted that these are likely to be non-core hours).
- 6.1.38 The applicant notes reference to the PSRC's decision in the response from the ICB, but since NHS Resolution is making a reassessment of this application rather than a review of the ICB's decision, no further comment is made in respect of the PSRC's determination.

Community Pharmacy Essex

- 6.1.39 CPE states that “the majority of the Baddow Village GP surgery prescriptions were dispensed at pharmacies other than at The Vineyards” before the Boots Pharmacy closed. This assertion is incorrect, because some patients of the Baddow Village Surgery (who do not live in Great Baddow) received dispensing services from the Surgery. On average, at the time that the Boots Pharmacy was open, the Baddow Village Surgery dispensed around 17% of its own prescriptions, meaning that around half of all prescriptions of the Surgery were either self dispensed or dispensed by Boots. At that time, Boots dispensed more prescriptions from the Village Surgery than Pillbox did.
- 6.1.40 CPE states that “Pillbox Pharmacy now offers NHS Pharmacy First Advanced Service, NHS Pharmacy Contraception Advanced Service, NHS Hypertension Advanced Service and NHS flu vaccination Advanced Service.”. However, there is a difference between the service being “offered” and actually been provided, and no detail is given as to how many such services have been provided. There is a lag in data from the NHS, but as at July 2025, Pillbox had provided no Pharmacy First services at all.
- 6.1.41 Contrary to the assertions made by CPE, my client did not initiate any campaigns on Facebook or affix posters to lampposts. This appears to have been initiated by either the local parish church or other members of the community. Indeed, my client was not aware of this until it was raised by CPE in its response to the appeal.
- 6.1.42 It is submitted that 175 responses out of a population of 15,000 is a representative sample, particularly in circumstances where there is no evidence that the responses are not properly representative of the population as a whole. I will respond further in relation to these points (and the comments made about Google reviews) below.
- 6.1.43 Healthcare Plus Consulting on behalf of Pillbox and Galleywood pharmacies. As stated above, I do not intend to repeat comments already made by other interested parties where these are repeated by Healthcare Plus Consulting (“HPC”). I therefore only respond to “new” matters raised by HPC which are not referred to above.
- 6.1.44 The distances to other services are not provided “for completeness” since HPC has failed to mention all of the services referred to in the appeal, including the Baddow Village Surgery (which is adjacent to the proposed location) and the shopping centre (in which the proposed pharmacy would be located). These are, of course, of central importance to the determination of my client’s application and their omission from the HPC letter is therefore notable.
- 6.1.45 It is self-evident from the list of services and distances provided by HPC (along with the addition of the GP surgery and shopping centre that HPC fail to mention) that Pillbox Pharmacy is not “the same distance or even closer to the proposed site than these amenities”.
- 6.1.46 The proposition put forward by HPC in relation to supermarkets is flawed for several reasons.

- 6.1.47 Firstly, there are a range of shops at the Great Baddow shopping centre that residents use for day-to-day shopping. This includes a Co-op store and Morrisons local, but also a butchers and greengrocers.
- 6.1.48 Secondly, it assumes that patients will choose to access a pharmacy as part of their visit to a supermarket, which is clearly not likely to be the case for many, particularly for those who require urgent services including dispensing an acute prescription issued by the Baddow Village Surgery.
- 6.1.49 Finally, the submission ignores the fact that around 10% of people in the UK now carry out their grocery shopping exclusively online (and many more use a mix of online and in-person grocery shopping).
- 6.1.50 The application that has been granted in Springfield is located around 3 miles from the proposed location so does little (if anything) to resolve the lack of reasonable choice in Great Baddow. However, it is interesting to note in relation to the Springfield application that:
- 6.1.50.1 The applicant was represented by HPC
 - 6.1.50.2 The application was based on the closure of a Boots Pharmacy
 - 6.1.50.3 The applicant noted that the proposed location was within a “thriving parade [which] is home to a Co-Op; Estate agent; an off license; dry cleaners; and a hair Salon”
 - 6.1.50.4 That pharmacy closures had left the population with only one pharmacy
 - 6.1.50.5 That the remaining pharmacy (Springfield Pharmacy) was 0.8 miles away from the proposed location. In that context, HPC noted that “It is worth reiterating that distance in itself is a barrier to access, and this journey length is clearly excessive, especially considering that Chelmsford is a city and not “rural”.” In relation to access by foot, HPC further stated that “We cannot consider a 1.6-mile round walk to access pharmaceutical services as sufficient access, nor can we consider this as having a reasonable choice to pharmaceutical services.”
 - 6.1.50.6 In relation to bus services, the situation was similar to Great Baddow, with HPC noting that “The journey is 12-minutes; however, this includes a 7 min walk at either end of the journey; something that patients with impaired mobility may struggle with.” And that a half hourly service (so not dissimilar to Great Baddow) was described as “infrequent”, meaning that patients “could be waiting up to half an hour for the return journey”.
 - 6.1.50.7 The application concluded by asserting that “Such poor choice of pharmaceutical access is felt especially by the elderly and disabled. These patient groups could face having to wait half an hour for a return bus in the shivering cold on a winter’s day. When we consider that these patients may not be able to drive, or even may not feel comfortable driving in winter conditions;

