

31 July 2026

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

REF: APL-4452 [SHA/26970]

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

**APPEAL AGAINST GREATER MANCHESTER ICB
DECISION TO GRANT AN APPLICATION BY
PRESCRIPTION HUB LTD FOR INCLUSION IN THE
PHARMACEUTICAL LIST AT MOSLEY COMMON,
WIGAN, M29 WITH REGARD TO FUTURE NEED
UNDER REGULATION 15**

1 Outcome

- 1.1 Davina Pharmacy Ltd is not a person with third party appeal rights against the decision of the Commissioner as set out in its letter dated 13 March 2026 (and notified to Davina Pharmacy Ltd by letter dated 13 March 2026).
- 1.2 The appeal will therefore not proceed under the provisions of Part 2 of Schedule 3 to the Regulations.
- 1.3 Given that there is no valid appeal against the decision of the Commissioner, then I am of the view that the decision of the Commissioner to grant the application by Prescription Hub Ltd stands.
- 1.4 Accordingly, the application is granted.

A copy of this decision is being sent to:

Rushport Advisory LLP on behalf of Prescription Hub Ltd
Pharmacy & Sales Consultancy on behalf of Davina Pharmacy Ltd
PCSE on behalf of Greater Manchester ICB

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WIGAN, M29 WITH REGARD TO FUTURE NEED
UNDER REGULATION 15****1 The Application**

By application dated 29 September 2025, Prescription Hub Ltd (“the Applicant”) applied to Greater Manchester ICB (“the Commissioner”) for inclusion in the pharmaceutical list at Mosley Common, Wigan, M29 with regard to future need under Regulation 15. In support of the application it was stated:

- 1.1 In response to the question why this application should not be refused pursuant to Regulation 31 the Applicant stated:
 - 1.1.1 “N/A. There is no pharmacy trading from or adjacent to the proposed premises, so Regulation 31 does not apply.”
- 1.2 In making this application the Applicant is seeking to meet the future need identified in the 2025 Wigan Pharmaceutical Needs Assessment for essential services and Pharmacy First.
- 1.3 The Mosley Common population do not have a community pharmacy within a 1-kilometre radius, despite being a rapidly growing urban area.
- 1.4 Additional services have also been provided as per above [see table below].
- 1.5 Future need will be met in full by opening a pharmacy within the best estimate location providing all required services and providing them when they are needed.
- 1.6 The Applicant confirmed that they would be providing Essential Services (paragraphs 3 to 22, Schedule 4 – pharmacies) as well as appliances as set out in Part IX.
- 1.7 The Applicant confirmed it intended to provide the following advanced and enhanced services:

Service	Accredited to provide (Y/N/NA)	Premises accredited (Y/N/NA)
Supervised consumption	Y	N
Smoking cessation	Y	N
Covid-19	Y	N

Flu vaccination	Y	N
Pharmacy contraception service	Y	N
Hypertension	Y	N
New Medicine Service (NMS)	Y	N
Palliative care	Y	N
Pharmacy first	Y	N
Mar chart	Y	N
NMR vaccine	Y	N
Needle & syringe provision	Y	N
Emergency Hormonal Contraception	Y	N
Inhaler Technique	Y	N
Minor ailments	Y	N
NRT	Y	N

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 THE APPLICANT

- 2.1.1 “Thank you for your letter dated 05 January 2026. I would like to take this opportunity to respond to the submissions provided.

Wigan Health & Wellbeing Board (HWB)

- 2.1.2 The HWB confirms that the 2025 PNA is the correct and current evidence base. No objections have been raised.

- 2.1.3 Wigan Borough Pharmaceutical Needs Assessment 2025 is the current, adopted statutory PNA and is therefore the document to which NHS England must have regard when determining this application.

- 2.1.4 The PNA explicitly concludes that Mosley Common is expected to require additional pharmacy provision in the future due to planned housing development in the area. The validity or merits of that conclusion are not matters for reconsideration within the market-entry process, as the PNA has been formally published and adopted by the Health and Wellbeing Board.

- 2.1.5 Quotes extracted directly from the PNA 2025/28:

“The PNA concludes that Mosley Common is expected to require additional pharmacy provision in the future due to planned housing developments in the area.”

“Wigan Strategic Housing Land Availability Assessment (SHLAA) identifies sites with potential for housing development over a 15-year period. The SHLAA is produced annually and makes an assessment about the suitability, availability and achievability of sites for housing development.”

“Housing development in Mosley Common has been considered as part of our assessment during the previous PNA period (October 2022) and the current draft PNA (2025/28). While the current development includes approximately 175 new homes, our analysis draws on the Strategic Housing Land Availability Assessment (SHLAA), which identifies a broader pattern of planned and potential housing growth in the area. When considered across this longer time span, the cumulative impact of housing development is expected to increase demand for pharmaceutical services. On this basis, we have identified a future need for pharmacy provision in Mosley Common.”

“The PNA has identified a future need within Mosley Common area following the completion of the project development. The future need will be for a pharmacy providing the following services, during hours that align with the provision of GP services on Monday to Saturday as a minimum: All essential services.”

“For the purposes of this PNA, development that is likely to be achievable by the end of the financial year 2027-28 has been considered. Over the period 2025-2028 it is estimated that 2,701 new dwellings could be built across Wigan Borough.”

“The expectation is that much of this housing will accommodate movements of families already living within the Borough and it is not anticipated that additional pharmaceutical services will be required with the exception of Mosley Common area. The Strategic Housing Land Availability Assessment (SHLAA), identifies a broader pattern of planned and potential housing growth in the area which when considered across this longer time span, the cumulative impact of housing development is expected to increase demand for pharmaceutical services. The majority of development within the Mosley Common area during the lifetime of this PNA is expected to be completed in the 2027/28 financial year.”

“The developments identified to deliver the most dwellings over this period (50 or more dwellings) are: Tyldesley & Mosley Common: North of Mosley Common (175).”

Community Pharmacy Greater Manchester (CPGM)

- 2.1.6 CPGM have challenged the scale of housing growth, the timing of development, or whether population increases are sufficient to justify an additional pharmacy. CPGMs submissions amount to a retrospective challenge to the PNA itself. However, that challenge is legally irrelevant. CPGM cannot re-litigate the PNA. The PNA is adopted, therefore, NHS England must have regard to it, and market-entry panels cannot substitute their own planning judgment.

2.1.7 The PNA explicitly states that:

It has assessed housing growth using the SHLAA.

The future need arises from cumulative housing growth identified via SHLAA, not one site.

The majority of Mosley Common development is expected within the PNA lifetime (2027/28).

2.1.8 The PNA nevertheless concludes that Mosley Common will require additional pharmaceutical provision within the lifetime of the assessment.

2.1.9 Population thresholds are not a legal test. There is no statutory population-per-pharmacy threshold in the regulations or PNA framework.

2.1.10 Nearby pharmacies are irrelevant to future needs. The PNA already considered Tyldesley, Astley, Atherton and cross-boundary provision; they still concluded a future need in Mosley Common.

Davina Pharmacy / PSC

2.1.11 Their core claim is that a future-need application can only be granted after the specified future circumstances have arisen. This interpretation is not supported by either the PNA or the Regulations.

2.1.12 Regulation 15 does not say “after”. It says NHS England must decide whether granting the application would meet the future need identified in the PNA. “Best estimate” exists precisely because waiting until completion would delay access, create service lag, or undermine planning certainty. The test is prospective, not retrospective.

2.1.13 The PNA is a planning document, not a damage report. The Wigan PNA explicitly relies on the SHLAA, which is a forward-looking planning tool. The PNA identifies a future need based on pipeline housing delivery and Regulation 15 exists to allow NHS England to meet that need by best estimate before service deficits materialise. Nothing in the PNA or the regulations requires NHS England to wait until completion or harm has already occurred. It is used precisely so services can be planned in advance. The PNA states that:

It considers development likely to be achievable by 2027/28

It recognises cumulative growth

2.1.14 In fact, the PNA explicitly accepts that development straddles the PNA period, impact accumulates over time, and planning must occur during, not after, delivery.

2.1.15 The PNA does not state that NHS England must wait until development is complete (i.e. until the last brick is laid) before granting an application. Rather, it identifies that completion of development is the causal basis

for the need, not a prohibition on anticipatory commissioning. Regulation 15 explicitly permits NHS England to determine whether granting an application would meet the future need identified in the PNA, assessed at best estimate.

