NHS Resolution

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26 October 2026

REF: APL-4431 [SHA/27048]

APPEAL AGAINST HEREFORDSHIRE AND WORCESTERSHIRE ICB DECISION TO REFUSE AN APPLICATION BY PRESCRIPTION HUB LTD FOR INCLUSION IN THE PHARMACEUTICAL LIST OFFERING UNFORESEEN BENEFITS UNDER REGULATION 18 AT DROITWICH SPA, WORCESTERSHIRE (COVERING POSTCODES WR9 7GP, WR9 7GH & WR9 7FX) (BEST ESTIMATE)

1 Outcome

1.1 The Pharmacy Appeals Committee ("Committee"), appointed by NHS Resolution, quashes the decision of the Commissioner and redetermines the application.

1.2 The Committee determined that the application should be granted.

A copy of this decision is being sent to:

Healthcare Plus Consulting Ltd on behalf of Prescription Hub Ltd
Boots UK Ltd
Community Pharmacy Herefordshire and Worcestershire
PCSE on behalf of Herefordshire and Worcestershire ICB

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1 The Application

By application dated 27 January 2025, Prescription Hub Ltd ("the Applicant") applied to Herefordshire and Worcestershire ICB ("the Commissioner") for inclusion in the pharmaceutical list offering unforeseen benefits under Regulation 18 at Droitwich Spa, Worcestershire (covering postcodes WR9 7GP, WR9 7GH and WR9 7FX) (best estimate). In support of the application it was stated:

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

1.1.1 "N/a. There is no pharmacy trading from or adjacent to the proposed premises, so Regulation 31 does not apply."

1.2 "Droitwich Spa New Contract Supporting Information

Background

1.3 This application is in respect of opening up a new pharmacy in order to provide better access for patients requiring access to pharmaceutical services in Droitwich Spa and the surrounding areas.

1.4 The best estimate of the proposed site we wish to open up a new pharmacy is located amongst a newly completed retail centre along Woodland Way, Droitwich Spa, WR9 7GP. We believe that a pharmacy located here would provide better access to pharmaceutical services for the local resident population who can integrate pharmacy usage with their day-to-day lives.

1.5 We understand that there is no pharmacy located within the Droitwich South East Ward. We submit a pharmacy at the proposed site will serve at least 6,754 residents within the ward according to 2021 Census data. However, it is important to note that there has since been a large residential development delivered in the south of Droitwich Spa, which elicits a greater population figure who are currently reliant on pharmaceutical services within this ward.

1.6 We submit that the southern part of Droitwich is in fact its own discrete community, with no direct roads or designated pedestrian walkways leading to the town. This renders the area as not only far when it comes to measuring its distance from the town, but also creates difficulty when residents living in the ward are accessing the town and pharmaceutical services. [see map at Appendix A for Committee].

1.7 As we can see from the map of the Droitwich South East Ward above [see map at Appendix A for Committee], the majority of the population residing in this ward would first need to travel out of the area to access pharmaceutical provision.

1.8 We believe that a pharmacy situated at the proposed site will serve these residents in the ward and its new communities, and provide reasonable choice and sufficient access to pharmaceutical provision.

Proposed Location

1.9 The proposed location is situated amongst a new local retail centre built at the heart of new housing developments within the Droitwich South East Ward.

1.10 The majority of its shops opened throughout 2023, such as a Co-op Food; a Fish and Chip Shop; a Post Office; a Nursery & Pre-School; a Caprinos Pizza restaurant; an Ale Hub; and a Dessert Shop. Additionally, a care home is also nearby.

1.11 These are typical amenities found within the local community; all with ample free parking with 40 spaces including EV charging points, disabled spaces and additional parking availability outside of the nursery. This site is set back from the road, settled on designated land with wide walkways and good access to local services.

1.12 We submit that residents in the Droitwich South East Ward can access all of their daily amenities at this retail centre in connection with utilising pharmaceutical services. Thus, we also submit that pharmaceutical provision at the proposed location would serve the growing community in this ward. Map depicting current pharmaceutical provision [see Appendix A for Committee].

1.13 As can be seen in the map below [see Appendix A for Committee], pharmaceutical services are concentrated in the north of Droitwich, specifically the town centre. This would require patients to travel to the town centre on each visit to the existing pharmaceutical provision. We can see that the proposed site, WR9 7GP, fills a large geographical gap in pharmaceutical provision for those residing in the Droitwich South East Ward.

