

29 June 2026

REF: SHA/26934

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**APPEAL AGAINST BUCKINGHAMSHIRE,
OXFORDSHIRE AND BERKSHIRE WEST ICB
DECISION TO REFUSE AN APPLICATION BY
CALCOT ROW LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST OFFERING IDENTIFIED
IMPROVEMENTS OR BETTER ACCESS UNDER
REGULATION 17 AT 72A ROYAL AVENUE,
CALCOT, READING, BERKSHIRE, RG31 4UR**

1 Outcome

- 1.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, confirms the decision of the Commissioner, therefore the application is refused.

A copy of this decision is being sent to:

PCSE, on behalf of Buckinghamshire, Oxfordshire and Berkshire West ICB
Pharmacy Sales and Consultancy, on behalf of Calcot Row Ltd
Pottery Road Pharmacy

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1 The Application

By application dated 2 October 2025, Calcot Row Ltd (“the Applicant”) applied to Buckinghamshire, Oxfordshire and Berkshire West ICB (“the Commissioner”) for inclusion in the pharmaceutical list offering identified improvements or better access under Regulation 17 at 72A Royal Avenue, Calcot, Reading, Berkshire, RG31 4UR. In support of the application it was stated:

- 1.1 In making this application I/we am/are seeking to secure the improvements or better access identified on page
- 1.2 “This application directly addresses the improvements and better access set out in the West Berkshire Pharmaceutical Needs Assessment 2025–2028. The PNA confirms that urban residents should be within one mile of a pharmacy (p.13), yet residents of Calcot currently fall outside this standard. It specifically identifies a gap in essential service provision in Calcot and the need for Pharmacy First services in the area (p.25). With significant new housing developments in Theale and surrounding areas (p.34), demand for local pharmaceutical services will increase further. The PNA highlights the importance of meeting the needs of vulnerable groups, including those without access to private transport, people experiencing domestic abuse, Gypsy, Roma and Traveller communities, and rough sleepers (p.42). By locating a full-service community pharmacy in Calcot, open extended hours and offering essential, advanced and enhanced services, the proposed premises will provide accessible care that supports prevention, early intervention and health promotion, reflecting the public health role of pharmacies described in the PNA (p.46).
- 1.3 Please see continuation sheet (Application Justification 1) of the HWB's pharmaceutical needs assessment.”
- 1.4 “Application Justification 1
- 1.5 **In making this application I/we am/are seeking to meet the improvements and/or better access identified in the HWB’s Pharmaceutical Needs Assessment on the following pages:**

- 1.6 **Page 13** – *“The following criteria were considered reasonable by the steering group in terms of accessibility to pharmacy provision: • Within rural areas: 20-minute drive from a pharmacy. • Within urban areas (or areas with high population density): 1 mile.”*
- 1.7 **Page 25** – *“A gap was identified in the provision in the Calcot area for essential services. Further, the analysis found that the Calcot area would secure improvements or better access to pharmaceutical services were it to have provision of Pharmacy First services.”*
- 1.8 **Page 34** – *“1,540 new dwellings are expected to be completed from the period 2024/25 to 2027/28. The largest of these sites will be in Theale and Newbury areas.”*
- 1.9 **Page 42** – *“Patient groups with specific pharmaceutical needs identified by the steering group included, people sleeping rough, people who have experienced domestic abuse and Gypsy, Roma, Traveller and Horse Racing communities.”*
- 1.10 **Page 46** – *“Community pharmacies are often situated at the heart of communities, providing ‘walk-in’ access to their services. This makes them ideally positioned to offer opportunistic screening and brief interventions to promote better health and wellbeing.”*
- 1.11 Please insert the identified improvement or better access you are offering to secure here.
- 1.12 “Identified improvements and/or better access offered by this application:
- 1.13 Establishes a pharmacy in Calcot to fill the identified gap in essential services (PNA 2025–28, p.25), ensuring urban residents are within the 1-mile/20-minute access standard (p.13).
- 1.14 Provides extended opening hours (weekday evenings until 20:00 and weekend access including Sundays), addressing current out-of-hours and Sunday barriers.
- 1.15 Delivers Pharmacy First and New Medicines Service as required by the PNA, alongside advanced public health services (vaccinations, hypertension checks, smoking cessation).
- 1.16 Improves access for vulnerable groups and supports population growth from new housing developments in Theale and Calcot (p.34, p.42).
- 1.17 Please see continuation sheet (Application Justification 2)”
- 1.18 **“Application Justification 2**
- 1.19 **Please record the identified improvements and/or better access you are offering to meet here:**
- 1.20 **Identified improvements and/or better access offered by this application:**

- 1.21 **Improved geographical access in Calcot** – Providing a community pharmacy within RG31 4UR ensures urban residents are within the one-mile/20-minute walking standard set by the PNA, addressing the identified gap (p.13, p.25).
- 1.22 **Evening availability** – Core opening until 20:00 on weekdays directly addresses the lack of late-night access in Calcot and surrounding areas.
- 1.23 **Weekend coverage** – Saturday opening until 15:00 and supplementary Sunday opening (10:00–17:00) provide reliable 7-day access, remedying the current barriers highlighted in the PNA for out-of-hours services.
- 1.24 **Pharmacy First & New Medicines Service** – Full provision of these essential advanced services, specifically identified in the PNA as required in Calcot (p.25).
- 1.25 **Support for population growth** – Serving the significant new housing developments in Theale and Calcot (p.34), ensuring future residents are not disadvantaged.
- 1.26 **Addressing health inequalities** – The pharmacy will improve access for vulnerable groups listed in the PNA (p.42), including those without private transport, older residents, people experiencing domestic abuse, Gypsy/Traveller communities, and rough sleepers.
- 1.27 **Enhanced public health role** – Offering flu and COVID vaccinations, hypertension case-finding, smoking cessation, contraception and weight management services, aligning with the PNA's description of pharmacies as key providers of preventive and opportunistic interventions (p.46)."
- 1.28 In the box below please explain how you intend to secure the identified improvements or better access either in whole or in part.
- 1.29 "This application is made under Regulation 17(1) of the NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013, on the basis that the West Berkshire PNA 2025–2028 has identified a gap in necessary services in Calcot. Regulation 17 requires NHS England/ICB to grant an application where the Health and Wellbeing Board (HWB) has identified in its PNA that to secure the provision of necessary services, or improvements or better access to such services, the grant of an application is required.
- 1.30 The PNA explicitly states:
- 1.31 A gap was identified in the provision in the Calcot area for essential services. Further, the analysis found that the Calcot area would secure improvements or better access to pharmaceutical services were it to have provision of Pharmacy First services." (p.25)
- 1.32 Our proposal meets the tests set out in Regulation 17 as follows:
- 1.33 Identified gap in necessary services (Reg. 17(1)(a)): By establishing a pharmacy at 72A Royal Avenue, RG31 4UR, we directly remedy the identified shortfall in Calcot, ensuring urban residents are within the 1-mile/20-minute walking standard (p.13).

- 1.34 Securing improvements and better access (Reg. 17(1)(b)): Extended evening openings until 20:00, Saturday access until 15:00, and supplementary Sunday access (10:00–17:00) improve out-of-hours and weekend availability, addressing barriers highlighted in the PNA. Also highlighting the core hours being distributed across 7 days a week preventing any complete loss of service on any day in the week i.e. supplementary hours are able to be changed, but these core hours will remain. The applicant will be happy to confirm with NHS England/ICB which hours will be considered the additional core hours beyond the minimum 40.
- 1.35 Provision of necessary and advanced services (Schedule 4): The pharmacy will provide all essential services, as required, together with Pharmacy First and New Medicines Service, and enhanced services such as flu/COVID vaccinations, hypertension case-finding, contraception, smoking cessation, and weight management, fully aligning with the PNA's recommendations (p.25, p.46).
- 1.36 Meeting the needs of vulnerable groups (Equality duty): As identified in the PNA (p.42), the pharmacy will provide improved access for people without cars, the elderly, people experiencing domestic abuse, Gypsy, Roma and Traveller communities, and rough sleepers. A home delivery service will further support mobility-restricted and housebound patients.
- 1.37 Future sustainability: The pharmacy will also serve significant population growth from new housing developments in Calcot and Theale (p.34), ensuring that increased demand over the lifetime of the PNA can be met.
- 1.38 Conclusion:
- 1.39 This application satisfies Regulation 17, because it addresses an identified need in the PNA, secures necessary services in Calcot, and provides improvements and better access in line with the statutory tests. It therefore meets the legal threshold for approval.
- 1.40 Please see continuation sheet (Application Justification 3)"
- 1.41 **"Application Justification 3**
- 1.42 **Regulation 17 Checklist: How the Proposed Pharmacy at 72A Royal Avenue, RG31 4UR Meets the legal Tests**
- 1.43 **Legal Basis:**
- 1.44 Under **Regulation 17(1) of the NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013**, NHS England/ICB must grant an application where the Health and Wellbeing Board's (HWB) Pharmaceutical Needs Assessment (PNA) has identified a gap in necessary services or that improvements or better access are required.
- 1.45 The **West Berkshire PNA 2025–2028** explicitly identifies such a gap in Calcot.
- 1.46 **Test 1: Is there an identified gap in necessary services?**