2.1.16 Nothing in the Regulations requires:

2.1.16.1 that harm has already occurred,

2.1.16.2 that access deficits have already crystallised,

2.1.16.3 or that the final dwelling has already been occupied.

2.1.17 If Davina's interpretation were correct regulation 15 would be redundant and all future-need applications would be impossible until after harm occurs.

2.1.18 Davina Pharmacy argues that the PNA assumes development post-publication but the PNA explicitly accounts for pipeline delivery and identifies need following completion, not after residents move in and suffer harm. There is nothing in the PNA prohibits anticipatory commissioning.

2.1.19 PSC, on behalf of Davina Pharmacy, accepts that a future need has been declared within the 2025 PNA, which this application is submitted under. They argue that this need will only arise in 2027/28, however we highlight that this is still within the lifetime of the 2025-2028 PNA, and thus this is 3rd party confirmation that the future need will arise within the current PNA and so this application must be granted. We note that conditionality may be attached to any grant, but stress that nevertheless the application should still be granted.

Well Pharmacy

2.1.20 Distance metrics are irrelevant to future need (already assessed in the PNA).

2.1.21 Likewise, commercial destabilisation is not a permitted consideration in market-entry law. The market-entry regime exists to meet population needs, not to preserve existing market share.

Cohens

2.1.22 Objections highlighting the number of pharmacies within 1.5 miles and extended opening hours elsewhere are irrelevant. These matters were already considered by the HWB when preparing the PNA. Despite this, the PNA still identifies a future need for an additional pharmacy in Mosley Common. Repetition of existing provision does not negate a future need already identified through statutory assessment.

2.1.23 Speculation about car ownership directly contradicts the equality Act considerations and the PNAs protected-characteristics analysis. Car ownership is not evenly distributed across protected groups.

- 2.1.24 Those with protected characteristics are less likely to drive or have access to a car, or may be unable to do so consistently. Therefore, an argument that relies on assumed car ownership privileges the able-bodied, working-age population, and systematically disadvantages protected groups.
- 2.1.25 We have substantial evidence from the local community. This includes written representations from over 150 residents, each setting out in detail their lived experiences, concerns, and difficulties arising from the absence of a community pharmacy in Mosley Common. These representations consistently reference barriers to access, travel difficulties, and the practical impact on day-to-day healthcare needs. The application is further supported by letters of support from key stakeholders, including Dr Anderson of Boothstown Medical Centre (Parr Bridge), local Member of Parliament Michael Wheeler, and Councillors Joanne Marshall and Jess Eastoe. These stakeholders independently corroborate the residents' concerns and recognise the need for timely, locally accessible pharmaceutical services within Mosley Common. Letters in support attached [see Appendix B for Committee].
- 2.1.26 Taken together, this evidence demonstrates that the identified future need is not merely theoretical, but is already manifesting in real-world access issues experienced by the community, reinforcing the appropriateness of granting the application at this stage.
- 2.1.27 Innovation is not required under Regulation 15.
- 2.1.28 Previous refusal is irrelevant where a new PNA has since identified a future need.

Conclusion:

- 2.1.29 It is of note that every objector accepts the PNA says "future need". All objections merely attempt to delay, not disprove, that need. Furthermore, none demonstrate a flaw in the PNA, non-compliance with Regulation 15, or incapacity of our proposal to meet the identified need. The only lawful question is whether our pharmacy is a reasonable best-estimate response to the future need already identified.
- 2.1.30 Granting the application is lawful because the PNA has formally identified a future need in Mosley Common. Regulation 15 expressly permits NHS England to grant an application where doing so would meet that future need.
- 2.1.31 The application has been submitted on a best-estimate basis, precisely as envisaged by the Regulations. No statutory test requires NHS England to delay until population growth has fully materialised. Refusing the application solely because development is ongoing would undermine the purpose of Regulation 15 and frustrate proactive health-service planning.

2.1.32 Granting our application now is proportionate as the application is limited to one pharmacy, matching the PNA's identified need. The pharmacy proposes to deliver essential services only, not excessive or duplicative provision. Furthermore, approval enables orderly service planning, avoiding future access pressure as development completes. A delay would risk reactive commissioning, contrary to NHS policy and planning principles.

2.1.33 The public interest is best served by aligning pharmaceutical provision with anticipated population growth, ensuring services are available as need emerges (not after access issues arise), and supporting local, walkable access in line with protected-characteristics and inequality considerations assessed in the PNA.

2.1.34 Accordingly, we invite the Integrated Care Board to grant the application on the basis that it delivers significant and demonstrable public benefit to the community."

3 The Decision

The Commissioner considered and decided to grant the application. The decision letter to the Applicant dated 13 March 2026 states:

3.1 "Greater Manchester ICB has considered the above application and I am writing to confirm that it has been granted. Please see the enclosed report for the full reasoning."

In a letter dated 13 March 2026 addressed to "To all interested parties; With no appeal rights; sent by email only" the Commissioner stated:

3.2 "Greater Manchester ICB has considered the above application and I am writing to confirm that it has been granted. Please see the enclosed report for the full reasoning.

3.3 The applicant is required to notify the address of the premises from which they will provide pharmaceutical services to us within six months of the date of this letter or six months from the date of determination of any appeal to the Secretary of State."

Extract from the NHS Greater Manchester Integrated Care (NHS GM) Pharmaceutical Services Regulations Committee (PSRC) Committee determination made on 12/03/2026 further to requirement for confirmation of information following initial Committee determination on the 26/02/2026.

3.4 "Application for inclusion in a pharmaceutical list: routine application offering to meet a future need applicant: Prescription Hub Ltd

3.5 Fitness to practise Cleared for inclusion within Wigan HWB by PSRC on 18/12/2025.

3.6 Address/best estimate of proposed premises: Mosley Common, Wigan, M29-

Identified future need that the applicant is offering to meet, as stated in the HWB's PNA:

- 3.7 "In making this application the Applicant is seeking to meet the future need identified in the 2025 Wigan Pharmaceutical Needs Assessment for essential services and Pharmacy First.
- 3.8 The Mosley Common population do not have a community pharmacy within a 1-kilometre radius, despite being a rapidly growing urban area.
- 3.9 Additional services have also been provided as per above".
- 3.10 The 2025 Wigan Health & Wellbeing Board (HWB) Pharmaceutical Needs Assessment (PNA) concludes that Mosley Common is expected to require additional pharmacy provision in the future due to planned housing developments in the area.
- 3.11 In addition, the PNA has identified a future need within Mosley Common area following the completion of the project development. The future need will be for a pharmacy providing the following services, during hours that align with the provision of GP services on Monday to Saturday as a minimum: All essential service.
- 3.12 [Wigan Borough Pharmaceutical Needs Assessment 2025](#) (published 18/09/2025)
- 3.13 Page 117:
- 3.14 472. The PNA has considered the current provision of pharmaceutical services across the Borough and the need for any additional services to meet the health needs of the Wigan Borough population. It has not identified any services which are not currently provided in the health and wellbeing board area that would secure improvements or better access to pharmaceutical services or pharmaceutical services of a specific type in its area.
- 3.15 473. The PNA concludes that Mosley Common is expected to require additional pharmacy provision in the future due to planned housing developments in the area.
- 3.16 474. Housing development in Mosley Common has been considered as part of our assessment during the previous PNA period and the current draft PNA. While the current development includes approximately 175 new homes, our analysis draws on the Strategic Housing Land 118 Availability Assessment (SHLAA), which identifies a broader pattern of planned and potential housing growth in the area. When considered across this longer time span, the cumulative impact of housing development is expected to increase demand for pharmaceutical services. On this basis, we have identified a future need for pharmacy provision in Mosley Common.
- 3.17 475. The PNA has identified a future need within Mosley Common area following the completion of the project development. The future need will be for a pharmacy providing the following services, during hours that align with the

provision of GP services on Monday to Saturday as a minimum: • All essential service.

- 3.18 Status of location: Not a controlled locality.

Relevant regulations and guidance

- 3.19 Regulations 15 and 16 – future needs: additional matters and consequences.