1.14 Should this application be granted, access to pharmaceutical provision would be significantly improved for those residing to the south.

Regulations

1.15 We are required by NHS England to address the overarching question in an Unforeseen Benefits application:

"Please describe the unforeseen benefit(s) that you are offering to secure and how it will secure improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB area".

1.16 When considering the above question, the provisions of Regulation 18(2)(b) should be noted:

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

(i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also the NHSCB's duties under sections 13I and 13P of the 2006 Act(b) (duty as to patient choice and duty as respects variation in provision of health services)),

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

(iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also the NHSCB's duties under section 13K of the 2006 Act(a) (duty to promote innovation)),

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

1.17 We note that points on reasonable choice; protected characteristics; and innovation are desirable, however, they are merely supporting considerations when determining whether in fact the overarching test in regulation 18(2)(b) has been met: an application should be granted should it provide improvements or better access to pharmaceutical services, or pharmaceutical services of a specified type in the HWB's area.

1.18 We have addressed these regulations overleaf.

Local Population

1.19 The proposed location is situated in the Wychavon 005A Lower Layer Super Output Area (LSOA). We note that the adjacent 005B LSOA and the nearby 005C LSOA have a high number of residents aged 65 and over residing near the proposed site. There are 26.6% of residents aged 65 and over living in the Wychavon 005B LSOA and 29.1% of residents aged 65 and above in the Wychavon 005C LSOA.

1.20 When we compare these figures to the national average (18.3%) and Wychavon Local Authority average (24.8%) aged 65 and above, we can see that the population of residents aged 65 and over residing in the LSOAs surrounding the proposed location is significantly greater. We must consider

that the elderly have higher health needs, and may need to make several journeys to access pharmaceutical services. Thus, we submit that a pharmacy in this location would provide better access for local residents, such as this high elderly population, who may find access to current pharmaceutical provision challenging.

Housing

1.21 As mentioned, the 2021 Census data revealed that 6,754 residents were living in the Droitwich South East Ward. This represents a 30% increase from the figures in 2011 Census data. For context, the UK usually sees a 0.3% annual growth rate for the population; thus a 30% growth over a ten-year period represents a sizeable change in the population.

1.22 In recent years, Droitwich Spa has seen further rapid population growth, which can be attributed to vast new housing developments. The Yew Tree Village project provided 765 new homes built by Persimmon, Taylor Wimpey and Redrow, a mixed-use local centre and a 200-bed care home in the South East Droitwich Ward in 2022.

1.23 Assuming an occupancy rate of 2.5 per household, we submit that there is c. 2,000 additional residents in this ward that were not captured within 2021 Census data. Thus, we submit that there are c. 9,000 local residents living in this ward that are reliant on pharmaceutical services within the Droitwich South East Ward.

1.24 We believe that a pharmacy located at the proposed site would serve not only this new community, but also the already large population residing in the ward.

Patient Journeys

1.25 When considering securing better access, we must consider what a typical patient journey would look like. We also consider the reasonable choice within these journeys, alongside how those with protected characteristics find those journeys.

1.26 It is important to highlight that for patients accustomed to accessing pharmaceutical services at the proposed site, the nearest pharmacy, Corbett Pharmacy (WR9 7BE), is inaccessible and does not present reasonable choice of pharmaceutical provision in Droitwich Spa. Using the proposed site, WR9 7GP, as an arbitrary marker to represent these residents; we have mapped out the journeys between the two sites by foot and public transport below. [see map at Appendix A for Committee]

1.27 We have identified two walking routes between the two sites. We urge the Committee to consider the high elderly population in our analysis of these journeys below.

By Foot from Proposed Site to current nearest pharmacy (Corbett Pharmacy, WR9 7BE)

1.28 Route 1

1.29 When travelling on foot to Corbett Pharmacy (WR9 7BE), this route is a 1.2-mile walk, equating to a 2.4-mile round trip and a minimum 50-minute journey in total. We cannot consider the distance of this journey alone as sufficient access to pharmaceutical services by foot.

1.30 For clarity, reference to Route 1 is the dotted dark blue line as can be seen in the image below [see Appendix A for Committee].

1.31 After walking from the proposed site on Woodland Way, and turning left shortly followed by a right along Dove Crescent, patients will meet Yew Tree Hill Water Tower. To pass the water tower, the journey requires residents to walk along an unpaved path on the grassland of the tower.