- 1.47 The PNA states:
- 1.47.1 “A gap was identified in the provision in the Calcot area for essential services. Further, the analysis found that the Calcot area would secure improvements or better access to pharmaceutical services were it to have provision of Pharmacy First services.” (p.25)
- 1.48 The HWB’s accessibility criteria are:
- 1.48.1 “Within rural areas: 20-minute drive from a pharmacy. Within urban areas (or areas with high population density): 1 mile.” (p.13)
- 1.49 Current access in Calcot fails this test: the nearest pharmacies are over **1.1 miles away** and require **29–35 minutes’ walking**, with routes involving private roads or impractical terrain (Supporting Information, p.2).
- 1.50 **Conclusion:** The PNA has identified a **clear gap in Calcot**, and our proposal directly remedies this by placing a pharmacy within the urban accessibility threshold.
- 1.51 **Test 2: Does the application secure improvements or better access to services?**
- 1.52 The PNA highlights the need for **Pharmacy First in Calcot** (p.25). Our application guarantees delivery of **Pharmacy First and the New Medicines Service** from opening.
- 1.53 The PNA highlights the wider public health role of pharmacies:
- 1.53.1 “Community pharmacies are often situated at the heart of communities, providing ‘walk-in’ access to their services. This makes them ideally positioned to offer opportunistic screening and brief interventions to promote better health and wellbeing.” (p.46)
- 1.54 We will offer flu/COVID vaccinations, contraception, smoking cessation, weight management, and hypertension case-finding — addressing the PNA’s stated ambitions.
- 1.55 The PNA notes barriers to out-of-hours and weekend access in Calcot:
- 1.55.1 “Travel time for anyone within Calcot, Tilehurst and even Theale areas that require out of hours access (specifically Sunday access to Pharmacy services) face barriers... leaving Asda Pharmacy (RG30 4EL) as the only pharmacy within 2.6 miles of the proposed location that currently provides access on Sundays.” (Supporting Information, p.4)
- 1.56 We will offer **weekday evenings until 20:00, Saturday until 15:00, and Sunday opening hours including core hours of 10:00–17:00**, directly remedying this deficiency.
- 1.57 **Conclusion:** The application delivers clear, measurable **improvements in access** through service offer and extended hours.
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- 1.58 **Test 3: Does the application address health inequalities and meet the needs of vulnerable groups?**
- 1.59 The PNA identifies specific populations with unmet pharmaceutical needs:
- 1.59.1 “Patient groups with specific pharmaceutical needs identified by the steering group included, people sleeping rough, people who have experienced domestic abuse and Gypsy, Roma, Traveller and Horse Racing communities.” (p.42)
- 1.60 Our pharmacy will improve access for these groups by:
- 1.60.1 Being **within walking distance** of dense housing in Calcot.
- 1.60.2 Offering a **home delivery service** for housebound patients and those with mobility issues.
- 1.60.3 Acting as a **safe space** for patients experiencing domestic abuse.
- 1.60.4 Providing services sensitive to cultural needs of GRT communities.
- 1.61 **Conclusion:** The application explicitly supports the NHS’s **equality duty** by removing barriers for vulnerable groups identified in the PNA.
- 1.62 **Test 4: Is the application sustainable in light of future population growth?**
- 1.63 The PNA forecasts substantial development:
- 1.63.1 “1,540 new dwellings are expected to be completed from the period 2024/25 to 2027/28. The largest of these sites will be in Theale and Newbury areas.” (p.34)
- 1.64 With **329 homes allocated to Theale** and further development in Calcot, the population base — and demand for pharmaceutical services — will grow significantly within the lifetime of this PNA.
- 1.65 By establishing a pharmacy now, our proposal **future-proofs access** for these new residents.
- 1.66 **Conclusion:** The pharmacy will be sustainable and necessary over the lifetime of the 2025–28 PNA.
- 1.67 **Overall Conclusion**
- 1.68 This application meets all the tests of **Regulation 17** because:
- 1.68.1 The **PNA has identified a gap** in Calcot (p.25).
- 1.68.2 The pharmacy secures **necessary services** and improves access to Pharmacy First and other advanced services.
- 1.68.3 It provides **extended hours**, including evenings and weekends, tackling out-of-hours barriers.

1.68.4 It addresses **health inequalities**, serving vulnerable groups identified in the PNA (p.42).

1.68.5 It supports **population growth** forecasts in Calcot and Theale (p.34).

1.69 Therefore, under **Regulation 17(1)(a) and (b)**, the grant of this application is required to secure the provision of necessary services and improvements/better access, as identified by the HWB.”

2 **Comments to the Commissioner**

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

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

2.1 **“OVERVIEW OF MY RESPONSE**

2.2 This document provides my formal response to the two representations received from:

2.2.1 Kamsons Pharmacy (30 October 2025)

2.2.2 Pottery Road Pharmacy (25 November 2025)

2.3 Both representations oppose ME4044, an application submitted under Regulation 17 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.

2.4 This application directly addresses the gap in pharmaceutical service provision identified in the West Berkshire Pharmaceutical Needs Assessment (PNA) 2025–2028 for the Calcot area. The PNA explicitly identifies:

2.4.1 “A gap in the provision in the Calcot area for essential services... Calcot would secure improvements or better access were it to have provision of Pharmacy First services.” (PNA Executive Summary)

2.5 This application proposes opening hours and services that exceed the minimum needs identified by the PNA.

2.6 **STATUTORY FRAMEWORK (REGULATION 17)**

2.7 Under Regulation 17, NHS England must grant an application where it is satisfied that granting it would:

2.7.1 secure improvements, or

2.7.2 better access to pharmaceutical services in the area.

- 2.8 The Regulation 17 test is satisfied where:
 - 2.8.1 The PNA identifies a gap, OR
 - 2.8.2 Evidence supports improvements or better access
- 2.9 Here, both conditions are met.
- 2.10 **EVIDENCE FROM THE PNA Satisfying the first condition – THE GAP IN CALCOT**
- 2.11 The PNA provides clear, authoritative, and unambiguous findings:
- 2.12 **Calcot lacks pharmacy access**
 - 2.12.1 “There is an area in Calcot that does not have easy access to pharmacies by walking, despite being in an urban area.” (PNA Section 7.35)
- 2.13 **The gap is mapped in Figure 7.6 (PNA p.71–72), showing the Calcot locality lacking 1-mile access.**
- 2.14 **The Health and Wellbeing Board conclusively states:**
 - 2.14.1 “The PNA has identified a gap in the provision of pharmaceutical services to the population of Calcot. There is therefore a current need for a pharmacy in Calcot providing essential services.” (PNA Section 9.11)
- 2.15 **Identified improvements- Satisfying the second condition**
- 2.16 The PNA states Calcot would benefit from:
 - 2.16.1 Essential services provision
 - 2.16.2 Pharmacy First availability
 - 2.16.3 Improved accessibility for residents
- 2.17 **Ward analysis**
- 2.18 The premises are located within Tilehurst South & Holybrook Ward:
 - 2.18.1 This ward has “0 pharmacies” (PNA Table 7.2)
 - 2.18.2 This ward corresponds to the mapped Calcot gap area included in the PNA.
- 2.19 The above information in itself should satisfy the legal tests under Regulation 17 and thus NHS England must grant an application on this basis regardless of the representations made.

- 2.20 However, I will provide my comments directly to the two separate representations made as below:
- 2.21 **REBUTTAL OF KAMSONS PHARMACY REPRESENTATION**
- 2.22 Kamsons raise several points, many of which are incorrect, irrelevant, or supportive of the application when examined closely.
- 2.23 **Misstatement of law: £1,500 fee**
- 2.24 Kamsons wrongly assert the application should incur a £1,500 fee under paragraph 3(3) of the Fees Directions.
- 2.25 This is legally incorrect because:
- 2.25.1 ME3965 was a Regulation 18 application (submitted prior to the identified gap being made final and formal)
- 2.25.2 ME4044 is a Regulation 17 application (submitted once the identified gap was formalized, hence the *different type* of application).
- 2.26 These are NOT the “same type” of application. Therefore the £1,500 fee condition does not apply.
- 2.27 If NHS England or the market entry team deem this to be incorrect then I welcome their comments on this and will happily provide payment receipt for the difference - however as mentioned above, the facts are that the two applications are different and so this requirement for a higher fee is void and in no way applicable to either application.
- 2.28 **Their argument supports the existence of unmet need**
- 2.29 Kamsons list pharmacies more than one mile away, confirming the PNA’s finding of poor accessibility.
- 2.30 **Irrelevant references**
- 2.31 Kamsons rely on irrelevant factors:
- 2.31.1 Car ownership rates — not part of statutory tests
- 2.31.2 Delivery services — not considered as part of pharmacy access under the Regulations
- 2.31.3 Wikipedia references — not credible or relevant evidence
- 2.31.4 Suggestion of planning restrictions or limitations based on the size of the proposed premises — irrelevant to market entry decisions
- 2.32 **Incorrect assertion: Calcot is not rural**
- 2.33 The PNA explicitly treats Calcot as an urban area. Urban areas are assessed by the 1-mile walking standard. The PNA confirms Calcot fails this test.