- 3.20 Regulation 31 – refusal: same or adjacent premises.

- 3.21 Regulation 32 – deferral arising out of LPS designations.

3.21.1 N/A – no LPS designations

- 3.22 Regulations 40 to 44 – applications in a controlled locality.

3.22.1 N/A – not a controlled locality, nor within 1.6km of one

- 3.23 Regulation 50 – gradualisation for doctors.

3.23.1 N/A – see above regarding controlled localities.

- 3.24 Regulation 65 – core opening hours conditions

3.24.1 N/A – not undertaking to provide more than 40 core hours.

- 3.25 Regulation 66 – conditions relating to providing directed services.

3.25.1 N/A – not offering any directed services.

- 3.26 Paragraph 31, schedule 2 – conditional grant of applications where the address of the premises is unknown.

3.26.1 Applies – applicant has provided a best estimate.

Additional information

- 3.27 The NHS GM PSRC considered the following additional matters:

- 3.28 Does NHS GM consider that it would be desirable to consider, at the same time as this application, applications from other persons offering to meet the same future need?

3.28.1 No

- 3.29 Does NHS GM consider that it would be desirable to defer consideration of this application until some or all of the relevant future circumstances have arisen should they arise?

3.29.1 No

- 3.30 Has another application offering to meet the same future need been submitted, and would it be desirable to consider it at the same time as this application?

- 3.30.1 No
- 3.31 Is an appeal relating to another application offering to meet the same future need pending, and it would be desirable to await the outcome of that appeal before considering this application?
 - 3.31.1 No appeals are currently pending.
- 3.32 Regulation 31 – Must the application be refused?
 - 3.32.1 The PSRC reviewed the best estimate via Google Maps and Google Streetview (shown below): [Appendix C for Committee]
 - 3.32.2 The identified best estimate is located somewhere along Mosley Common Road where Lidl store is and the nearest pharmacy is Well, 1 Coldalhurst Lane, Astley, Tyldesley, Manchester, M29 7BS WELL – NHS
- 3.33 Outcome:
- 3.34 Outcome: The application should not be refused under Regulation 31.
- 3.35 Regulation 32 – Is the application to be deferred? No
 - 3.35.1 Based on all available information, the PSRC considered there were no reasons to justify deferral of the application.
- 3.36 Regulation 41 – Is the relevant location in a reserved location? No
 - 3.36.1 The PSRC noted the relevant location is not in a reserved location.
- 3.37 Regulation 44 – Prejudice test
 - 3.37.1 The PSRC was satisfied that this test did not apply as it relates only to controlled localities/reserved locations. The proposed location is neither in (or within 1.6km of) a controlled locality, nor is it in a reserved location.
- 3.38 Regulation 15(1) – does the need on which the applicant based its application satisfy the elements of Regulation 15(1)?
- 3.39 The PSRC considered the content of the application and applied the appropriate regulatory tests:
 - 3.39.1 *Have there been changes to current or future needs for pharmaceutical services in the HWB's area since the PNA was published? Are the future circumstances still due to arise?*
 - 3.39.2 The PSRC concluded that the application satisfies the elements of Regulation 13(1). [sic]
- 3.40 The PSRC noted that the recently published 2025 Wigan Health & Wellbeing Board (HWB) Pharmaceutical Needs Assessment (PNA) concludes that Mosley Common is expected to require additional pharmacy provision in the future due to planned housing developments in the area.

3.41 In addition, the PNA has identified a future need within Mosley Common area following the completion of the project development. The future need will be for a pharmacy providing the following services, during hours that align with the provision of GP services on Monday to Saturday as a minimum: • All essential service.

3.42 [Wigan Borough Pharmaceutical Needs Assessment 2025](#) (published 18/09/2025)

3.43 Page 117:

472. The PNA has considered the current provision of pharmaceutical services across the Borough and the need for any additional services to meet the health needs of the Wigan Borough population. It has not identified any services which are not currently provided in the health and wellbeing board area that would secure improvements or better access to pharmaceutical services or pharmaceutical services of a specific type in its area.

473. The PNA concludes that Mosley Common is expected to require additional pharmacy provision in the future due to planned housing developments in the area.

474. Housing development in Mosley Common has been considered as part of our assessment during the previous PNA period and the current draft PNA. While the current development includes approximately 175 new homes, our analysis draws on the Strategic Housing Land 118 Availability Assessment (SHLAA), which identifies a broader pattern of planned and potential housing growth in the area. When considered across this longer time span, the cumulative impact of housing development is expected to increase demand for pharmaceutical services. On this basis, we have identified a future need for pharmacy provision in Mosley Common.

475. The PNA has identified a future need within Mosley Common area following the completion of the project development. The future need will be for a pharmacy providing the following services, during hours that align with the provision of GP services on Monday to Saturday as a minimum: • All essential service.

3.44 *Are there any other pharmacies or DACs in the area and what services do they provide?*

3.45 The PSRC noted that there are a number of pharmacies in M29 area:

3.45.1 Well, 1 Coldalhurst Lane, Astley, Tyldesley, Manchester, M29 7BS
WELL – NHS

3.45.2 Its opening hours are 08:30-18:30 Monday to Friday, Saturday and Sunday closed.

3.45.3 It provides all Essential Services and a range of Advanced and Enhanced Services.

3.45.4 Another pharmacy Allied Pharmacy Astley, ALLIED PHARMACY ASTLEY - NHS, 391 Manchester Road, Astley, Tyldesley, Manchester, M29 7BY.

3.45.5 It is open Monday, Tuesday, Thursday and Friday 09:00-18:30, Wednesday 09:00- 17:00, Saturday 09:00-12:00, Sunday closed.

3.45.6 Another pharmacy, Manor Pharmacy, 12 The Centre, Richmond Drive, Higher Folds, Leigh, WN7 2XT.

3.45.7 Its opening times are 09:00-13:00, 14:00-18:00 Monday-Friday, Saturday 09:00-13:00, Sunday closed.

3.46 In support of the application the applicant has submitted the following: see Section 1 above.

3.47 Initially proposed opening hours

3.48 Opening hours

3.49 Proposed core opening hours

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
09:00 – 13:00	09:00 – 13:00	09:00 – 13:00	09:00 – 13:00	09:00 – 13:00	09:00 – 13:00	Closed	44
14:00 – 16:00	14:00 – 16:00	14:00 – 16:00	14:00 – 16:00	14:00 – 16:00			

3.50 Total proposed opening hours

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
09:00 – 13:00	09:00 – 13:00	09:00 – 13:00	09:00 – 13:00	09:00 – 13:00	09:00 – 13:00	Closed	44
14:00 – 16:00	14:00 – 16:00	14:00 – 16:00	14:00 – 16:00	14:00 – 16:00			

3.51 Clarification was sought from the applicant with regards to the core and supplementary hours breakdown, the hours were then approved by PSRC on 12/03/2026:

3.52 Core hours: 40 hours.

Monday	09:00 – 12:15 14:00 – 18:00
Tuesday	09:00 – 12:15 14:00 – 18:00
Wednesday	09:00 – 12:15 14:00 – 18:00
Thursday	09:00 – 12:15 14:00 – 18:00
Friday	09:00 – 12:00

	14:00 – 18:00
Saturday	09:00 – 13:00
Sunday	Closed

- 3.53 The additional/supplementary opening hours: 51.5

Monday	09:00 – 18:30
Tuesday	09:00 – 18:30
Wednesday	09:00 – 18:30
Thursday	09:00 – 18:30
Friday	09:00 – 18:30
Saturday	09:00 – 13:00
Sunday	Closed

- 3.54 Proposed services – see table at Section 1 above.

PSRC considerations

- 3.55 Regulation 15 [3.54 The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) Regulations 2013](#) requires that an "the future need has been included in the relevant pharmaceutical needs assessment in accordance with paragraph 2(b) of Schedule 1".

- 3.56 On page 117 of the 2025 Wigan PNA, we can see the following:

473. The PNA concludes that Mosley Common is expected to require additional pharmacy provision in the future due to planned housing developments in the area.

474. Housing development in Mosley Common has been considered as part of our assessment during the previous PNA period and the current draft PNA. While the current development includes approximately 175 new homes, our analysis draws on the Strategic Housing Land 118 Availability Assessment (SHLAA), which identifies a broader pattern of planned and potential housing growth in the area. When considered across this longer time span, the cumulative impact of housing development is expected to increase demand for pharmaceutical services. On this basis, we have identified a future need for pharmacy provision in Mosley Common.