1.32 Firstly, as can be seen in the image above [see Appendix A], there are no drop kerbs to access this path, which already proves inaccessible for those residents in a wheelchair. It is also important to note that such an avenue is insufficient as the route hardly meets the description of a 'path'. The gravel walkway is not only unpaved with an incline, which could be slippery and muddy in rain, but it is also unlit. With darker evenings beginning earlier during winter months, we submit that this route may be uncomfortable for residents, and calls into question the safety of this journey by foot. We cannot consider an unpaved, unlit and uneven passageway as an accessible route for residents, especially for those who are elderly, disabled and with impaired mobility. Further, we submit that it is not only the safety of residents in question, but the fact that such an inaccessible route may deter patients from accessing pharmaceutical services by foot.

1.33 Therefore, we cannot consider this route viable, as it does not present sufficient access or reasonable choice to pharmaceutical services, especially for those groups with protected characteristics.

1.34 Route 2

1.35 When travelling on foot to Corbett Pharmacy (WR9 7BE), this route is a 1.4-mile walk, equating to a 2.8-mile round trip and a 1-hour round journey. We also cannot consider the distance of this journey alone as sufficient access to pharmaceutical services by foot.

1.36 For clarity, reference to Route 2 is the dotted dark blue line as can be seen in the image overleaf.

1.37 When beginning this route from the proposed site, residents would turn left and travel along Woodland Way for approximately 6-minutes until reaching a crossroad. Residents would then need to turn right and travel along Newland Road to access pharmaceutical provision. While this route avoids the Yew Tree Hill Water Tower, it requires commuting along a narrow, steep and unlit road with no pedestrian walkways, as can be seen in the image below. [see Appendix A for Committee].

1.38 Newland Road continues for a stretch of 0.7-miles, which is approximately 17-minutes of the journey.

1.39 We conclude that this is a clear barrier to access, especially for the high elderly population and those residents in a wheelchair/mobility scooter/of impaired

mobility. Again, this route does not represent sufficient access or reasonable choice to pharmaceutical services, especially for those groups who share protected characteristics.

Summary of the Patient Journeys by Foot

1.40 From the two walking routes outlined above, it is clear that they both present barriers to accessing pharmaceutical services.

1.41 In order to access current pharmaceutical services in Droitwich Spa while avoiding these barriers, patients must walk along the unpaved main roads which border the ward, and thus walk for 4.4- miles in total. It should also be noted that distance in itself is a barrier to access. We submit that this trip cannot be considered a viable route when accessing pharmaceutical provision in Droitwich Spa by foot either.

1.42 We reiterate that patients navigating through the two available routes with the absence of safe, well-lit and designated pedestrian walkways is not at all representative of sufficient access or reasonable choice to pharmaceutical provision. In fact, we would consider this as no pharmaceutical choice at all, much less than the threshold of 'reasonable choice'.

1.43 Therefore, we submit that there is no practicable route available to access pharmaceutical services in Droitwich Spa by foot for residents living in the proposed site and surrounding areas. Ultimately, these barriers to access leave residents who cannot drive or may not even feel comfortable driving with no choice.

By Public Transport from Proposed Site to current nearest pharmacy (Corbett Pharmacy, WR9 7BE)

1.44 As the journey by foot is clearly inaccessible, we must look at the available public transport options that those individuals who do not use/own a car currently have. Again, we urge the Committee to consider the high elderly population in our analysis of these journeys below.

1.45 When travelling to access pharmaceutical provision from the proposed site, WR9 7GP, to Corbett Pharmacy, there are two bus routes as shown in the map below. [see Appendix A for Committee].

1.46 Route 1

1.47 For clarity, this route is the solid light blue line displayed in the image above. [see map at Appendix A for Committee]

1.48 This route first requires a 7-minute walk from Woodland Way to the Spring Meadow Inn bus stop to access the 19 Primsland bus service. However, this walk requires travelling across the land of the Yew Tree Water Tower. As already mentioned, this route is evidently inadequate and functions as a barrier to access. We submit that this route is clearly insufficient access for those reliant on bus services.

1.49 This journey does not represent reasonable choice to pharmaceutical services, especially for those groups who share protected characteristics.

1.50 Route 2

1.51 For clarity, this route is the purple line displayed in the image above.

1.52 This route first requires a 6-minute walk from the proposed site, then along Wildlife Way to access the Wildlife Way bus stop on Newland Lane. The 157 Primsland bus service takes approximately 15 minutes to reach the Raven Hotel bus stop, which is a c. 10-minute walk from Corbett Pharmacy.