- 2.34 **Incorrect reliance on nearby supermarkets**
 - 2.35 Tesco and Asda pharmacies are:
 - 2.35.1 Outside the 1-mile urban walking radius
 - 2.35.2 Located in different localities
 - 2.35.3 Already considered in the PNA's modelling and found insufficient to meet Calcot's needs hence the identified gap.
 - 2.36 ***The representations they have submitted do not rebut PNA findings and therefore are irrelevant on all accounts.***
 - 2.37 **REBUTTAL OF POTTERY ROAD PHARMACY REPRESENTATION**
 - 2.38 Pottery Road's representation is largely narrative, unsupported by evidence, and fails to address the statutory tests.
 - 2.39 **They list multiple pharmacies outside the locality**
 - 2.40 The PNA has already considered these pharmacies and concluded they do NOT serve the Calcot area adequately.
 - 2.41 **They rely on bus journey times**
 - 2.42 Public transport times are not part of the statutory test or PNA methodology. The PNA uses:
 - 2.42.1 1-mile walking (urban)
 - 2.42.2 20-minute driving (rural)
 - 2.43 Calcot fails the 1-mile walking test.
 - 2.44 **No evidence is presented against the PNA**
 - 2.45 Pottery Road do not contest any of the following:
 - 2.45.1 The PNA's declared gap
 - 2.45.2 The accessibility failures
 - 2.45.3 The lack of Pharmacy First availability in Calcot
 - 2.45.4 The absence of any pharmacy in Tilehurst South & Holybrook Ward
 - 2.46 ***Silence on these matters is effectively an admission - and so should be considered as supporting the application submitted.***
 - 2.47 **They identify service pressures, which further support the need**
 - 2.48 Pottery Road reference:
-

- 2.48.1 Busy pharmacies
- 2.48.2 Significant demand in the wider area
- 2.49 This aligns with PNA survey findings showing:
 - 2.49.1 Long waiting times
 - 2.49.2 Service dissatisfaction
 - 2.49.3 Need for additional capacity
- 2.50 **ADDITIONAL SUPPORTING POINTS EXTRACTED FROM OBJECTORS' OWN EVIDENCE**
 - 2.50.1 Both objectors confirm the nearest pharmacies are outside Calcot.
 - 2.50.2 Both confirm Calcot is part of the “built-up area of Reading” — meaning urban standards apply.
 - 2.50.3 Both confirm long waiting times and pressure in existing pharmacies.
 - 2.50.4 Both do not dispute the PNA’s gap.
- 2.51 All of these points SUPPORT granting the application.
- 2.52 **HOW THE APPLICATION MEETS REGULATION 17**
- 2.53 A Regulation 17 application succeeds where granting it would secure improvements or better access.
- 2.54 This application does so in the following ways:
- 2.55 **Directly addresses the PNA-identified gap for:**
 - 2.55.1 Essential services
 - 2.55.2 Pharmacy First
- 2.56 **Provides significantly extended hours:**
- 2.57 Applicant hours:
 - 2.57.1 Mon–Fri 09:00–13:00 / 14:00–20:00
 - 2.57.2 Sat 10:00–15:00
 - 2.57.3 Sun 10:00–14:00
- 2.58 PNA states only:
 - 2.58.1 Mon–Fri 09:00–17:00

2.58.2 Sat 09:00–13:00

2.59 are required.

2.60 The proposed hours exceed this substantially and provide Sunday access.

2.61 **Supports working-age populations**

2.62 Early evening and weekend access improves service availability for residents unable to reach distant pharmacies during typical hours.

2.63 **Supports equity of access**

2.64 Residents without cars have extremely poor access according to Figure 7.6. This application provides a resolution to this.

2.65 **Supports NHS priorities**

2.66 Pharmacy First and extended access relieve GP workload and align with national strategy.

2.67 **CONCLUSION**

2.68 Both representations fail to produce any evidence capable of rebutting the PNA's clear and authoritative findings.

2.69 The PNA:

2.69.1 Identifies a gap

2.69.2 Identifies required improvements

2.69.3 States Calcot needs a pharmacy now

2.69.4 Maps the gap directly over the application site

2.70 This application directly addresses all of these needs and exceeds the service levels required.

2.71 ***Accordingly, the application satisfies Regulation 17, and NHS England is respectfully requested to GRANT application ME4044.***

3 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 13 February 2026 states:

3.1 "Buckinghamshire, Oxfordshire and Berkshire West ICB has considered the above application and I am writing to confirm that it has been refused. Please see the enclosed report for the full reasoning.

3.2 You have a right of appeal to the Secretary of State against Buckinghamshire, Oxfordshire and Berkshire West ICB's decision. Should you choose to appeal

then either complete the online form available on the NHS Resolution website or send a concise and reasoned statement of the grounds for your appeal within 30 days of the date of this letter to nhsr.appeals@nhs.net or:

- 3.3 Primary Care Appeals
NHS Resolution
8th Floor
10 South Colonnade
Canary Wharf
London
E14 4PU”

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

Decision report

3.4 **“Introduction and background**

- 3.5 An Identified improvement or better access application had been received from Calcot Row Ltd, on 3 October 2025 for premises at 72a Royal Avenue, Calcot, Reading, Berkshire, RG31 4UR. The Committee was now required to consider the application in accordance with Regulations 17 and 19 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended.

- 3.6 Full details of the Applicant’s proposal had been notified to the various interested parties in accordance with the regulations. Comments had been received from the following parties – Pottery Road Pharmacy and Kamsons Pharmacy. There were also follow up comments from the Applicant.

3.7 **Consideration by the Committee**

- 3.8 The Committee had before it:

3.8.1 The NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended.

3.8.2 Department of Health guidelines on market entry by means of pharmaceutical needs assessment – Chapter 7 – Identified improvement or better access to services

3.8.3 The Report and annexes prepared by Primary Care Support England (PCSE) and NHS England:

3.8.4 The application form provided by the Applicant.

- 3.9 In relation to the application, the Committee noted the following:

3.9.1 The Committee noted that the Applicant’s fitness to practise was approved on 3 November 2025.

- 3.9.2 The Committee noted that the Applicant was proposing to provide essential, enhanced and advanced services, if commissioned.
- 3.9.3 The Applicant also proposed core opening of 57 hours per week and total proposed opening of 61.5 hours per week.
- 3.9.4 The Applicant had also confirmed which hours they proposed the 40 core hours to be, and which hours were proposed as additional core hours (the additional core hours/directed hours were 18:00-20:00 on Monday, Tuesday, Thursday and Friday, 10:00-15:00 on Saturday and 10:00-14:00 on Sundays.
- 3.9.5 The information submitted by the Applicant along with the application indicates that the Applicant proposes to provide pharmaceutical services to the residents of Calcot from the proposed address. The Applicant had stated that the Identified improvement or better access offered by this application is as follows:
- 3.9.6 *“Establishes a pharmacy in Calcot to fill the identified gap in essential services (PNA 2025–28, p.25), ensuring urban residents are within the 1-mile/20-minute access standard (p.13).”*
- 3.9.7 *“Provides extended opening hours (weekday evenings until 20:00 and weekend access including Sundays), addressing current out-of-hours and Sunday barriers.”*
- 3.9.8 *“Delivers Pharmacy First and New Medicines Service as required by the PNA, alongside advanced public health services (vaccinations, hypertension checks, smoking cessation).”*
- 3.9.9 *“Improves access for vulnerable groups and supports population growth from new housing developments in Theale and Calcot (p.34, p.42).”*
- 3.9.10 *“Offering flu and COVID vaccinations, hypertension case-finding, smoking cessation, contraception and weight management services, aligning with the PNA’s description of pharmacies as key providers of preventive and opportunistic interventions (p.46).”*
- 3.9.11 The Committee considered the Applicant’s statement as to how they intend to secure identified improvements or better access either in whole or in part. The Applicant has stated that *“Delivers Pharmacy First and New Medicines Service as required by the PNA, alongside advanced public health services vaccinations, hypertension checks, smoking cessation).”*
- 3.9.12 *“Identified gap in necessary services (Reg. 17(1)(a)): By establishing a pharmacy at 72A Royal Avenue, RG31 4UR, we directly remedy the identified shortfall in Calcot, ensuring urban residents are within the 1-mile/20-minute walking standard.”*
- 3.9.13 The Applicant also stated the following: *“Provision of necessary and advanced services (Schedule 4): The pharmacy will provide all essential services, as required, together with Pharmacy First and New*

Medicines Service, and enhanced services such as flu/COVID vaccinations, hypertension case-finding, contraception, smoking cessation, and weight management, fully aligning with the PNA's recommendations."

3.9.14 *"Conclusion: This application satisfies Regulation 17, because it addresses an identified need in the PNA, secures necessary services in Calcot, and provides improvements and better access in line with the statutory tests. It therefore meets the legal threshold for approval."*

3.9.15 All additional information, including location, opening times and distances of surrounding pharmacies and GP Surgeries were noted and considered by the Committee.

3.10 The Committee considered information from a virtual site visit of the Calcot area that had been undertaken by a Pharmacy Commissioning Hub representative.

3.11 The Committee considered the representations made by Pottery Road Pharmacy and Kamsons Pharmacy – and noted the comments made by the interested parties. The Committee noted that they both opposed the application.

3.12 The Applicant's response to the representations received during the consultation period was also considered.

3.13 **Regulation 31 – Refusal: same or adjacent premises**

3.14 The Committee first considered Regulation 31(2)(a)(i) and was of the view that Regulation 31(2)(a)(i) is not met as there is currently no person on the pharmaceutical list at the premises to which the application relates.

3.15 The Committee went on to consider paragraph (a)(ii) of Regulation 31(2); whether there is a person on the pharmaceutical list providing pharmaceutical services from adjacent premises.

3.16 The Committee was satisfied that there is no pharmacy providing pharmaceutical services at the same or adjacent premises. The application did not therefore need to be refused in accordance with Regulation 31.

3.17 **Regulations 40,41 and 44**

3.18 The Committee noted that the proposed pharmacy location was not in a controlled locality, and therefore Part 7 of the Regulations (in particular Regulations 40, 41 and 44) did not have to be considered.

3.19 There are 69 dispensing patients living within 1.6km radius of the proposed address, therefore the Committee noted that if the application was approved it would be required to consider the discontinuation of arrangements for the provision of pharmaceutical services by doctors to the affected patients under Regulation 50.