475. The PNA has identified a future need within Mosley Common area following the completion of the project development . The future need will be for a pharmacy providing the following services, during hours that align with the provision of GP services on Monday to Saturday as a minimum: • All essential service

- 3.57 Has the future need been met by another person who is providing services in the area?
- 3.58 The PSRC noted that the recently published 2025 Wigan PNA states the following on page 117, point 473: The PNA concludes that Mosley Common is

expected to require additional pharmacy provision in the future due to planned housing developments in the area.

- 3.59 In addition to the point 475: The PNA has identified a future need within Mosley Common area following the completion of the project development. The future need will be for a pharmacy providing the following services, during hours that align with the provision of GP services on Monday to Saturday as a minimum:
- All essential service.
- 3.60 Is the future need due to be met by another person who has undertaken to provide services in the area? Such persons are those whose application has been granted but have not yet submitted their notice of commencement. They may also be contractors who have entered into an LPS scheme but have not commenced service provision.
- 3.61 There are no other granted applications nor any LPS schemes.
- 3.62 The PSRC concluded that the application does satisfy the elements of Regulation 15(1).
- 3.63 If the application is in a controlled locality or the premises are within 1.6km of a controlled locality then gradualisation for doctors may need to be considered. Numbers of dispensing patients who may be affected should be included, along with information on what percentage of a practice's dispensing patient list this equates to.
- 3.64 The PSRC was satisfied that this does not apply, as the proposed location is neither within a controlled locality, nor within 1.6km of one.

Interested Party representations

- 3.65 Interested parties notified of the application were pharmacies within 2km of the proposed current and proposed premises:

Well	1 Coldhurst Lane	Astley, Tyldesley	M29 7BS
Allied Pharmacy Astley	391 Manchester Road	Astley, Tyldesley	M29 7BY
Manor Pharmacy	12 The Ctr, Richmond Dr	Higher Folds	WN7 2XT
Elliott Street Pharmacy	177 Elliott Street	Tyldesley	M29 8DR
Davina Pharmacy	155 Elliott Street	Tyldesley	M29 8FL
Cohens Chemist	147-149 Elliott Street	Tyldesley	M29 8FL

- 3.66 Other interest parties notified:

3.66.1 CPGM

3.66.2 Wigan LMC

3.66.3 Wigan HWB

3.66.4 Healthwatch Wigan

Representations received from 45 day notification period

- 3.67 CPGM comment:
- 3.68 “Re: Application offering to meet an identified future need at best estimate – Mosley Common, Wigan, M29 by Prescription Hub Ltd
- 3.69 Thank you for your letter dated 18th November 2025, informing us of the above application and inviting us to make representations.
- 3.70 Community Pharmacy Greater Manchester (CPGM) applications subgroup has formally challenged the conclusion of the Wigan PNA which identifies a future need at Mosley Common.
- 3.71 We believe the PNA’s future need statement is derived from a current development of approximately 175 homes. This is too small to generate a pharmaceutical need. Even at full occupancy, the projected population uplift is:
- 3.71.1 Marginal compared to the existing catchment
- 3.71.2 Falls below population thresholds typically used when assessing additional service requirements.
- 3.72 The wider phased building plan is not anticipated to be completed until 2039 and should be considered in future PNAs.
- 3.73 The application doesn’t indicate any changes in population demographics, such as deprivation or an aging population and if this growth will affect services.
- 3.74 As stated in our PNA response, the area is served by multiple nearby pharmacies, including:
- 3.74.1 Several in Tyldesley and Astley
- 3.74.2 Additional provision in Atherton
- 3.74.3 Pharmacies in Walkden and Boothstown, in the adjacent HWB area
- 3.75 These contractors offer full essential, enhanced and locally commissioned and advanced services. There is no evidence of capacity issues and this is not demonstrated by the applicant, access problems, or unmet need. Residents already access these services via short, direct routes on foot, public transport or by car.
- 3.76 A more proportionate approach is to monitor local developments and issue a supplementary statement in the future if and when a genuine need arises.
- 3.77 CPGM applications subgroup would also like to note the application for the pharmacy is for 44 hours not 40 hours. If successful, CPGM asks for assurance that core hours are provided on a Saturday morning.
- 3.78 In conclusion, the application does not demonstrate why existing provision is insufficient.

- 3.79 The CPGM applications subgroup would like to receive any further correspondence regarding this application and wish to be kept informed of its progress”.
- 3.80 Legal representative on behalf of Davina Chemist:
- 3.81 “179. The expectation is that much of this housing will accommodate movements of families already living within the Borough and it is not anticipated that additional pharmaceutical services will be required with the exception of Mosley Common area. The Strategic Housing Land Availability Assessment (SHLAA), identifies a broader pattern of planned and potential housing growth in the area which when considered across this longer time span, the cumulative impact of housing development is expected to increase demand for pharmaceutical services. The majority of development within the Mosley Common area during the lifetime of this PNA is expected to be completed in the 2027/28 financial year. Page 73 (Current pharmaceutical provision in Wigan Borough)
- 3.82 312. As the majority of development within the Mosley Common area is expected to be completed in the 2027/28 financial year. The PNA has identified a future need within Mosley Common area following the completion of the projected development. The future need will be for a pharmacy providing the following services, during hours that align with the provision of GP services on Monday to Saturday as a minimum:
- 3.82.1 All essential services
- 3.83 473. The PNA concludes that Mosley Common is expected to require additional pharmacy provision in the future due to planned housing developments in the area.
- 3.84 When considering the PNA contents in the context of this ‘Future Needs’ application, it is particularly important to note that the PNA was published on 18th September 2025. This application was dated 29th September 2025 i.e. 11 days later.
- 3.85 We accept that the 2025 Wigan PNA identifies a future need for an additional pharmacy in Mosley Common but it is clear, from the text provided above, that this will not arise until the Mosely Common development is complete, and that is likely to occur in the 2027/28 financial year.
- 3.86 It cannot be correct that the completion of the development that is referred to by the HWB had already happened at the time the PNA was published. If that has been the case then this would have been a current rather than a future need.
- 3.87 The future need referred to in the PNA must therefore refer to houses that are built after the PNA is published, otherwise the wording in the PNA would make no sense.
- 3.88 That being the case, we say that the future need referred to by the applicant cannot yet have arisen.

- 3.89 An application to meet future needs may only be approved once the 'specified future circumstances' (to use the wording in the regulations) have arisen. This is not expected to occur for at least another two years.
- 3.90 It is clear, therefore, that the 'future need' criterion has not yet been met and this application must be refused".
- 3.91 Wigan Health and Wellbeing Board Comment:
- 3.92 "RE: CAS-389046-G3B1C5 – Application offering to meet an identified future need at best estimate – Mosley Common, Wigan, M29 by Prescription Hub Ltd
- 3.93 We are writing to make a written representations on behalf of Wigan Health and Wellbeing Board and NHS Greater Manchester (wigan) regarding the application offering to meet an identified future need at best estimate – Mosley Comon, Wigan, M29 by Prescription Hub Ltd.
- 3.94 The 2025 Wigan Borough Pharmaceutical Needs Assessment (PNA) [Pharmaceutical Needs Assessment](#) [sic] has recently been published and includes the most up to date information to be considered by the panel when making a decision on this pharmacy application.
- 3.95 Should you require any further information on this representation, please contact public.health@wigan.gov.uk"
- 3.96 Well pharmacy comment:
- 3.97 "Re: Application offering to meet an identified future need at Best estimate – Mosley Common, Wigan, M29 by Prescription Hub Ltd
- 3.98 Thank you for informing Well of the above application and for inviting written representations.
- 3.99 There are eight pharmacies within a 1.5 mile radius of the proposed location. Our pharmacy located at Coldalhurst Lane, Astley, M29 7BS is 1.4 miles away.
- 3.100 A full range of opening hours, across 7 days, is provided by these pharmacies.
- 3.101 If a new pharmacy contract is granted, there is a risk that it will destabilise the existing pharmacies in the area.
- 3.102 Please keep us informed of the outcome of this application and if there is to be an oral hearing where we may wish to be represented."