1.53 When we consider that patients will be required to walk for half of the journey, this trip may prove especially difficult for those who are elderly, disabled, or visually impaired. This is especially pertinent when the patient journeys account for the high elderly population residing in the nearby LSOAs.

1.54 In total, the one-way journey travel time is a minimum of 30 minutes alone. When we consider the return journey, patients who are reliant on this bus service will be travelling for a minimum of 1 hour.

1.55 In addition, the 157 Primsland bus service is very infrequent, operating hourly. Once a patient has arrived at the current nearest pharmacy, they could be waiting up to 1 hour for the return journey.

1.56 Such a wait could prove challenging for groups with protected characteristics who may have to endure this wait in cold winter conditions exposed to the elements.

1.57 In fact, when we account for bus travel time, walking time, and bus waiting time, the total journey could be up to 2 hours. A 2-hour journey to access pharmaceutical provision is clearly not representative of sufficient access or choice.

Summary of Patient Journeys by Public Transport

1.58 For patients who do not have use of a car, we submit that the journeys via public transport do not provide adequate access to pharmaceutical services, especially when we consider that the return journey by foot is also inaccessible.

1.59 By granting this application, a pharmacy located here will improve access and reasonable choice to pharmaceutical services for these residents.

Conclusion

1.60 In our view, there is a gap in pharmaceutical services for local residents in the Droitwich South East Ward and its new communities.

1.61 We submit that residents would benefit significantly from having a pharmacy located within the retail centre, where the local population can combine pharmacy usage with their day-to-day activities.

1.62 Given the inaccessibility of journey to alternative pharmaceutical provision by foot and public transport, we also submit that there is a need for a pharmacy to serve these residents in the southern part of Droitwich Spa.

1.63 Therefore, granting this application would secure better access to pharmaceutical services and would also introduce reasonable choice.

1.64 On the evidence outlined above, we believe that a new pharmacy contract should be granted."

2 Comments to the Commissioner

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

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

2.1 "Thank you for your letter dated 14th April 2025. We would like to take this opportunity to respond on behalf of our client to comments made by interested parties in the area.

2.1.1 It is undisputed that the Droitwich South East Ward has a reliant population of at least 6,754 residents according to 2021 Census data.

2.1.2 It is undisputed that 765 new homes have been built at/near the proposed site, thus increasing the reliant population to c. 9,000 residents.

2.1.3 It is undisputed that there is a high number of elderly residents (aged 65 and over) living at/near the proposed site when compared to local authority and national averages.

2.1.4 It is undisputed that all pharmaceutical provision is located in Droitwich's town centre.

2.2 We would like to note that Corbett Pharmacy, Droitwich Pharmacy, and St Mary Pharmacy have chosen not to provide representation. We can only infer that this is because they have no objections to the application.

Herefordshire & Worcestershire LPC (Local Pharmaceutical Committee)

2.3 The LPC state that our client's proposed location is surrounded by housing and a park, without considering the local amenities situated amongst the proposed site. We reiterate that residents can combine their day-to-day shopping trips at Co-op Food while accessing pharmaceutical services at the proposed location.

2.4 The LPC also stated that the vast majority of access to current pharmaceutical provision would be by car but have provided no evidence to support this notion. Such a comment disregards real issues faced by residents who do not own a car/van, can no longer drive, or do not feel comfortable driving - especially in poor weather conditions. We submit that pharmaceutical provision should be accessible by foot, public transport, and vehicular means, and therefore all methods of transport should be considered.

2.5 As mentioned in our client's application, the adjacent Wychavon 005B and nearby Wychavon 005C LSOAs from our client's proposed site have a high number of residents aged 65 and above.

2.5.1 Wychavon 005B LSOA – 26.6%

2.5.2 Wychavon 005C LSOA – 29.1%

2.6 When compared to local authority (24.8%) and national averages (18.3%), it is evident that a high proportion of elderly residents live near the proposed site. With this in mind, we submit it is likely these residents may choose to travel by foot or public transport.

2.7 We reiterate that Droitwich's current pharmaceutical provision is not accessible by either of the two walking routes displayed on Google Maps. Indeed, this is due to the barriers to access and lack of safety in both routes, particularly when passing the unlit and unpaved Yew Tree Hill Water Tower and travelling along Newland Road, which lacks any designated pedestrian crossings. It is clear that such journeys do not represent sufficient access or reasonable choice by foot.