alongside their inability to walk the long 0.8-mile distance back home, it is obvious that current pharmaceutical provision is inadequate and such scenarios stem from a lack of reasonable choice.”

6.1.50.8 In its letter of appeal, HPC noted that “there have been 5 unforeseen pharmacy closures in Chelmsford since mid-2023. These unforeseen closures have placed greater strain on the existing pharmaceutical network within Chelmsford.”

6.1.50.9 On behalf of its clients, HPC provided emails in support of its application. A total of 209 emails were provided, which HPC described as a “staggering” number. HPC asserted that “the volume of emails received in a mere 8 days demonstrates the dire need for additional pharmaceutical provision in North-East Chelmsford.”. NHS Resolution is invited to note that HPC described 209 emails as a “staggering” number but seeks to suggest that 175 emails (for a smaller population) is not statistically significant in respect of my client’s appeal.

6.1.50.10 In relation to queue times, HPC noted that some emails reported hour-long queues (again the same as in Great Baddow), and HPC stated that “Clearly hour-long queues, with the vulnerable particularly affected by standing times is not representative of reasonable choice or access to services. One resident wrote: “I had to stand in a queue for over half an hour which I found very difficult as I am very unsteady on my feet”.”

6.1.51 Whilst my client understands that every application turns on its own facts, NHS Resolution must also be consistent in its decision-making, and it is clear that the Springfield application bears many similarities to my client’s application.

6.1.52 NHS Resolution is also invited to consider the reasonableness of assertions made by HPC now, when earlier this year, HPC were making exactly the opposite assertions in support of a very similar application. It is submitted that such a position by HPC undermines the arguments submitted by HPC in opposing my client’s application.

6.1.53 My client has already commented in relation to access to existing pharmacies by bus, car and public transport both above and in its letter of appeal and application. There is a clear dispute of evidence between the parties as to the extent to which existing pharmacies are accessible and my client does not propose to repeat its comments in respect to the letter from HPC.

6.1.54 In relation to Baddow Village Surgery, HPC is wrong as a matter of law. Dispensing doctors are not permitted to dispense to patients living more than 1.6km from a pharmacy unless those patients also live in a controlled locality. Since the residential areas shown in the map provided by HPC which are to the south eastern edge of Great Baddow are not controlled localities, those patients cannot use the GP dispensing services even though they live more than 1.6km from the nearest pharmacy.

- 6.1.55 HPC assert that those residents to the southeast can use the C7 bus service, but, as shown in the route map above [see Appendix H for Committee], the bus service does not travel through those areas, with the nearest bus stop served by the C7 being several hundred metres or more away. By way of example, someone who lives near to the Phoenix Hospital would find that their nearest bus stop which is served by route C7 is actually at the proposed location, meaning that they would have to walk to the proposed location in order to take the C7 to a pharmacy.