Representations received from circulation of first representations

- 3.103 Councillor Jess Eastoe [see Appendix B for Committee]
- 3.104 Joanne Marshall, Tyldesley, Mosley Common Ward [see Appendix B for Committee]
- 3.105 Comment by Dr R Anderson from Boothstown Medical Centre: [see Appendix B for Committee]

- 3.106 Comment by Michael Wheeler MP: [see Appendix B for Committee]
- 3.107 Applicant's response to comments by Interested Parties: see Section 2 above.
- 3.108 The PSRC had regard to interested party representations when considering the application.
- 3.109 The PSRC also considered the impact of decision on those with protected characteristics under the Equalities Act 2010, in accordance with NHS England's Public Sector Equality Duty and its duties around health inequality.
- 3.110 It was noted that from 1st January 2021 for all face-to-face community pharmacies and 1st April 2021 for all distance selling premises, the system of clinical governance within the Terms of Service was expanded to include the promotion of healthy living. The Healthy Living Pharmacy (HLP) framework is aimed at achieving consistent provision of a broad range of health promotion interventions through community pharmacies to meet local need, improving the health and wellbeing of the local population and helping to reduce health inequalities. NHS Greater Manchester is committed to support its community pharmacies in achieving and maintaining compliance with this framework.

Decision

- 3.111 Based on all available information, the PSRC determined that the application met the required regulatory tests and therefore the application was granted.
- 3.112 Specifically, Regulation 15 [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) Regulations 2013](#) requires that an "the future need has been included in the relevant pharmaceutical needs assessment in accordance with paragraph 2(b) of Schedule 1".
- 3.113 Wigan PNA concludes that Mosley Common is expected to require additional pharmacy provision in the future due to planned housing developments in the area, and a future need within Mosley Common area has been identified following the completion of the project development. The future need will be for a pharmacy providing the following services, during hours that align with the provision of GP services on Monday to Saturday as a minimum: • All essential service.
- 3.114 The applicant is advised that a condition of this grant is that it must notify NHS Greater Manchester of the address of the premises to be listed (which must fall within the best estimate specified in the application and map provided in order to be valid) within six months of:
- 3.114.1 the date on which the applicant is sent the notice of decision under paragraph 28 (having regard also to paragraph 10(2) of Schedule 3).
- 3.115 if the grant of the application is appealed to the Secretary of State by a person with third party appeal rights, the date on which the appeal is determined by the Secretary of State; or in a case of an application which is subject to a condition imposed by virtue of paragraph 33(2), the date on which that condition becomes spent, whichever is the latest.

- 3.116 On inclusion in the Wigan HWB Pharmaceutical List, the applicant was issued with a core hours direction with core hours to be 40 hours per week with any additional being considered as supplementary hours: Pharmacy-opening-hours-guidance-May-2020.pdf
- 3.117 The PSRC was satisfied with the proposed hours and its breakdown in the above decision report.
- 3.118 No appeal rights as no objections received.
- 3.119 The Pharmaceutical Services Regulations Committee (PSRC) makes decisions on applications made under the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended.
- 3.120 Although the above decision does not constitute a contractual change at this stage, should the PSRC's decision be appealed by the applicant and the appeal upheld, this would potentially lead to a contractual change at a future date. Under NHS Greater Manchester governance this determination by the PSRC is to be authorised for and on behalf of Greater Manchester Integrated Care by: [BS], Director of Primary Care NHS Greater Manchester."

4 The Appeal

In a letter dated 5 June 2026, Pharmacy Sales & Consultancy (PS&C) on behalf of Davina Pharmacy Limited ("the Appellant") appealed against the Commissioner's decision. The grounds of appeal are:

- 4.1 "We act for Davina Pharmacy Limited and have attached a letter of authorisation from our client according.
- 4.2 Our client has been notified by NHS England, in a letter dated 13th March 2026, that the above application has been approved. A copy of NHS England's letter and decision report is attached with this appeal letter.
- 4.3 Our client wishes to appeal against the decision of the Greater Manchester ICB to approve this application as it believes their reasons for approval are flawed.

Grounds for appeal

- 4.4 Our client's key ground for appeal is that the 'future need' referred to in the application, and discussed within the Wigan PNA, is not clearly defined within the current PNA and, as such, the Commissioner should not have been satisfied that the application met a future need.
- 4.5 For that reason the fundamental requirements of Regulation 15 have not been met.
- 4.6 Additionally, the ICB failed to apply any conditions upon the applicant to ensure any new pharmacy does not open until any identified future need has arisen.

Regulatory test

- 4.7 This application has been submitted under Regulation 15 which states the following:

15. 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 meet a future need for pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB; and

(b) the future need has been included in the relevant pharmaceutical needs assessment in accordance with paragraph 2(b) 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).

4.8 Paragraph 2(b) of Schedule 1 states:

Necessary services: gaps in provision

2. 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—

(b) will, in specified future circumstances, need to be provided (whether or not they are located in the area of the HWB) in order to meet a future need for pharmaceutical services, or pharmaceutical services of a specified type, in its area.

4.9 In response to question 6 on the application form, which states “In making this application I/we am/are seeking to meet the future need identified on the HWB’s pharmaceutical needs assessment”, the applicant has responded as follows:

“In making this application the Applicant is seeking to meet the future needs identified in the 2025 Wigan Pharmaceutical Needs Assessment for essential services and Pharmacy First.

The Mosely Common population do not have a community pharmacy within a 1- kilometre radius, despite being a rapidly growing urban area.

Additional services have also been provided as per above”.

Wigan PNA

4.10 We have considered the contents of the 2025-2028 Wigan PNA and have enclosed a copy with this appeal. Our client is happy to accept that this is the current PNA for the purposes of determining this appeal. We note that the PNA is dated 18th September 2025.

4.11 We also note the following extracts from the PNA (emphasis added):

Page 11

Current Pharmaceutical provision – Necessary services

9. Based on the information within the population health profile and the neighbourhood analysis, **there is adequate provision of necessary pharmacy services in Wigan Borough, with the exception of Hindley Green**

- 4.12 For the avoidance of doubt, Mosley Common, the site for this application is in a completely different part of the HWB area to Hindley Green.

Current Pharmaceutical services – Other relevant services

12. The PNA has considered the **current provision** of other relevant pharmaceutical services across Wigan Borough and outside of the health and wellbeing board area. This includes services above and beyond those defined as necessary which improve outcomes or enhance access to other pharmaceutical services, specifically in relation to demographic and health needs of the population. **It concludes that current provision of other relevant pharmaceutical services offered by both community pharmacies and other health care providers meet the needs of the population of Wigan Borough, with the exception of Hindley Green as stated above.**

Future needs, improvements and securing better access

13. The PNA concludes that **Mosley Common is expected to require additional pharmacy provision in the future** due to planned housing developments in the area.

Page 12

14. Housing development in Mosley Common has been considered as part of our assessment during the previous PNA period (October 2022) and the current draft PNA. While the current development includes approximately 175 new homes, our analysis draws on the Strategic Housing Land Availability Assessment (SHLAA), which identifies a broader pattern of planned and potential housing growth in the area. **When considered across this longer time span, the cumulative impact of housing development is expected to increase demand for pharmaceutical services. On this basis, we have identified a future need for pharmacy provision in Mosley Common.**

15. The PNA has identified a **future need** within Mosley Common area **following the completion of the project development**. The future need will be for a pharmacy providing the following services, during hours that align with the provision of GP services on Monday to Saturday as a minimum:

- All essential services

P48 & 49

Future Developments

177. Wigan Strategic Housing Land Availability Assessment (SHLAA) identifies sites with potential for housing development over a 15-year period. The SHLAA is produced annually and makes an assessment about the suitability, availability and achievability of sites for housing development.

178. For the purposes of this PNA, development that is likely to be achievable by the end of the financial year 2027-28 has been considered. Over the period 2025-2028 it is estimated that 2,701 new dwellings could be built across Wigan Borough.