2.8 The LPC failed to consider that residents who do not drive are ultimately forced into travelling via public transport. Again, we note that this journey involves a minimum one-way travel time of 30 minutes, including a c. 15-minute walk and an infrequent bus service which operates hourly. Thus, patients who are reliant on public transport are forced to endure a poor service, which is not representative of adequate access or reasonable choice when accessing pharmaceutical services.

2.9 Further, we note that the town centre area is very busy, and residents may struggle to find parking – especially at the Corbett Pharmacy car park which is shared with a GP practice. Residents who do have access to a car/van will likely be forced to pay for parking charges in Droitwich town centre. This is contrary to our client's proposed site which, also acknowledged by the LPC, has ample parking availability free of charge.

2.10 We do not understand why the LPC have provided the distance to the nearest pharmacy "as the crow flies" and not in reality. We wish to correct the LPC that the nearest pharmacy (Corbett Pharmacy) is in fact located 2.6-miles away by car, and can be up to a 12-minute drive from our client's proposed site via Pulley Lane and Worcester Road/B4090.

2.11 Our client's application is clear in stating that the new housing developments in the southern area of Droitwich are part of the Yew Tree Village. Thus, we do not understand why the map provided by the LPC points to the Copcut area when considering the new housing developments referenced in our client's initial application. We have provided an accurate map below.

2.12 The LPC are correct in stating that there has been additional housing in the Copcut area. Assuming an occupancy rate of 2.5 persons per household, the Yew Tree Village and Copcut Rise developments would have seen an influx of 3,725 additional residents living in the south of Droitwich – a large new population. We submit that the reliant population is growing significantly,

especially outside of the town centre where pharmaceutical provision is evidently lacking.

2.13 It is well documented that the elderly have higher health needs; and given the significant local elderly population, demand for pharmaceutical services will be correspondingly high. Thus, we submit that adequate access to pharmaceutical services is imperative. While the LPC note the opening hours of alternative pharmacies in Droitwich, we reiterate that these are located in the town centre. Granting this application would mean that residents seeking access to services, such as Pharmacy First will not be required to make special, repeated journeys to Droitwich's town centre.

2.14 Instead, a local pharmacy would be better suited to the needs of the local population in an area where there is a large geographical gap in pharmaceutical provision.

2.15 The LPC note that the 2022 PNA does not highlight the need for a new pharmacy. We submit that an unforeseen benefits application is, in its very nature, unforeseen, offering improvements or better access to pharmaceutical services not captured within the PNA. Thus, comments by the LPC surrounding the PNA are not entirely relevant.

Boots

2.16 We acknowledge the representations submitted by Boots UK Ltd in response to the above application.

2.17 Boots state that no evidence has been provided to suggest that residents in south Droitwich, including those who share protected characteristics, experience difficulties when accessing the existing pharmaceutical provision.

2.18 We would contest such assertions given the 2021 Census data clearly provides evidence highlighting that the localised population is of elderly age when compared to local authority and national averages. Further, it must be noted that distance in itself is a barrier to access, and it is clear that all pharmaceutical provision is currently located in Droitwich's town centre – 2.6 miles away from the proposed site by car. As highlighted above, we submit that this journey is inaccessible by foot and insufficient by public transport, thus, such onerous journeys for residents who do not drive or feel comfortable driving – especially those aged 65 and above - would indicate that groups with protected characteristics do not have sufficient access to pharmaceutical services.

2.19 Boots also comment that the Worcestershire Pharmaceutical Needs Assessment (PNA) noted the distance and travel times to pharmaceutical providers. As detailed in our client's initial application, it is clear that residents living at/near the proposed site cannot access a pharmacy by foot viably. We highlight that the Worcestershire PNA (2022) also concluded that "people living in or around urbanised or town areas generally have the best access to community pharmacy/dispensing practices on foot" (Worcestershire PNA, pg. 81, 2022). It also states that "around 5/6 of the total population of Worcestershire lives within a 30-minute walking distance of a pharmacy" (Worcestershire PNA, pg. 81, 2022). Consequently, patient journeys for those living at/near the proposed site are not in line with the findings in the Worcestershire PNA, and granting this application would provide better access

to pharmaceutical services and improve patient choice for residents living in the south of Droitwich.

2.20 In light of the above, we maintain that the proposed pharmacy would confer significant benefits under Regulation 18. The representations made by Boots UK Ltd do not undermine the merits of the application and, in our submission, should not prevent its approval.