- 3.20 The Committee agreed that if the application is approved, it was inclined that the service provided by the dispensing doctors to the affected patients should be discontinued, and that the discontinuation should be postponed in order to give the doctors reasonable notice of the discontinuation, as follows –
- 3.20.1 Goring & Woodcote Medical Practice - for a period of one month – (1 patient)
- 3.20.2 Theale Medical Centre- for a period of one month – (58 patients)
- 3.20.3 The Boat House Surgery - for a period of one month – (1 patient)
- 3.20.4 Mortimer Surgery - for a period of one month – (2 patients)
- 3.20.5 Swallowfield Medical Practice - for a period of one month – (1 patient)
- 3.20.6 Chapel Row Surgery - for a period of one month – (2 patients)
- 3.21 **Oral Hearing**
- 3.22 The Committee decided that it was not necessary to hold an oral hearing before determining the application.
- 3.23 **Regulation 17**
- 3.24 The Committee noted that this was an application for “Identified improvement or better access” and fell to be considered under the provisions of Regulation 17 which states: [quotes Regulation 17(1)]
- 3.25 Paragraph 4(a) of Schedule 1, reads as follows: [quotes Paragraph 4(a) of Schedule 1]
- 3.26 The Committee was of the view that the onus was on the Applicant to identify where within the PNA the identified improvements or better access that this application would secure are indicated, and to satisfy the Committee that the granting of this application would secure those identified improvements or better access.
- 3.27 The Committee noted that the Applicant is offering to meet an Identified improvement or better access in Calcot, Berkshire.
- 3.28 The Committee had regard to the West Berkshire PNA 2025 (issue date 1 October 2025) (the ‘PNA’) and noted that no supplementary statements had been issued.
- 3.29 The Committee noted in the application form, that the Applicant has indicated that pages 13, 25, 34, 42 and 46 of the West Berkshire PNA 2025, include the improvements or better access which the Applicant seeks to secure.
- 3.30 **Services**
- 3.31 The Committee noted that in the Executive Summary under Health and Wellbeing Board statements on service provision the PNA states:
-

- 3.31.1 *“A gap was identified in the provision in the Calcot area for essential services. Further, the analysis found that the Calcot area would secure improvements or better access to pharmaceutical services were it to have provision of Pharmacy First services.” [Page 3, West Berkshire PNA, 2025].*
- 3.31.2 *“9.21 As noted earlier, the population of Calcot does not have a community pharmacy within a 20-minute walk and the PNA has identified the Pharmacy First and NMS services are important to securing improvements and better access of pharmaceutical services to that population.” [Page 112, West Berkshire PNA, 2025].*
- 3.31.3 *“The PNA has identified Pharmacy First as a service is provided to the population of Calcot, but which the HWB is satisfied if were provided would secure improvements or better access to pharmaceutical services.” [Page 113, West Berkshire PNA, 2025].*
- 3.32 The Applicant had stated that the PNA explicitly states *“A gap was identified in the provision in the Calcot area for essential services. Further, the analysis found that the Calcot area would secure improvements or better access to pharmaceutical services were it to have provision of Pharmacy First services.” (p.25).“*
- 3.33 The Committee noted that the comment above incorrectly references page 25 but noted that the wording is on page 3 of the PNA.
- 3.34 **Paragraph 4(a) of Schedule 1**
- 3.35 Paragraph 4(a) of Schedule 1 requires the HWB to identify pharmaceutical services that are not provided, but if they were provided the HWB would be satisfied. The Committee considered that a statement in the PNA would need to reflect a high level of certainty that provision of the relevant services would secure improvements or better access rather than it merely being possible that it would or a suggestion that it would do or that it would potentially do so.
- 3.36 The Committee noted that the requirements on the HWB set out in paragraph 4(a) of Schedule 1 do not include a requirement for the HWB to specify how any identified improvements or better access should be secured, e.g. through an extension to an existing pharmacy’s opening hours or by the grant of a new application.
- 3.37 The Committee therefore considered that the Regulations do not require a PNA to include reference to a need or improvements or better access to be met by the grant of a new application in order for the PNA to be in accordance with the provisions of Schedule 1.
- 3.38 The Committee considered that the PNA was consistent in its terminology and that, read as a whole, it was reasonable to consider that the wording used provided the level of certainty that was required by paragraph 4(a) of Schedule 1.
- 3.39 The Committee, therefore, considered that pages 3 & 113 of the PNA does [sic] contain a statement in accordance with paragraph 4(a) of Schedule 1 indicating

services that are not provided in the area of the HWB but which the HWB is satisfied would, if they were provided, secure improvements to, or better access to, pharmaceutical services, or pharmaceutical services of a specified type, in the Calcot area, which the proposed pharmacy can meet.

- 3.40 The Committee was of the view that the West Berkshire PNA 2025-2028 did identify improvements or better access in accordance with paragraph 4(a) of Schedule 1 of the Regulations.
- 3.41 The Committee then went on to consider the application having regard to those matters set out at 17(2) which reads as follows; [quotes Regulation 17(2)]
- 3.42 **17(2)(a)(b) & (c)**
- 3.43 The Committee noted that no other application had been received for inclusion in the pharmaceutical list offering to meet the improvements or better access that the Applicant is offering to meet.
- 3.44 **17(2)(d)**
- 3.45 The Committee noted that there had been no changes to the PNA since its publication in 2025 and had determined that the application could not be refused under this provision. The Committee noted that this had not been disputed by any party. The Committee was therefore not satisfied that such changes have occurred and considers that it is not required to refuse the application under Regulation 19(5).
- 3.46 **17(2)(e)**
- 3.47 The Applicant has proposed to provide Pharmacy First Service. The PNA stated the Calcot area would secure improvements or better access to pharmaceutical services were it to have provision of Pharmacy First services. The Committee was satisfied that the Applicants proposed services would meet the identified improvement or better access in full.
- 3.48 The Committee was satisfied from the information provided to it that granting the application would meet the improvements or better access included in the PNA in full. The Committee considered therefore that it was not required to refuse the application under Regulation 19(5).
- 3.49 **17(2)(f)**
- 3.50 The Committee noted that a Current Need application from Hetherby Ltd (CAS-374394-J2L4G9) was Granted on 28 January 2026 from the best estimate address of 201-209 Halls Road (Odd numbers and letters only), Calcot, Reading, RG30 4PT. This application included the provision of the Pharmacy First service within Calcot.
- 3.51 The Committee had information to show that, since the publication of the PNA, the improvements or better access included in the PNA is due to be met by another person who has undertaken to provide, either in the area of the relevant HWB or in the area of another HWB, NHS services. The Committee was

therefore satisfied that the need was due to be met and considered that Regulation 19(6) was relevant in respect of Regulation 17(2)(f).

3.52 17(2)(g)

3.53 The Committee was satisfied that the improvements or better access included in the PNA was for services other than essential services, and

3.54 The Committee was satisfied that granting the application would result in an undesirable increase in the availability of essential services in the area of the HWB.

3.55 17(2)(h)

3.56 The Committee noted that no information had been provided to indicate that the application needed to be deferred or refused by virtue of any provision of Part 5 to 7. The Committee was therefore satisfied that it was not required to defer or refuse the application under Regulation 17(2)(h).

3.57 Decision

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

3.59 The Committee determined that the application should be Refused on the following basis:

3.59.1 The PNA has identified an improvements or better access to which this application could meet.

3.59.2 The Applicant had indicated how they would secure improvements or better access to which this application would meet in accordance with paragraph 4(a) of Schedule 1.

3.59.3 The Committee was satisfied that the need was due to be met by another person in accordance with Regulation 17(2)(f).

3.59.4 The Committee was satisfied that granting the application would result in an undesirable increase in the availability of essential services in the area of the HWB in accordance with Regulation 17(2)(g).

3.60 Rights of appeal

3.60.1 The application is refused so the Applicant has the right to appeal.

3.60.2 The Committee decided not to grant third party rights of appeal to the decision to any of the parties that responded during the consultation period because the application had been refused."

4 The Appeal

In a letter dated 3 March 2026 addressed to NHS Resolution the Applicant, through its representative Pharmacy Sales and Consultancy ("PSC") appealed against the Commissioner's decision. The grounds of appeal are:

- 4.1 "We act for Calcot Row Ltd and have enclosed a letter of authorisation from our client.
- 4.2 Our client has passed us a copy of the letter from NHS England and a copy of the Pharmaceutical Services Regulations Committee (PSRC) report dated 13th February 2026 informing them of the refusal of its application (CAS-374394-J2L4G9). The PSRC report also discusses the grant of the application by Hetherby Limited (Hetherby) at a similar location.
- 4.3 On behalf of Calcot Row Ltd, I wish to appeal the above decisions and make the following representations. The grounds for these appeals are as follows:
 - 4.3.1 NHS England failed to consider these applications together and in relation to each another, despite the fact they were submitted at a similar time to meet a need identified in the West Berkshire PNA for the population of Calcot. As both applications were considered at the same PSRC meeting, and our client's application was refused as a result of the Hetherby application being approved, it is clear that the outcome of one application was dependent on the outcome of the other. That being the case the applications should have been considered together and in relation to each other.
 - 4.3.2 As a result of its failure to follow due process, NHS England failed to notify our client of a further application that had also been submitted to meet a need identified in the West Berkshire PNA.
 - 4.3.3 The PSRC did not award appeal rights to our client in respect of the granted application as a result of its failure to consider the applications together and in relation to each other, or to notify our client of the other application. Had it followed the correct process from the outset our client would have been granted appeal rights when its application was refused.
 - 4.3.4 It is our client's position that, given the fact the PSRC [sic] found its application met the need identified in the PNA, had the applications been considered together and in relation to each other rather than sequentially and arbitrarily, our client's application would have been granted preferentially.
- 4.4 **Regulatory tests**
- 4.5 Our client's application was submitted pursuant to Regulation 17 of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (as amended) (The Regulations) and considered by the PSRC pursuant to Regulation 17 and 19 of The Regulations and in accordance with Schedule 2 of the Regulations.