179. The expectation is that much of this housing will accommodate movements of families already living within the Borough and it is not anticipated that additional pharmaceutical services will be required with the exception of Mosley Common area. The Strategic Housing Land Availability Assessment (SHLAA), identifies a broader pattern of planned and potential housing growth in the area which when considered across this longer time span, the cumulative impact of housing development is expected to increase demand for pharmaceutical services. **The majority of development within the Mosley Common area during the lifetime of this PNA is expected to be completed in the 2027/28 financial year.**

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Current pharmaceutical provision in Wigan Borough

312. As the majority of development within the Mosley Common area is expected to be completed in the 2027/28 financial year. **The PNA has identified a future need within Mosley Common area following the completion of the projected development.** The future need will be for a pharmacy providing the following services, during hours that align with the provision of GP services on Monday to Saturday as a minimum:

- All essential services

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Pharmaceutical Needs Assessment for Wigan Borough – Conclusion

473. The PNA concludes that **Mosley Common is expected to require additional pharmacy provision in the future** due to planned housing developments in the area.

Has a future need been identified been identified in the PNA?

- 4.13 We have considered the wording of the PNA in the context of Paragraph 2(b) of Schedule 1.
- 4.14 We agree that the PNA does refer to future circumstances that are expected to arise during lifetime of the current PNA. The terms “in the future”, “longer time span” and “in the 2027/28 financial year” do, on the face of it, support the position that there is a future need discussed within the PNA.
- 4.15 However, we have also considered the wording of paragraph 2(b) which is clear that a statement in the PNA in relation to future needs should include “*specified future circumstances*” that will give rise to this need.
- 4.16 The principle of a ‘future needs’ application in the context of regulation 15 is straightforward. An application may be granted where there is not a gap in

provision at the time the PNA was published but a gap is expected to arise before the next PNA comes into force. Where an application meets this future need its grant will be conditional on the 'specified future circumstances' that have been described in the PNA arising. In other words the pharmacy may only open at some point in the future after the specified future circumstances discussed in the PNA have come to fruition.

- 4.17 In this context, the 'future need' discussed in the PNA is slightly problematic for the decision-maker. The need referred to in the PNA discusses "*the completion of the projected development*".
- 4.18 The "projected development" referred to in the PNA is not defined more specifically elsewhere in the document. It is important to note that Mosley Common itself is not a new development, but is a long-established suburb to the east of Tyldesley. It can be seen on the map below [see Appendix D for Committee] (extracted from page 82 of the PNA) and is within the Tyldesley and Atherton 'neighbourhood'.
- 4.19 When discussing housing development within this 'neighbourhood' the PNA makes the following statement:
- Housing development in Mosley Common has been considered as part of our assessment during the previous PNA period and the current draft PNA. While the current development includes approximately 175 new homes, our analysis draws on the **Strategic Housing Land Availability Assessment (SHLAA)**, identifies a broader pattern of planned and potential housing growth in the area which when considered across this longer time span, the cumulative impact of housing development is expected to increase demand for pharmaceutical services. The majority of current development within the Mosley Common area is expected to be completed in the 2027/28 financial year.*
- 4.20 We have therefore considered the Wigan Strategic Housing Land Availability Assessment (SHLAA) dated 1st April 2025, and enclose a copy of this document for the benefit of the Primary Care Appeals Committee ("the Committee") [see Appendix E for Committee]. Within that document we have highlighted references to Mosley Common on pages 14, 30, 32, 35, 37 & 38.
- 4.21 In total there are 10 references within this document to Mosley Common, discussing a range of sites at different stages of development and with different projected completion dates, many of which are within a window defined as '2025-2030' i.e. potentially beyond the 3 year lifespan of the current PNA.
- 4.22 Given that any grant of a 'future needs' application should be conditional on the specified future circumstances arising, the decision maker will have some difficulties in measuring this given that the future need does not define which of the Mosley Common developments discussed within the SHLAA are relevant.
- 4.23 If it was the HWB's intention that all developments in Mosley Common must be completed before the need arises, then it will be for the applicant, in due course, to provide evidence that this has occurred and any grant should be conditional accordingly. If this was not the HWB's intention then it should have been clear,

when identifying a future need, precisely which developments should be taken into account.

- 4.24 The other difficulty for the Committee is that the PNA states that the need will arise upon “completion” of the projected development but fails to define how this will be measured. In the context of new housing developments, completion may be considered to have taken place when all houses are built or when all houses are occupied or when all infrastructure has been built. In the absence of any definition of what completion looks like, NHS England will be unable to satisfy itself that any identified future need has arisen.
- 4.25 In our opinion, this lack of specificity both in terms of which developments should be considered, and how their completion will be measured, brings into question whether the need discussed in the PNA is a future need, as discussed in regulation 15, as the circumstances that give rise to this need are not completely “specific”.

If there is a future need, has that arisen already?

- 4.26 In granting this application, the Greater Manchester ICB failed to apply any conditions to the opening of the pharmacy other than on the penultimate page of the report which states:

The applicant is advised that a condition of this grant is that it must notify NHS Greater Manchester of the address of the premises to be listed (which must fall within the best estimate specified in the application and map provided in order to be valid) within six months of:

- *the date on which the applicant is sent the notice of decision under paragraph 28 (having regard also to paragraph 10(2) of Schedule 3);*

- 4.27 As the ICB have applied no conditions associated with any future need discussed in the PNA coming to fruition, the implication may be that the ICB may have decided that the future need has arisen already.
- 4.28 However, this is contrary to the statements in the PNA that there was “adequate provision of necessary pharmacy services in Wigan Borough, with the exception of Hindley Green” at the date the PNA came into effect, i.e. less than 6 months ago. It is also contrary to statements in the PNA that much of the new housing will be built in 2027-28 and the implication that the need for a new pharmacy may arise around that time.
- 4.29 We do not believe, based on the Pharmaceutical Services Regulations Committee (PSRC) decision report, that it reached the conclusion that the future need discussed in the PNA had arisen already. That being the case it erred in failing to apply any further conditions to the grant linked to the future need discussed in the PNA actually arising.
- 4.30 Any future-looking statement within a PNA is nothing more than a ‘best guess’ based on information available to the authors at the time the PNA is written. There may be occasions, based on factors that could not have been foreseen by the authors of the PNA, that the future need discussed does not arise during the lifetime of the current PNA. For that reason any grant must be conditional,

otherwise it risks the possibility that a pharmacy opens that is never actually needed.

- 4.31 Notwithstanding our comments earlier that the wording of the future need discussed in the PNA is problematic, if the Committee does accept that a future need has been identified in the Wigan PNA, we ask that the grant of this application is made conditional on acceptable evidence being provided by the applicant that all developments discussed in the Wigan Strategic Housing Land Availability Assessment dated April 2025 are fully completed before any pharmacy is permitted to open.

Conclusion

- 4.32 In conclusion, it is our client's position that the future need discussed within the current Wigan PNA lacks sufficient specificity and, as such, does not meet the requirements for a "statement" as envisaged in Paragraph 2(b) of Schedule 1 to the NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 (as amended). That being the case, the application may be refused.
- 4.33 If Primary Care Appeals forms a different view, we invite the committee to clearly define the area within which the extent of housing development should be considered when assessing whether that future need has arisen. Furthermore we ask that the committee applies a condition to any grant it may make, specifying that a pharmacy may only open after all developments within that area (which may be all those discussed in the SHLAA) have been fully completed, including all infrastructure described in the relevant planning consent.
- 4.34 Should Primary Care Appeals decide to convene an oral hearing to consider this matter our client would wish to attend."

5 Summary of Representations

This is a summary of representations received on the appeal.

5.1 RUSHPORT ADVISORY LLP ON BEHALF OF THE APPLICANT

- 5.1.1 "I act for Prescription Hub Ltd and submit this response to the appeal against the decision of the Commissioner to grant my client's application.
- 5.1.2 The appeal claims that the circumstances for a future need application to be approved are not sufficiently clear. However, if the PNA is properly considered then it is clear that the need has now arisen for a new pharmacy and that the "approximately 175 homes" required to trigger that need has now been met.

PNA Analysis

- 5.1.3 The 2022 PNA demonstrates that Mosley Common housing growth was not speculative or new for the 2025 PNA. It was already recognised during the previous PNA cycle.