Pillbox Pharmacy

- 6.1.56 HPC state that “Pillbox Pharmacy has been offering Pharmacy First services as of September 2025”. It remains unclear whether any services have actually been provided, but the Pharmacy First service was commissioned in January 2024, meaning that patients have been unable to access this service for at least 20 months – clear evidence of a lack of reasonable choice.
- 6.1.57 In relation to the Pillbox Pharmacy survey, this is clearly flawed because it only appears to have questioned those who actually attended at Pillbox Pharmacy, so would fail to capture those who could not travel.
- 6.1.58 It is also not clear how patients were selected by staff to participate in the survey. For example, it is not unreasonable to assume that staff didn’t ask patients to participate in the survey when the pharmacy was particularly busy or when it was clear that patients had been waiting for some considerable time. Staff may also have selected patients who live near to Pillbox Pharmacy. The survey data summary provided by HPC does not appear to provide details of where the patients live. So the fact that 36% travel by foot may relate to those who live within a short distance of Pillbox Pharmacy.
- 6.1.59 It is also of note that the survey had 59 respondents, which HPC assert is a representative sample. However, HPC currently has 7,400 ETP nominations. This means that the survey rate was 0.8% (assuming only patients who are ETP-nominated to Pillbox were asked to participate – if other patients also participated then the survey rate will be a lower percentage). However, HPC assert that a survey rate of 1.2% (in respect of the supporting emails provided by my client) is not representative of the local population. With respect, HPC cannot have this both ways.
- 6.1.60 In relation to the Google reviews, Pillbox Pharmacy will no doubt be proud of the service that they offer to patients and the reviews received. However, this does not detract from the matters raised by my client in support of its application and appeal. For the sake of balance, it is of note that Day Lewis Pharmacy’s google reviews give an overall rating of 3.4 from 34 reviews.

Galleywood Pharmacy

- 6.1.61 The above comments in relation to the survey conducted by Pillbox Pharmacy and Google reviews apply equally to Galleywood Pharmacy.

6.1.62 In terms of access, Galleywood Pharmacy is located 3.2km from the proposed location, or a 46 minute walk in each direction. The route requires a walk through open countryside. It is therefore submitted that Galleywood Pharmacy is entirely inaccessible by foot. The relevant route map is shown below: [see Appendix H for Committee]

6.1.63 In relation to the “Analysis of Solicited Representations”, it is asserted that NHS Resolution can read the emails for itself and consider the comments made by local residents. It is therefore not likely to assist NHS Resolution for the appellant to respond to the “analysis” provided by HPC save to note that HPC has been highly selective in the parts of the support emails to which an “analysis” is provided such that it is submitted that NHS Resolution is unlikely to be assisted by that “analysis”.

6.1.64 The remainder of the letter from HPC raises matters which are also raised by other interested parties and about which comment has already been provided above.

Conclusion

6.1.65 In conclusion, for the reasons given above and those given in my client’s application and appeal, on behalf of the applicant I invite NHS Resolution to find that granting my client’s application would secure improvements and better access to pharmaceutical services in the HWB’s area and to grant its application.

6.1.66 Given the nature of the matters in dispute between my client and the interested parties, it is submitted that NHS Resolution may be assisted by carrying out a site visit and hearing oral submissions before determining this appeal.”

7 Further Observations

Further observations were received by NHS Resolution.

7.1 HEALTHCARE PLUS CONSULTING LTD ON BEHALF OF PILLBOX PHARMACY LTD AND GALLEYWOOD PHARMACY LTD

7.1.1 “Thank you for your letter dated 5th December 2025. We note the response made by the Applicant (Baddowpharma Ltd) and respond accordingly below thematically.

Solicited Representations

7.1.2 We previously provided a comprehensive response to the Applicant’s solicited representations which revealed that many respondents are not currently experiencing significant difficulties or would not in any case confer significant benefits from the current application. It is disappointing that the Applicant does not attempt to comment on our response. We note that the Committee must consider each of the representations before it.

- 7.1.3 We highlight that prompts invited biased responses. By way of example, one of the prompts stated “because of restricted access to GP services and not being able to access pharmacy services or advice, having to use the A&E department of the hospital instead” (emphasis original). One of the solicited responses stated that “the lack of nearby pharmacy advice has forced me to seek help from A&E when my bronchitis flared up” (Page 13 of the solicited representations). This is despite the fact they could have accessed 10 pharmacies within Chelmsford along the way to the A&E department. We can clearly see a direct correlation between the prompt and representation received.
- 7.1.4 Given that the Applicant disregards our clients’ surveys on the mere ambiguity as to how the data was collected, we are unsure how they believe that their survey - which clearly solicited a biased sample group and coached respondents - can be relied upon.