- 4.6 Regulation 17 states the following: [quotes Regulation 17]
- 4.7 Schedule 2, part 3, paragraph 19 (2) of The Regulations states the following:
- 4.7.1 *NHS England may also give notice of the notifiable application to any other person who, in the opinion of NHS England, has a significant interest in the outcome of the application.*
- 4.8 Schedule 2, part 3, paragraph 22(3) of The Regulations states the following:
- 4.8.1 *Where appropriate, NHS England may if it thinks fit consider 2 or more applications together and in relation to each other, but where it does so, it must give notice to the applicants of its intention to do so (if it has not already done so under Part 3).*
- 4.9 We submit that, in respect of both paragraphs 19(2) and 22(3) of Schedule 2, NHS England failed to have regard to the fact the applications were dependent on each other so should have been considered together and in relation to each other. In any event, even if NHS England did not wish to do so, it is very clear, when considering paragraph (19)(2) that our client had “*a significant interest in the outcome*” of the Hetherby application so should have been provided with a copy of that application and invited to comment.
- 4.10 **What did the PNA say?**
- 4.11 The 2025 West Berkshire PNA identified needs for the provision of pharmaceutical services in the Calcot area on pages 111, 112 and 113 as follows:
- 4.12 Pages 111 & 112:
- 4.12.1 **The PNA has identified a gap in the provision of pharmaceutical services to the population of Calcot. There is therefore a current need for a pharmacy in Calcot providing essential services, Monday to Friday between 09:00 and 17:00, and Saturday 09.00 and 13:00.**
- 4.13 Page 112
- 4.13.1 **9.21 As noted earlier, the population of Calcot does not have a community pharmacy within a 20-minute walk and the PNA has identified that Pharmacy First and NMS services are important to securing improvements and better access of pharmaceutical services to that population.**
- 4.14 Page 113
- 4.14.1 **The PNA has identified Pharmacy First as a service is provided to the population of Calcot, but which the HWB is satisfied if were provided would secure improvements or better access to pharmaceutical services.**

- 4.15 We note that the statement on page 113 is not grammatically correct, but its intentions are clear, particularly when taken in conjunction with 9.21.
- 4.16 It is clear, therefore, that the PNA identified both Current Needs and Improvements or Better Access within its assessment of gaps that exist in provision. It is also clear that these needs are related to each other, as the need for improvements or better access arises directly from the lack of a pharmacy within a 20-minute walk for Calcot residents, as discussed in 9.21.
- 4.17 We submit, therefore, that whilst the two gaps identified fall under different parts of The Regulations (Regulation 13 – Current Needs and Regulation 17 – Improvements or Better Access), the need identified is essentially the same i.e. provision of pharmaceutical services in Calcot, including Pharmacy First. That being the case, the needs are clearly very closely related to each other.
- 4.18 For the avoidance of doubt, we would point out that our client's application meets **both** the current need (in that Essential Services would be provided Monday to Friday between 09:00 and 17:00, and Saturday 09.00 and 13.00) **and** the improvements or better access, in that our client will provide the Pharmacy First service.
- 4.19 We submit that, as the outcome of one application, either our client's application or the Hetherby application, is dependent on the other, there is clearly a significant interest that our client should have been notified and the applications considered together and in relation to one another. As such the PSRC have failed to fully consider both applications pursuant to the Regulations.
- 4.20 The decision report received clearly shows that our client's application fully meets the regulatory test as set out in Regulation 17 and was only refused because the Hetherby application was granted.
- 4.21 Additionally, the PSRC also failed to explain in their decision report why the current needs application was considered first in the meeting that considered both applications. This appears to have been an entirely arbitrary decision. The fact that neither application, the Current Needs nor the Improvements or Better Access application, is preferable to the other means it is impossible to make a clear distinction between them unless they are considered together and in relation to one another.
- 4.22 We submit that, if the PSRC had decided to consider our client's application first, it would have been approved and the Hetherby application would therefore have been refused. This would have been an equally unfair and irrational approach.
- 4.23 **Distinguishing between the two applications**
- 4.24 If the Primary Care Appeals committee (The Committee) agrees that the applications should be considered together and in relation to each other, it is likely to adopt the approach taken by committees in similar circumstances previously. This will usually involve the following steps:

- 4.24.1 Considering which, if any, of the applications submitted would address the gap that has arisen as a result of a need being identified in the PNA.
- 4.24.2 If more than one of the applications submitted would address such a gap the decision maker has two options.
 - 4.24.2.1 a. Grant more than one application
 - 4.24.2.2 b. Grant one application which best meets the need in question.
- 4.25 In respect of [4.24.2.1], judicial guidance has previously found that “care should be taken when granting more than one application where doing so would result in an overprovision of services in the relevant area given that such services are being paid from public funds”. There does not, therefore, appear to be any reason to grant more than one application in Calcot.
- 4.26 In respect of [4.24.2.2], Primary Care Appeals has produced helpful guidance notes for its committees to assist with deciding between multiple applications. We have attached a copy of this guidance note with this letter.
- 4.27 We direct the Committee to paragraphs 29 to 37 of this note, although it may find other parts of the note helpful as well.
- 4.28 Primary Care Appeals acknowledge that competing applications can be very similar, with little to choose between them. It is for the committee, therefore, to weigh up all the information before them to decide which application is preferred.
- 4.29 Committees may consider any differentiating factors they wish, but these often come down to two key areas:
 - 4.29.1 Control of premises
 - 4.29.2 Would one application meet the identified need better than the other?
- 4.30 *Control of premises*
- 4.31 It is often considered that where more than one application meets an identified need, control of premises is an important consideration. There is little benefit granting an application where the applicant may not be able to secure premises to open that pharmacy when another applicant has secured premises and will be in a position to open the pharmacy quickly.
- 4.32 In contrast, the application by Hetherby is for a ‘best estimate’ of location, so the Committee cannot be satisfied that this applicant is in a position to secure a suitable property.
- 4.33 *Would one application meet the identified need better than the other?*
- 4.34 There may be several considerations in this respect, which can include matters such as opening hours or services provided. However, as our client was not

provided with a copy of the Hetherby application, we are not able to assess how the applications may differ in this respect.

- 4.35 However, as we do know the location of the granted application, we submit that our client's application offers an important geographical benefit. We submit that the distribution of the pharmacy network would have been improved by approving our client's application rather than Hetherby.
- 4.36 The maps below show the distance to the closest existing pharmacies from both our client's application site and the best estimate address of the Hetherby application.
- 4.37 The first two maps below show our client's proposed location and the journey to the nearest pharmacies on foot. Whilst Kamsons Pharmacy and Triangle Pharmacy are equally distant from the proposed location (1.3 miles via the shortest practicable route), the journey to Kamsons by foot is not practical as it involves crossing the M4 and using private roads.
- 4.38 **Journey to Kamsons** [maps provided]
- 4.39 The map below shows the proposed location of the Hetherby pharmacy to the nearest pharmacy by foot. It is noteworthy that this location is only 14 minutes' walk from the nearest pharmacy, well within the 20-minute walk distance discussed in the PNA. [map provided]
- 4.40 It is evident from the above maps that granting our client's application would result in better accessibility for Calcot residents, given that the proposed location is more central to these residents. This would better meet the need identified in the PNA.
- 4.41 That being the case we submit that our client's application should be granted in preference to the Hetherby application.
- 4.42 **Appeal rights**
- 4.43 The matter of appeal rights is dealt with in paragraph 30 of Schedule 2 to the Regulations as follows:

30.—(1) A person with third party rights (as provided for in this paragraph) may appeal to the Secretary of State against a decision of the NHSCB to grant a notifiable application, or an application to which regulation 26(1), 27 or 28 applies, provided that the person notifies the Secretary of State with a valid notice of appeal within 30 days of the date on which that person was notified of the NHSCB's decision under paragraph 28.

(2) For the purposes of this Schedule, a person (P1) is a person with third party rights if—

(a) P1 is a person to whom sub-paragraph (3) applies; or

(b) P1 was entitled to receive notification of the decision to grant the application by virtue of paragraph 28(5).

(3) P1 is a person to whom this sub-paragraph applies if-

(a) P1 was a person whom the NHSCB was required to notify about the decision on the application by virtue of P1 being a person whose interests might, in the opinion of the NHSCB, be significantly affected by the decision, and also being—

(i) included in a pharmaceutical list,

(ii) entitled to be included in a pharmaceutical list because of the grant of a routine or excepted application but who is not (yet) included, (iii) an LPS chemist,

Or

(iv) either—

(aa) a provider of primary medical services, or

(bb) another person on the dispensing doctor list for the area of the relevant HWB if there is one (P1 being a performer but not a provider of primary medical services), but only if the application is in respect of premises in a controlled locality and it was granted partly on the basis that, having regard to regulation 44(3), in the opinion of the NHSCB granting the application would not prejudice the proper provision of relevant NHS services in the area of the relevant HWB or of a neighbouring HWB of the relevant HWB;

(b) in the case of a notifiable application, P1 made representations in writing about the application under paragraph 19(4); and

(c) in the case of a notifiable application but subject to sub-paragraph (6), the NHSCB is satisfied, having regard to those representations in writing and any oral representations made in accordance with paragraph 25, that P1—

(i) made a reasonable attempt to express P1's grounds for opposing the application adequately in P1's representations, and

(ii) has grounds for opposing the application, which—

(aa) do not amount to a challenge to the legality or reasonableness of a pharmaceutical needs assessment, or to the fairness of the process by which a HWB or Primary Care Trust undertook that assessment, and

(bb) are not vexatious or frivolous.

4.44 We propose our client was eligible to be notified of the application by Hetherby and their interest has been significantly impacted due to a failing of the PSRC to notify our client of the application.

4.45 We therefore ask the Committee to grant third party appeal rights to our client.

- 4.46 In summary, the PSRC failed to fully follow due process, and provide an open transparent, fair and equitable treatment to both applications and we ask that both applications are considered together and in relation to one another by the Committee.
- 4.47 Should the Committee decide to hold an oral hearing I can confirm that our client would wish to attend.”

5 **Summary of Representations**

This is a summary of representations received on the appeal.