- 5.1.4 The 2025 PNA then carried forward that analysis and reached a stronger conclusion: that Mosley Common now required additional pharmacy provision in the immediate future.
- 5.1.5 When the PNA is properly considered, the identified future need is clear, as the housing identified in the 2022 PNA has continued to be delivered.
- 5.1.6 The future circumstances are not a mystery. They are the planned and cumulative housing growth in Mosley Common, including the approximately 175-home development already completed that was still in development during the 2022 PNA cycle.
- 5.1.7 The PNA 2025 (para 13) notes that *“Mosley Common is expected to require additional pharmacy provision in the future due to planned housing development in the area”*.
- 5.1.8 PNA (para 14) states *“Housing development in Mosley Common has been considered as part of our assessment during the previous PNA period (October 2022) and the current draft PNA. While **the current development** includes **approximately** 175 new homes, our analysis draws on the Strategic Housing Land Availability Assessment (SHLAA) which identifies a broader pattern of planned and potential housing growth in the area”*. (Emphasis Added).
- 5.1.9 Para 180 is also relevant as it references Tyldesley & Mosley Common: North of Mosley Common and states;

“The developments identified to deliver the most dwellings over this period (50 or more dwellings) are:

- *Golborne & Lowton West: Rothwell’s Farm (107)*
- *Leigh West: Westleigh Waterfront, Plank Lane (90), Land at Nel Pan Lane (74).*
- *Standish with Langtree: Bradley Hall Industrial Estate (93), Land to rear of Rectory Farm, Rectory Lane (75).*
- *Ince: Wigan Enterprise Park (84), Land at the Former Enterprise House Wigan Enterprise Park Seaman Way (75).*
- *Worsley Mesnes: Former Pemberton Colliery (132).*
- *Lowton East: Pocket Nook (75).*
- *Atherton South & Lilford: Land to the West of Stothert Street (78), Land East of Leigh Road South/West of Bee Fold Lane and West of Millers Lane (75).*
- ***Tyldesley & Mosley Common: North of Mosley Common (175).***
- *Leigh South: Land at Hooten Gardens (50).*
- *Worsley Mesnes: Former site of Hindley House (84).*
- *Douglas: Eckersley Mill 3 Swan Meadow Road (137).”*

[emphasis added]

- 5.1.10 Using this it is possible to work backwards as paragraph 180 lists multiple developments. Only one of these is relevant and that is the building of Tyldesley & Mosley Common: North of Mosley Common (175).

- 5.1.11 We therefore can say that this is the development.
- 5.1.12 This is confirmed by paragraph 14 of the PNA which states, “While the current development includes approximately 175 new homes, our analysis draws on the Strategic Housing Land Availability Assessment (SHLAA) which identifies a broader pattern of planned and potential housing growth in the area”.
- 5.1.13 This not only clarifies which area / development is being referred to but also confirms that the number of homes is approximate and that additional housing will be built after the 175 homes. The use of the word “approximately” is not unsurprising as the number of homes on a development can change depending on agreed land uses during the project timescales.
- 5.1.14 It is worth noting that the need for a pharmacy in Mosley Common was first considered in the 2022 PNA
- 5.1.15 An extract of the 2022 PNA is below, where there is reference 176 dwellings being built at Garrett Hall. This is the “approximately” 175 dwellings referenced in the PNA 2025.
- 5.1.16 In total the 2022 PNA also identifies 50 dwellings of Bank Road, 84 on the Parr Bridge Works and 55 off Garrett Hall Road.
- 5.1.17 *176. The developments identified to deliver the most dwellings over this period (50 or more dwellings) are:*
- Ashton-in-Makerfield: Landgate (55)
 - Ince-in-Makefield: Wigan Enterprise Park (132)
 - Golborne/L
- 5.1.18 The image below [see Appendix F] shows the development of housing around Garrett Hall in 2022.
- 5.1.19 These developments are now completed because there is no further work occurring on the lands, they have been completed with landscaping and the final topcoat of tarmac has been provided. All houses are sold or for sale and can be occupied.
- 5.1.20 The HWB appears not to have been aware that these housing developments had in fact been completed in 2024 when they were drafting the PNA is 2025 and instead simply referenced the wording of the 2022 PNA. This does not make my client’s application in any way incorrect, but simply shows that the circumstances required for the “future need” have now occurred.
- 5.1.21 The letter of appeal appears to claim that the entirety of the Mosley Common area of development must be completed before the need for a pharmacy would arise, however, this argument is not sustainable when the PNA is properly considered or when the needs of patients are considered. The appeal acknowledges that Mosley Common is not an entirely new area and has existed for some time. The approval of

planning permission for over 1,000 homes on 156 acres of former greenbelt land is new and builds on the need. My client has already provided a number of letters of support that detail the need for a pharmacy in Mosley Common due to the ongoing building works.

5.1.22 The PNA does not require the wider area development to be finished and nor would this make sense, as there will be a requirement for a pharmacy prior to every house being finished. Instead, the PNA lists the approximately 175 homes as the “current development” that must be finished as the trigger for the need to arise. That development is Garrett Hall and is now complete and the application was therefore correctly approved.

5.1.23 Primary Care Appeals may wish to make any approval conditional on the relevant developers confirming that the developments we have highlighted have in fact been completed and my client has no objection to such an approach which is permitted under Schedule 2, Part 4, Para 33 “Conditional Grants in cases relating to future needs...”.

5.1.24 We look forward to hearing from you in due course.”

6 Summary of Observations

This is summary of observations received.

6.1 PHARMACY SALES & CONSULTANCY ON BEHALF OF THE APPELLANT

6.1.1 “Thank you for your letter dated 28th May including representations from third-parties in response to our client’s appeal. We continue to act for Davina Pharmacy Limited and wish to make the following final observations.

6.1.2 We note that comments have only been received from the applicant. No comments have been submitted by the HWB to support the applicant’s case.

6.1.3 We disagree with the applicant’s assertion that “*if the PNA is properly considered then it is clear that the need has now arisen for a new pharmacy and that the “approximately 175 homes” required to trigger that need has now been met*”.

6.1.4 The applicant’s case in this respect rests on two key assumptions as follows:

6.1.4.1 Firstly it suggests that it is implied within the PNA (rather than specifically stated) that the Mosley Common development referred to was limited to the Garrett Hall site, which comprises approximately 175 new homes and;

6.1.4.2 Secondly it suggests that the Health and Wellbeing Board “*appears not to have been aware that these housing developments had in fact been completed in 2024*” and, as this

development has already been completed, the future need referred to in the PNA has already materialised.

- 6.1.5 In our opinion these assumptions are not supported by the facts set out in the 2025 Wigan Borough PNA.
- 6.1.6 The applicant begins by referencing the 2022 PNA but does not appear to suggest that it believes this application should be determined by reference to that PNA. This being the case we submit that the contents of the 2022 PNA have no bearing on this application.
- 6.1.7 The Primary Care Appeals Committee (“The Committee”) should not be required to guess what the authors of the PNA may or may not have thought or intended based on comments made in previous PNAs. We submit that the application may only be determined by reference to the ‘future need’ discussed in the 2025 PNA.
- 6.1.8 The applicant states that the 2025 PNA reached a “*stronger conclusion*” and that additional provision was required in the “*immediate future*” but there is no such statement within the PNA. In fact, as our client set out in its appeal, the PNA discusses (in para. 14) a “*longer timespan*” and in para 179, specifically mentions development in Mossley Common being “*completed in the 2027/28 financial year*”. This is not the “immediate future”.
- 6.1.9 The current PNA does specifically mention the 175-home development referenced by the applicant in para. 14, so there can be no suggestion that the HWB were not aware of this development. However the applicant’s suggestion that the HWB failed to notice that these 175 homes had actually been completed a year before the PNA was published is entirely speculative.
- 6.1.10 Given that the PNA specifically discussed a ‘future need’ in Mossley Common, it is hard to believe that, if the authors intended to limit this to the 175 homes discussed by the applicant, they would not have taken the time to check if these homes had actually been built. Had they done so they would have been able to include this as a ‘current need’ in the PNA and remove any ambiguity. The HWB have also had the opportunity to provide clarity in respect of their intentions by responding to this appeal but have chosen not to do so.
- 6.1.11 The list of developments in para. 180 referred to by the applicant is simply a list of those sites identified to deliver the most dwellings. This is not connected to the statements elsewhere in the PNA about ‘future need’.
- 6.1.12 Even if the HWB had intended this future need to refer specifically to these 175 homes, they could have very easily referenced that specific development when discussing the future need, so it would be very clear to the decision maker whether or not the future need had materialised. Instead, the PNA refers to the SHLAA and the “broader pattern of planned and potential housing growth” and, as discussed earlier, specifically discusses the 2027/28 financial year.