Local Demographics

- 7.1.5 We also note 2021 Census data shows high levels of car ownership in Great Baddow. This aligns with the many solicited representations which evidence that local residents do indeed have vehicular access.
- 7.1.6 Given the applicant accepts Great Baddow has a “strong identity as a ‘village’” and the fact it “is part of Chelmsford”, we submit it is exceedingly likely that residents will access amenities within other parts of Chelmsford. This is reflected in the findings of the surveys conducted by both our clients.

Shopping Trips

- 7.1.7 The Applicant states that “over 10% of grocery shopping is carried out solely online” (emphasis added). Assuming this is true, we submit that it would also be unlikely that such residents would frequent the shopping centre where the Applicant is proposing to open. This also shows that DSPs are likely to be more beneficial for many residents than a bricks and mortar pharmacy at the proposed location.
- 7.1.8 The Applicant states that it is “unlikely that patients will require access to pharmaceutical services whilst carrying out a weekly shopping trip”, and that the proposed location is “well placed to serve Great Baddow given its location in the shopping centre...”. We submit that this appears contradictory.
- 7.1.9 We note that the survey undertaken by our clients found that the majority of residents do not access the Vineyards for their main shopping trips. This demonstrates that patients are mobile and are unlikely to benefit from a pharmacy in the Vineyards.

Public Transport Availability

- 7.1.10 We reiterate that the vast majority of residents living in Great Baddow have access to a car.

- 7.1.11 The Applicant states that a bus journey on the C7 “clearly will present difficulties for many”. We reiterate that the C7 service stops directly outside both of our clients’ pharmacies, Baddow Village Surgery and notably the proposed site. The journey to Pillbox from the proposed site is only 5-minutes with buses departing every 20 minutes, which is very frequent, especially for an area which has a “strong identity as a ‘village’”. Therefore, any resident who can access the proposed site can easily access our clients’ pharmacies, meaning they obtain no significant benefit.

Services

- 7.1.12 Pillbox Pharmacy have confirmed that they are actively providing Pharmacy First services to patients since September 2025 and not merely offering the service without uptake.
- 7.1.13 While the Applicant appears to place emphasis on whether the Advanced Services are provided, we submit that the Applicant does not include any information on whether its premises are accredited to provide its proposed Advanced Services. On the Chapter 15 Annex 1 Application Form, we can see that this column is left blank. We note that this is contrary to Schedule 2 Paragraph 1(8)(c).

Survey

- 7.1.14 In total, we note that there were 206 respondents in total – more than the number of solicited representations provided by the Applicant. The applicant disregards our clients surveys on the mere possibility that collection was biased. There is no reason to believe this is the case.
- 7.1.15 We accept that our clients’ survey only concerned those accessing their pharmacies. However, per the Applicant’s case, some of these patients ought to have endured onerous journeys and suffered great hardships due to being forced to access these supposedly inaccessible pharmacies. We ought to find these supposed difficulties within survey responses. We do not.
- 7.1.16 Regarding patient wait times, we reiterate the findings gathered from the surveys conducted by our clients; 100% of respondents had an average wait time of 0-15 minutes at both Pillbox Pharmacy and Galleywood Pharmacy.
- 7.1.17 The Applicant also highlights the capture rate of items prescribed from Baddow Village Surgery. Given that 100% of respondents were satisfied with the level of service provided by Pillbox Pharmacy and Galleywood Pharmacy, it is no surprise that a larger proportion of items prescribed from the surgery are dispensed at our clients’ pharmacies. Pharmacies should not be punished for good service.

Extant Grant

- 7.1.18 The Applicant appears to use the contents of the extant grant of an application within the Essex HWB (SHA/ 26507) to support its case. The Committee will be aware that each application must be determined on

its own merits, and each case turns on its own facts. We highlight that an application has been granted within Chelmsford, which is likely to alleviate capacity issues, if any, at existing pharmacies within the Health Wellbeing Board area.

Conclusion

7.1.19 We maintain that this application should be refused.

7.1.20 We reiterate that there is a reasonable choice of pharmaceutical providers in Great Baddow, and within the Chelmsford locality.

7.1.21 We also reiterate that many of the solicited representations provided by the Applicant do not reveal experiences of significant difficulties, or would not benefit in any case from the applicant's proposed pharmacy.

7.1.22 In light of the above and the previous correspondence submitted, we submit that Regulation 18 has not been met and invite the Committee to refuse this application."