5.1 Pottery Road Pharmacy

- 5.1.1 “I write on behalf of Pottery Road Pharmacy in response to your letter dated 30 March 2026. We were notified as an interested party and wish to make formal representations in opposition to the granting of this application. We respectfully submit that the application should be refused for the following reasons.
- 5.1.2 Under Regulation 31, a routine application must be refused where an existing pharmacy on the pharmaceutical list is already providing, or has undertaken to provide, pharmaceutical services at or from the same or adjacent premises, and it would be reasonable to treat the proposed services as part of the same service.
- 5.1.3 Pottery Road Pharmacy currently serves the local community and provides comprehensive pharmaceutical services to patients in the Calcot area. Granting this application risks fragmenting and undermining an existing, established, and well-functioning service without any net benefit to patients.
- 5.1.4 The proposed new pharmacy would not improve access, we would invite NHS Resolution to consider the following:
- 5.1.4.1 Geographic proximity: The proposed premises at 72A Royal Avenue, Calcot, is within close proximity to existing pharmacies, including Pottery Road Pharmacy, which is already accessible to the local patient population. There is no meaningful access gap that a new contractor would fill.
- 5.1.4.2 Opening hours and capacity: Pottery Road Pharmacy provides services across a range of hours and has the capacity to meet the needs of the local population. Granting a further contract in this area does not improve access — it simply duplicates it.
- 5.1.4.3 No evidence of unmet demand: We are not aware of evidence demonstrating that patients are being turned away, experiencing significant delays, or travelling unreasonable distances to access pharmaceutical services in this area.
- 5.1.5 Since the publication of the relevant PNA, we are not aware of changes to the pharmaceutical services profile in this area that would justify

granting this application. On the contrary, the introduction of an additional contractor risks causing significant detriment to existing provision by:

5.1.5.1 Diluting the patient base of established pharmacies, threatening their financial viability

5.1.5.2 Reducing the ability of existing pharmacies to invest in enhanced and advanced services

5.1.5.3 Potentially destabilising services that local patients currently rely upon

5.1.6 The Linked Appeal (SHA/26905) Adds Further Concern

5.1.7 We note that this appeal is to be considered alongside the appeal by Theale Medical Centre regarding Hetherby Ltd's application at 201–209 Halls Road, Calcot (SHA/26905). The cumulative effect of granting both applications in the same geographic area would be particularly damaging to the sustainability of existing pharmaceutical provision and should be weighed carefully by NHS Resolution.

5.1.8 I also attach my initial response which shows the proximity of other pharmacies in the area that the residents of Calcot have access to."

Undated letter to the Commissioner

5.1.9 "This written statement is submitted on behalf of all three directors of Swiftmeds Ltd (including myself), the owners of Pottery Road Pharmacy, in relation to the application for a pharmacy contract at the proposed address: 72A, Royal Avenue, Calcot, Reading, Berkshire, RG31 4UR. As experienced community pharmacy operators, we bring many years of expertise to the field, particularly within this local area. Our in-depth understanding of the local population, geography, and existing pharmacy service provisions enables us to provide a well-informed perspective. Accordingly, we have outlined below the evidence and rationale supporting our response to the proposed application.

5.1.10 Pottery Road Pharmacy

5.1.11 Pottery Road Pharmacy is a well-established community pharmacy that serves the Reading area with a strong focus on accessibility and convenience. Located in a spot that is easily reachable by both public transport and personal vehicles, it caters to a wide range of patients. For those who do not have access to transportation, the pharmacy offers a free delivery service, ensuring that essential medications reach patients without delay. This service is particularly efficient in the Calcot area, where same-day delivery is available for urgent prescriptions. By combining reliable access, prompt delivery, and community-focused care, Pottery Road Pharmacy plays a vital role in supporting the health and wellbeing of its local residents.

- 5.1.12 Pottery Road Pharmacy offers a dedicated consultation room and delivers a highly effective Pharmacy First service that covers a wide range of conditions. The service has seen strong uptake within the community, and the pharmacy still has ample capacity to accommodate additional consultations. In addition to Pharmacy First, Pottery Road Pharmacy provides a variety of NHS services including supervised consumption, discharge medicines service, new medicine service, stop smoking support, lateral flow test distribution, flu vaccinations, and COVID-19 jabs.
- 5.1.13 Beyond NHS provisions, the pharmacy also offers several private healthcare services. These include travel vaccinations, treatment for adult ear infections, and chickenpox vaccines. This comprehensive blend of NHS and private services ensures that Pottery Road Pharmacy remains a reliable and accessible healthcare provider for the local community.
- 5.1.14 Available bus routes '17 purple' and '15 sky blue' are available from the Calcot area to Pottery Road Pharmacy. These buses run from every 8 minutes to 20 minutes daily. This provides a convenient mode of travel for patients in the Calcot area.
- 5.1.15 Most families in the Reading area own a car, making access to local pharmacies generally convenient—particularly those with dedicated parking facilities. Pottery Road Pharmacy caters well to car owners, offering the ability to park directly outside the premises. This ease of access enhances the overall experience for patients, especially those collecting prescriptions or attending consultations. The image below illustrates the available parking area, highlighting the pharmacy's commitment to accessibility and patient convenience. [Photograph provided]
- 5.1.16 Existing operators
- 5.1.17 Within the area of the proposed site there are several established pharmacies successfully operating, below is a list of the pharmacies along with the distances from the proposed site:
- 5.1.17.1 Pottery Road Pharmacy (1.6 miles) 2A Tylers Place, Pottery Road, Tilehurst, Reading, Berkshire RG30 6BW
- 5.1.17.2 Tilehurst Pharmacy (1.3 miles) 7 School Road, Tilehurst, Reading, Berkshire RG31 5AR
- 5.1.17.3 Triangle Pharmacy (1.1 miles) 88-90 School Road, Tilehurst, Reading, Berkshire RG31 5AW
- 5.1.17.4 Southcote Pharmacy (1.7 miles) 34-36 Coronation Square, Reading, Berkshire RG30 3QN
- 5.1.17.5 Kamsons Pharmacy (1.2 miles) 27 High Street, Theale, Reading, Berkshire RG7 5AH

5.1.17.6 Medway Pharmacy (1.5 miles) 32 Meadway Precinct, Tilehurst, Reading, Berkshire RG30 4AA

5.1.17.7 Asda Pharmacy (1.5 miles) Honey End Lane, Reading, Berkshire RG30 4EL

5.1.18 Triangle Pharmacy

5.1.19 Triangle Pharmacy is a well-established provider in the local area, currently dispensing approximately 12,000 items per month and offering Pharmacy First services. Located just 1.1 miles from the proposed site, it is easily accessible by car, public transport, or on foot. Given its proximity and the range of services already available, the introduction of another pharmacy contract nearby may not yield significant additional benefits for patients in the Calcot area.

5.1.20 For patients who face challenges with transportation, Triangle Pharmacy offers a free delivery service, ensuring continuity of care and access to essential medications. Additionally, parking is readily available with The Triangle Car Park offering 80 spaces to support convenient access for visitors. [Map provided]

5.1.21 Tilehurst Pharmacy

5.1.22 Tilehurst Pharmacy, located on School Road, is a community pharmacy dispensing approximately 7,000 items per month. It offers Pharmacy First services, providing accessible care for a range of minor conditions. The pharmacy is easily reachable by public transport or on foot, making it a convenient option for many local residents. For patients who face challenges with mobility or transportation, Tilehurst Pharmacy also provides a free delivery service, ensuring that essential medications and healthcare support are available to all members of the community.

5.1.23 The image below shows on-street free parking in very close proximity to Tilehurst Pharmacy along Kentwood Hill. [Photograph provided]

5.1.24 There is also a large car park towards the rear of coop which is in very close proximity to Tilehurst pharmacy, Recreation Road Car Park. This car park consists of 80 car parking spaces as well as 6 disabled bays and is open 24 hours a day, shown in the image below. [Photograph provided]

5.1.25 Southcote Pharmacy

5.1.26 Southcote Pharmacy is a well-established provider, dispensing an average of 8,800 items per month and offering the full range of Pharmacy First services. It is conveniently located for patients in the Calcot area, with public transport options including the 1 Jetblack bus and the 26 Yellow bus, both providing access within approximately 20 minutes. For those traveling by car, parking is available near the pharmacy, as shown in the image below. This combination of accessible transport and comprehensive services makes Southcote

Pharmacy a reliable option for patients seeking community-based healthcare. [Photograph provided]

5.1.27 Kamsons Pharmacy

5.1.28 Kamsons Pharmacy, located on High Street in Theale, is a well-established provider offering all seven Pharmacy First treatments and dispensing an average of 9,800 items per month. Its proximity to the Calcot area makes it a highly convenient option for local residents, with just a 5-minute drive or an 11-minute journey via the 1 Jetblack bus service. Whether traveling by car or public transport, patients can easily access prompt and professional pharmacy care.

5.1.29 Theale High Street also features a public car park with 57 spaces, including three hours of free parking for Blue Badge holders. This facility provides accessible and convenient parking for anyone visiting Kamsons Pharmacy, further enhancing its appeal as a reliable healthcare destination. [Satellite image provided]

5.1.30 Medway Pharmacy

5.1.31 Medway Pharmacy, located within the Meadway Precinct, is a large and well-established pharmacy offering Pharmacy First services. It dispenses an average of 5,300 items per month and benefits from being situated among other popular businesses frequently visited by the local community. This central location enhances its accessibility and visibility.