- 6.1.13 In this context it is not credible to suggest that the ‘future need’ discussed in the PNA was limited to the historical 175-home development and that other ongoing developments in Mossley Common should be disregarded.
- 6.1.14 The applicant goes on to refer to the “*needs of patients*” and “*letters of support*”. Whilst we do not dispute that there will be residents of Mosley Common who would welcome a pharmacy, the Committee will be mindful of the requirements of Regulation 15 and will determine this application based solely on the wording used in the PNA.
- 6.1.15 We also note the applicant’s reference to “*planning permission for over 1,000 homes*” and would suggest this is further evidence that the HWB’s intention, when it considered future need, related to much more significant population growth that will take place over the coming years.
- 6.1.16 In conclusion our client maintains its position that the requirements of Regulation 15 have not been met in this case and that the application should be refused accordingly.
- 6.1.17 Should Primary Care Appeals decide to convene an oral hearing to consider this matter our client would wish to attend.”

7 Preliminary consideration

- 7.1 The Commissioner gave notice of the notifiable application in accordance with the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”) by cover letter dated 18 November 2025.
- 7.2 As detailed in the decision report of the Commissioner, representations were received from Pharmacy Sales & Consultancy on behalf of Davina Pharmacy, Wigan Council, Community Pharmacy Greater Manchester, Well Pharmacy and Cohens Chemist within the relevant 45 day period as set out in the Regulations. These representations were circulated, under cover of an email of 5 January 2026 “To Applicant & All interested parties who made representations during the 45 day consultation period” under cover of a letter also dated 5 January 2026.
- 7.3 The Commissioner considered and decided to grant the application by Prescription Hub Ltd. The decision report of the Commissioner states “No appeal rights as no objections received.” The Committee further noted the cover letter sent to all parties with a copy of the decision report was addressed to “To all interested parties, With no appeal rights, Sent via email only.” The Committee noted that neither the decision report nor the cover letter with the decision report gave a right of appeal to any party.
- 7.4 Davina Pharmacy, represented by Pharmacy Sales & Consultancy, sought to appeal against the decision of the Commissioner to grant the application by Prescription Hub Ltd. The Committee noted that the letter of appeal from Pharmacy Sales & Consultancy did not seek to appeal against the decision of the Commissioner not to give them third party rights of appeal.

- 7.5 I note that the appeal had been circulated in accordance with the Regulations and representations and observations had been sought from all statutory parties, including the Applicant. I have also noted that, despite all parties being provided with the appeal, and supporting documentation, including a copy of the decision report and covering letter from the Commissioner, no party raised the question of the right of appeal in either representations or subsequent observations.
- 7.6 Before commencing with the consideration of the substantive appeal, I am of the view that I need to consider if Davina Pharmacy Ltd has a right of appeal as set out in the Regulations.
- 7.7 I have had regard to the Regulations, and in particular paragraphs 30(3) and (6) of Schedule 2 which state (so far as is relevant):
- (3) *P1 is a person to whom this sub-paragraph applies if—*
- 7.7.1 *P1 was a person whom NHS England was required to notify about the decision on the application by virtue of P1 being a person whose interests might, in the opinion of NHS England, be significantly affected by the decision, and also being—*
- 7.7.1.1 *included in a pharmaceutical list ...*
- 7.7.2 *in the case of a notifiable application, P1 made representations in writing about the application under paragraph 19(4); and*
- 7.7.3 *in the case of a notifiable application but subject to sub-paragraph (6), NHS England is satisfied, having regard to those representations in writing and any oral representations made in accordance with paragraph 25, that P1—*
- 7.7.3.1 *made a reasonable attempt to express P1's grounds for opposing the application adequately in P1's representations, and*
- 7.7.3.2 *has grounds for opposing the application, which—*
- 7.7.27 *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*
- 7.7.28 *are not vexatious or frivolous.*
- (6) *A person to whom sub-paragraph (3)(a) and (b) applies (P2) who is not notified by NHS England that they are person with third party appeal rights may appeal to the Secretary of State against the determination (D1) by NHS England that it is not satisfied as mentioned in sub-paragraph (3)(c), provided that P2—*

(a) *notifies the Secretary of State within 30 days of the date on which that person was notified of NHS England's decision under paragraph 28 (D2) that P2 wishes to appeal against D1 and D2; and*

(b) *includes within that notification concise and reasoned statements of P2's grounds of appeal against both D1 and D2,*

and if the appeal against D1 is successful, P2 is a person with third party appeal rights in relation to D2 for the purposes of this Schedule."

7.8 I first considered whether Davina Pharmacy Ltd was a person to whom sub-paragraph 30(3)(a) applied.

7.9 I note that it is not disputed that Davina Pharmacy is included on the pharmaceutical list for premises at 155 Elliott Street, Tydesley, M29 8FL and I have not been provided with any information to the contrary. I am therefore of the view that Davina Pharmacy has met the requirements of sub-paragraph 30(3)(a).

7.10 I note that the original application from Prescription Hub Ltd is a notifiable application under the provisions of paragraph 18 of Schedule 2 and that the Commissioner gave notice of the application to Davina Pharmacy on 18 November 2025. Further, I note that Pharmacy Sales & Consultancy on behalf of Davina Pharmacy, made representations to the Commissioner in a letter dated 18 December 2025 in accordance with paragraph 19(4) of Schedule 2.

7.11 I am therefore of the view that Davina Pharmacy is a person to whom sub-paragraphs 30(3)(a) and (b) apply.

7.12 The Commissioner in its decision letter dated 13 March 2026 did not give third party rights of appeal to Davina Pharmacy as the Commissioner was of the view "no objections received".

7.13 I note that 30(3)(c)(i) of the Regulations state that a party should have "made a reasonable attempt to express P1's grounds for opposing the application adequately ..." I am of the view that:

7.13.1 Pharmacy Sales & Consultancy made a reasonable attempt to express their grounds for opposing the application, and

7.13.2 that these grounds:

7.13.2.1 did not amount to a challenge to the legality or reasonableness of the PNA nor to the fairness of the process by which a HWB or PCT undertook the assessment, and

7.13.2.2 are not vexatious or frivolous.

7.14 I am of the view that Davina Pharmacy is a person to whom sub-paragraph 30(3) (a), (b) and (c) applies and that it should have been given third party rights in accordance with the Regulations.

7.15 I note that under Regulation 30(6) a person to whom sub-paragraphs 3(a) and (b) applies, who was not notified by the Commissioner that they are a person

with third party rights of appeal may appeal to the Secretary of State against the determination provided that it notifies the Secretary of State that it wishes to appeal against the substantive decision at the same time as which it also appeals against the decision of the Commissioner not to provide it with a right of appeal.

- 7.16 I note the wording of paragraph 30(6) and that, to exercise those rights properly, the appeal from an appellant should include a concise and reasoned statement of the grounds of appeal against both the decision not to be given third party rights of appeal and against the substantive decision of the Commissioner to grant the application.
- 7.17 I note that, in its letter of appeal of 9 April 2026, Pharmacy Sales & Consultancy has appealed against the substantive decision of the Commissioner to grant the application by Prescription Hub Ltd. I am mindful however that the letter of appeal does not contain any grounds of appeal against the decision not to be given third party rights of appeal.
- 7.18 I am of the view that Davina Pharmacy Ltd has therefore not complied with both parts of Regulation 30(3)(6).

8 Decision

- 8.1 Davina Pharmacy is not a person with third party appeal rights against the decision of the Commissioner as set out in its letter dated 13 March 2026 (and notified to Davina Pharmacy Ltd by letter dated 13 March 2026).
- 8.2 The appeal will therefore not proceed under the provisions of Part 2 of Schedule 3 to the Regulations.
- 8.3 Given that there is no valid appeal against the decision of the Commissioner, then I am of the view that the decision of the Commissioner to grant the application by Prescription Hub Ltd stands.
- 8.4 Accordingly, the application is granted.

Head of Appeals Primary Care Appeals