5.1.32 Patients traveling from the Calcot area can reach Medway Pharmacy easily via the 1 Jetblack bus service, which takes approximately 21 minutes, or by car in just 7 minutes. The Meadway Precinct provides ample parking facilities, as illustrated in the image below, making it convenient for those arriving by vehicle. [Satellite image provided]

5.1.33 Asda Pharmacy

5.1.34 Asda Pharmacy located adjacent to the Meadway Precinct offers Pharmacy First services and dispenses 10,600 items on average. This store offers extended opening hours over a 7 day week from, 7am to 11pm Monday to Friday, 7am to 10pm on Saturdays and 10am to 4pm on Sunday. These opening hours provide access to healthcare for the majority of the day and on Sundays where most pharmacies are closed. Asda pharmacy has plenty of parking along (image below) with disability bays, mobility scooters, wheelchairs and assisted shopping. These comprehensive facilities make Asda Pharmacy an especially accommodating choice for disabled individuals, offering convenience, independence, and dignity in accessing healthcare. [Satellite image provided]

5.1.35 Conclusion

5.1.36 Residents of the Calcot area benefit from excellent access to pharmacies in surrounding locations, many of which offer Pharmacy

First services. These pharmacies are conveniently situated and easily reachable, making them highly accessible for the local population.

- 5.1.37 Car ownership in Calcot is relatively high, with the majority of households owning at least one vehicle. This trend aligns with broader suburban patterns seen across the Reading region, where reliance on personal transport is more common compared to central urban areas. The widespread availability of cars among residents significantly enhances access to local amenities, including healthcare services such as community pharmacies.
- 5.1.38 For pharmacy users in Calcot, this high level of car ownership means that reaching nearby providers—such as Pottery Road Pharmacy, Triangle Pharmacy, and Kamsons Pharmacy—is generally straightforward. Many of these pharmacies offer on-site or nearby parking, further supporting ease of access. For those who do not drive, public transport options like the 1 Jetblack and 26 Yellow bus routes provide reliable alternatives, ensuring that pharmacy services remain accessible to all members of the community.
- 5.1.39 According to the 2021 Census and regional transport reviews, Calcot—part of the Reading urban area—has a notably high rate of car ownership compared to central Reading, where public transport is more heavily relied upon. Data from the Office for National Statistics (ONS) shows that over 74% of households in Calcot (within the West Berkshire district) reported having one or more cars or vans available for use. [Image provided]
- 5.1.40 Current pharmacy contractors in the Reading area have the capacity to accommodate additional Pharmacy First consultations. However, for the service to operate effectively and reach its full potential, it must be primarily driven by GP referrals. At present, this referral pathway is underutilized in Reading, with most patients still inclined to contact their GP practice first rather than approaching their local community pharmacy directly.
- 5.1.41 Given this context, we believe that introducing a new pharmacy contract in Calcot would offer minimal benefit to the local population. Existing pharmacies are already well-positioned to meet demand and have the infrastructure and capacity to expand services if needed. Therefore, we strongly oppose the approval of this contract application, as it does not present a compelling case for improving patient access or enhancing service delivery in the area.”

6 Summary of Observations

No observations were received by NHS Resolution in response to the representations received on appeal.

7 Consideration

- 7.1 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.

- 7.2 It also had before it the responses to NHS Resolution's own statutory consultations.
- 7.3 On the basis of this information, the Committee considered it was not necessary to hold an Oral Hearing.
- 7.4 The Committee had before it a copy of the West Berkshire PNA dated 2025-2028 and prepared by West Berkshire Health and Wellbeing Board, which had been provided by the Commissioner. The Committee noted that no supplementary statements had been issued.
- 7.5 As a preliminary matter, the Committee noted that an application by Hetherby Ltd offering to meet an identified current need at 201 - 209 Halls Road (Odd Numbers And Letters Only), Calcot, Reading, RG30 4PT had been granted by the Commissioner on 19 February 2026. The Committee noted that, in addition to its appeal against the refusal of the instant application, the Applicant had submitted appeals against the Commissioner's refusal to award it a third party right of appeal and against the substantive decision to grant the application by Hetherby Ltd. The Committee noted that by letter dated 27 March 2026, NHS Resolution had informed the Applicant that it did not have a third party right of appeal against that decision (case ref. SHA/26939).
- 7.6 The Committee noted the Applicant's comment that *"We submit that, in respect of both paragraphs 19(2) and 22(3) of Schedule 2, NHS England failed to have regard to the fact the applications were dependent on each other so should have been considered together and in relation to each other. In any event, even if NHS England did not wish to do so, it is very clear, when considering paragraph (19)(2) that our client had "a significant interest in the outcome" of the Hetherby application so should have been provided with a copy of that application and invited to comment."*
- 7.7 The Committee noted that Schedule 2, part 3, paragraph 19(2) states:
- NHS England may also give notice of the notifiable application to any other person who, in the opinion of NHS England, has a significant interest in the outcome of the application.*
- 7.8 Schedule 2, part 3, paragraph 22(3) states:
- Where appropriate, NHS England may if it thinks fit consider 2 or more applications together and in relation to each other, but where it does so, it must give notice to the applicants of its intention to do so (if it has not already done so under Part 3).*
- 7.9 The Committee was of the view that the use of the word "may" in both paragraphs means that these are both discretionary actions on the part of the Commissioner. The Committee took no view on whether the Commissioner took the correct action in this matter and considered that, as the application by Hetherby Ltd had been granted with no valid appeals being submitted, it was

not a matter which the Committee could rectify during the consideration of this application. The Committee proceeded to consider the substantive appeal.

- 7.10 The Committee dealt with the appeal by way of reconsideration of the application.
- 7.11 The Committee had regard to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”).

Regulation 31

- 7.12 The Committee first considered Regulation 31 of the regulations which states:

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

(2) This paragraph applies where -

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

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

(ii) adjacent premises; and

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

- 7.13 The Committee noted that the Applicant had stated “N/A - *There is no pharmacy currently trading from/adjacent to the proposed site*” on the application form and that the Commissioner in its decision report was “...*satisfied that there is no pharmacy providing pharmaceutical services at the same or adjacent premises*” which had not been disputed by any party. The Committee was satisfied that it was not required to refuse the application under the provisions of Regulation 31.

Regulation 17

- 7.14 The application (which was to be determined in accordance with the procedures in Schedule 2 to the Regulations) was submitted by the Applicant based on providing improvements, or better access, identified in the pharmaceutical needs assessment (pursuant to Regulation 17).
- 7.15 The Committee considered whether purported improvements or better access, on which the Applicant based its application, satisfied the elements of Regulation 17(1) which reads as follows:

“(1) If -

- (a) *NHS England receives a routine application and is required to determine whether granting it, or granting it in respect of some only of the services specified in it, would secure improvements, or better access to pharmaceutical services of a specified type, in the area of the relevant HWB: and*
 - (b) *the improvements or better access that would be secured have or has been included in the relevant pharmaceutical needs assessment in accordance with paragraph 4(a) 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).*

7.16 Paragraph 4(a) of Schedule 1, reads as follows:

"A statement of the pharmaceutical services that the HWB has 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 (whether or not they were located in the area of the HWB), secure improvements to, or better access to, pharmaceutical services, or pharmaceutical services of a specified type, in its area.*

7.17 The Committee note that the Applicant, in its application, is proposing to meet an identified improvement or better access to pharmaceutical services in Calcot to ensure residents are within the 1-mile/20-minute access standard, to provide extended opening hours on weekday evenings and weekend access, to deliver Pharmacy First and New Medicines Service and to improve access for vulnerable groups and support population growth from new housing developments in Theale and Calcot.

7.18 The Committee noted, in the application form, that the Applicant has referred to pages 13, 25, 34, 42 and 46 of the PNA, where the improvements or better access which the Applicant seeks to address, have been identified. The Committee noted that on appeal, the Applicant has also referred to pages 111, 112 and 113 of the PNA.

7.19 The Committee had regard to the following section of the PNA as quoted by the Applicant, which it noted was at page 15, rather than 13:

7.19.1 *"The PNA Task and Finish Group determined provision and choice of pharmacies by travel time. The following criteria were considered reasonable by the steering group in terms of accessibility to pharmacy provision:*

- *Within rural areas: 20-minute drive from a pharmacy.*
- *Within urban areas (or areas with high population density): 1 mile."*

- 7.20 The Committee had regard to the following section of the PNA as quoted by the Applicant, which it noted was at page 25, rather than 34:
- 7.20.1 *“1,540 new dwellings are expected to be completed from the period 2024/25 to 2027/28. The largest of these sites will be in Theale and Newbury areas.”*
- 7.21 The Committee had regard to the following section of the PNA as quoted by the Applicant, which it noted was at page 2, rather than 42:
- 7.21.1 *“Patient groups with specific pharmaceutical needs identified by the steering group included, people sleeping rough, people who have experienced domestic abuse and Gypsy, Roma, Traveller and Horse Racing communities.”*
- 7.22 The Committee had regard to the following section of the PNA as quoted by the Applicant, which it noted was at page 36, rather than 46:
- 7.22.1 *“Community pharmacies are often situated at the heart of communities, providing 'walk-in' access to their services. This makes them ideally positioned to offer opportunistic screening and brief interventions to promote better health and wellbeing.”*
- 7.23 The Committee was of the view that the above sections do not contain any specific reference to a need for improvements or better access in Calcot as envisaged under paragraph 4(a) of Schedule 1 to the Regulations.
- 7.24 The Committee next had regard to the following section quoted by the Applicant, which is at page 3 of the PNA, rather than page 25:
- 7.24.1 *“A gap was identified in the provision in the Calcot area for essential services. Further, the analysis found that the Calcot area would secure improvements or better access to pharmaceutical services were it to have provision of Pharmacy First services.”*
- 7.25 The Committee also noted that on appeal the Applicant had quoted sections at pages 111 to 113 of the PNA at Chapter 9 under the heading “Conclusions and statements”.
- 7.26 The Committee had regard to the section identified at Pages 111 to 112 as follows:
- 7.26.1 *“The PNA has identified a gap in the provision of pharmaceutical services to the population of Calcot. There is therefore a current need for a pharmacy in providing essential services, Monday to Friday between 09:00 and 17:00, and Saturday 09.00 and 13.00.”*
- 7.27 The Committee noted that the provision of essential services in Calcot between 9am and 5pm Monday to Friday and between 9am and 1pm on Saturday had been identified as a current need, rather than a service that, if it were provided, would secure improvements or better access.

7.28 The Committee had regard to the sections identified on pages 112 and 113 as follows:

7.28.1 *“As noted earlier, the population of Calcot does not have a community pharmacy within a 20-minute walk and the PNA has identified the Pharmacy First and NMS services are important to securing improvements and better access of pharmaceutical services to that population.”*

7.28.2 *“The PNA has identified Pharmacy First as a service is provided to the population of Calcot, but which the HWB is satisfied if were provided would secure improvements or better access to pharmaceutical services.”*

7.29 The Committee considered that, in the absence of any pharmaceutical provision in Calcot, it was reasonable to treat the PNA wording at page 112 and 113 as identifying improvements or better access capable of being secured by an application in Calcot which offers to provide the Pharmacy First service. On that basis, the Committee concluded that the PNA wording fell within paragraph 4(a) of Schedule 1 to the Regulations. This conclusion was supported by the fact that the Regulations expressly provide for applications under Regulation 17 to secure identified improvements or better access.

7.30 The Committee considered that for the reasons above, the paragraph identified under the heading "Conclusions and statements" on page 113 of the PNA falls within the requirements set out in paragraph 4(a) of Schedule 1 to the Regulations and therefore constitute improvements or better access as envisaged in Regulation 17(1).

7.31 Having concluded that improvements or better access had been identified, as considered above, the Committee went on to consider the matters set out in Regulation 17(2) which are:

“(a) 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 mentioned in paragraph (1) that the applicant is offering to secure;

(b) whether it is satisfied that another application offering to secure the improvements or better access mentioned in paragraph (1) has been submitted to it, and it would be desirable to consider, at the same time as the applicant’s application, that other application;

(c) whether it is satisfied that an appeal relating to another application offering to secure the improvements or better access mentioned in paragraph (1) is pending, and it would be desirable to await the outcome of that appeal before considering the applicant’s application;

(d) whether it is satisfied that, since the publication of the relevant pharmaceutical needs assessment, there have been changes to the profile of pharmaceutical services in the area of the relevant HWB that are such that refusing the application is essential in order to prevent significant detriment to the provision of pharmaceutical services in that area;

(e) *whether it is satisfied that,*

(i) granting the application would only secure the improvements or better access mentioned in paragraph (1) in part, and

(ii) if the application were granted, it would be unlikely, in the reasonably foreseeable future, that the remainder of those improvements or that better access would be secured;

(f) whether it is satisfied that, since the publication of the relevant pharmaceutical needs assessment, the improvements or better access mentioned in paragraph (1) have or has been secured by another person who is providing, or is due to be secured by another person who has undertaken to provide, either in the area of the relevant HWB or in the area of another HWB;

(g) whether it is satisfied that-

(i) the improvements or better access mentioned in paragraph (1) were or was in respect of services other than essential services, and

(ii) granting the application would result in an undesirable increase in the availability of essential services in the area of the relevant HWB;

(h) whether the application needs to be deferred or refused by virtue of any provision of Part 5 to 7."

Regulation 17(2)(a) and (b)

7.32 The Committee had not been provided with any information to indicate that there are other applications to consider at the same time as this application and was therefore satisfied for the purposes of Regulations 17(2)(a) and (b) that there were not.

Regulation 17(2)(c)

7.33 The Committee was not aware of any pending appeal and was therefore satisfied that no such appeal needs to be taken into consideration under the provisions of Regulation 17(2)(c).

Regulation 17(2)(d)

7.34 The Committee next considered Regulation 17(2)(d), namely whether, since publication of the PNA, there had been changes to the profile of pharmaceutical services in the area of the West Berkshire HWB such that refusal of the application was essential in order to prevent significant detriment to the provision of pharmaceutical services in that area.

7.35 The Committee noted that the Commissioner had stated in the decision report that *"The Committee noted that there had been no changes to the PNA since its publication in 2025 and had determined that the application could not be refused under this provision. The Committee noted that this had not been disputed by any party. The Committee was therefore not satisfied that such changes have occurred and considers that it is not required to refuse the*

application under Regulation 19(5).” The Committee noted that this had not been disputed and was satisfied that no post-PNA changes had been identified which would require refusal of the application in order to prevent significant detriment to pharmaceutical services.

- 7.36 The Committee noted Pottery Road Pharmacy’s comments that “...*the introduction of an additional contractor risks causing significant detriment to existing provision by: • Diluting the patient base of established pharmacies, threatening their financial viability • Reducing the ability of existing pharmacies to invest in enhanced and advanced services • Potentially destabilising services that local patients currently rely upon.*” The Committee was satisfied that these submissions did not constitute evidence of post-PNA changes to the profile of pharmaceutical services such that refusal was required under Regulation 17(2)(d).
- 7.37 The Committee was not satisfied that Regulation 17(2)(d) applied so as to require refusal of the application.

Regulation 17(2)(e)

- 7.38 The Committee next considered Regulation 17(2)(e), namely whether it was satisfied that (i) granting the application would only secure the improvements or better access identified in the PNA in part, and (ii) if the application were granted, it would be unlikely, in the reasonably foreseeable future, that the remainder of those improvements or that better access would be secured.
- 7.39 The Committee noted that the proposed premises are in Calcot and the Applicant is offering to provide the Pharmacy First service. The Committee noted that the Pharmacy First service is not currently provided in Calcot as there is no pharmacy located there. Therefore, the Committee was satisfied that granting the application would be capable of securing the identified better access. In those circumstances, the Committee was not satisfied that granting the application would only secure the identified better access in part.
- 7.40 The Committee was not satisfied that Regulation 17(2)(e) applied so as to require refusal of the application.

Regulation 17(2)(f)

- 7.41 The Committee considered whether it is satisfied that, since the publication of the relevant pharmaceutical needs assessment, the improvements or better access have or has been secured by another person who is providing, or is due to be secured by another person who has undertaken to provide, either in the area of the relevant HWB or in the area of another HWB.
- 7.42 The Committee noted the Commissioner had confirmed in its decision that an application by Hetherby Ltd had been granted on 28 January 2026 for premises in the best estimate of 201-209 Halls Road (Odd numbers and letters only), Calcot, Reading, RG30 4PT. Hetherby Ltd had proposed to provide the Pharmacy First service.
- 7.43 The Committee considered that the application form contains undertakings to provide services. These are set out in Paragraph 9 of Schedule 2 of the

Regulations and include at Paragraph 9(1)(c)(ii) an undertaking: "*in particular, in relation to any proposed pharmacy premises, to provide all the services and perform all the activities at those premises that are required under the terms of service to be provided or performed as or in connection with essential services*".

- 7.44 The Committee was therefore of the view that since the publication of the relevant pharmaceutical needs assessment, the improvements or better access identified are due to be secured by another person who has undertaken to provide the Pharmacy First service in Calcot.
- 7.45 The Committee was therefore satisfied that Regulation 17(2)(f) applied so as to require refusal of the application.

Regulation 17(2)(g)

- 7.46 The Committee considered whether the better access relied upon related to services other than essential services and whether granting the application would result in an undesirable increase in the availability of essential services.
- 7.47 The Committee noted the Commissioner was satisfied that "*...the improvements or better access included in the PNA was for services other than essential services*" and that "*granting the application would result in an undesirable increase in the availability of essential services in the area of the HWB*".
- 7.48 The Committee noted that the identified improvements or better access related to the provision of the Pharmacy First service and therefore 17(2)(g)(i) was satisfied. The Committee noted that Regulation 17(2)(g) required both limbs to be satisfied in order for the application to be refused.
- 7.49 The Committee was mindful as noted above that Hetherby Ltd's application had been granted and therefore essential services were due to be provided in Calcot.
- 7.50 The Committee considered whether the granting of a second application in Calcot would result in an undesirable increase in the availability of essential services. The Committee noted the Applicant's comment that "*There does not, therefore, appear to be any reason to grant more than one application in Calcot.*" The Committee noted the Commissioner had concluded that "*...granting the application would result in an undesirable increase in the availability of essential services in the area of the HWB.*"
- 7.51 The Committee saw no reason to believe that Hetherby Ltd would be unlikely to open and deliver essential services. Further, no information had been provided to indicate a need for more than one pharmacy to open in Calcot.
- 7.52 The Committee was therefore satisfied that Regulation 17(2)(g) applied so as to require refusal of the application.

Regulation 17(2)(h)

- 7.53 The Committee had not been provided with any information to indicate that the application should be deferred or refused by virtue of any provision of parts 5 to 7 of the Regulations.

Summary

- 7.54 The Committee noted reference in the PNA to services which would fall within the description set out in paragraph 4(a) of Schedule 1 to the Regulations.
- 7.55 However, the Committee concluded for the reasons above, that the identified improvements or better access as referred to in the PNA are due to be secured by another person in line with Regulation 17(2)(f).
- 7.56 Pursuant to paragraph 9(1)(a) of Schedule 3 to the Regulations, the Committee may:
- 7.56.1 confirm the Commissioner's decision;
 - 7.56.2 quash the Commissioner's decision and redetermine the application;
 - 7.56.3 quash the Commissioner's decision and, if it considers that there should be a further notification to the parties to make representations, remit the matter to the Commissioner.
- 7.57 In those circumstances, the Committee determined that the decision of the Commissioner must be confirmed.

8 Decision

- 8.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, confirms the decision of the Commissioner, therefore the application is refused.
- 8.2 The Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.
- 8.3 The Committee has determined that the application should be refused for the following reasons:
- 8.3.1 The identified improvements or better access as referred to in the PNA are due to be secured by another person in line with Regulation 17(2)(f).
- 8.4 Accordingly, the application is refused.

Case Manager Primary Care Appeals