Conclusion

2.21 We submit that granting this application would secure better access and improvements to pharmaceutical services, and provide reasonable choice for residents living in South Droitwich.

2.22 The local population are likely to find the proposed pharmacy significantly more accessible than current provision. This is largely due to existing pharmacy provision being over 2-miles away by car.

2.23 Poor public transport links, and geographical barriers that make access by foot difficult further present the need for a new pharmacy in the south of Droitwich.

2.24 Additionally, substantial housing development—both recent and ongoing—have increased demand.

2.25 Granting this application would provide better access for the local, growing population to the south of Droitwich, integrated with the local centre and new communities that currently lack adequate access to pharmaceutical services.

2.26 Hence, Regulation 18 has been met and we invite the Committee to grant this application."

3 The Decision

The Commissioner considered and decided to refuse the application. The decision letter dated 26 May 2026 states:

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

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

Extract from the Pharmacy Services Regulations Committee 7th April 2026

3.2 "Unforeseen Benefit Application Prescription Hub Ltd

3.3 Proposed Site:- Best Estimate Droitwich Spa, Worcestershire, covering postcodes WR9 7GP, WR9 7GH and WR9 7FX

3.4 CAS-349166-F0X3N4

3.5 Application submitted by Prescription Hub Ltd in respect of an Unforeseen Benefit within a HWB area: Worcestershire Area

3.6 The application is refused.

3.7 The application was refused as:

Regulation 31 – refusal: same or adjacent premises

3.8 Regulation 31 (1) A routine or excepted application, other than a consolidation application, must be refused where paragraph (2) applies.

3.9 Regulation 31(2)(a) (i) (ii) There is no pharmacy providing pharmaceutical services at the same or adjacent premises.

3.10 As Regulation 31(2)(a) does not apply, the Committee is not required to consider Regulation 31(2) (b)

3.11 Therefore, the Committee concluded that it was not required to refuse the application under the provisions of Regulation 31.

3.12 Regulation 18 - Unforeseen benefits applications

18.—(1) If— (a) NHS England receives a routine application and is required to determine whether it is satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB; and

3.13 The Committee considered that this was an application for Unforeseen Benefits under the provisions Regulation 18(1)(a) and was satisfied in that it was required to determine whether it is satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of Worcestershire HWB

(b) the improvements or better access that would be secured were or was not included in the relevant pharmaceutical needs assessment in accordance with paragraph 4 of Schedule 1, in determining whether it is satisfied as mentioned in section 129(2A) of the 2006 Act(a) (regulations as to pharmaceutical services), NHS England must have regard to the matters set out in paragraph (2).

(2) Those matters are—

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

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

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

3.14 The committee were satisfied that granting the application would not cause severe detriment to the proper planning and provision of pharmaceutical services in the HWB area.

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

(i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also the NHSCB's duties under sections 13I and 13P of the 2006 Act(b) (duty as to patient choice and duty as respects variation in provision of health services)),

3.15 The key conclusions within the PNA on pages 103-105 are:

3.15.1 There are no major access gaps in that there is currently sufficient provision of pharmacies and GP dispensing practices.

3.15.2 There are fewer pharmacies open in the evenings and weekends and this would be a priority.

3.16 The Office of National Statistics identifies WR9 7GP in the Droitwich South East ward of Wychavon District council. The ward profile Indices of multiple deprivation highlights three areas in the Droitwich South East ward.

3.16.1 Falsam Pitts WR9 8AT - 1.9 miles from the proposed location of the pharmacy

Primsland area

3.16.2 Spring meadow WR97RL- 1.9 miles from the proposed location of the pharmacy.

3.16.3 York Avenue WR9 7DQ- 2.1 miles from the proposed location of the pharmacy

3.17 These three areas are part of the Lower Layer Super Output areas identified in the application but not near the proposed location of the pharmacy.

3.18 Wychavon District Council confirmed that there 241 new houses were granted planning permission in 2015 and have been built for approximately 5 years. The houses are primarily 2 - 4 semi and detached private properties with single and double driveways. Car ownership is high in the immediate area of the proposed location. There is an allocation of social housing within the development.

3.19 There are 3 pharmacies within 1.3 miles of the proposed location which all offer similar opening hours and service and the applicant has not sought to increase core opening hours throughout the week or at the weekend. There is no GP practice at the proposed location, therefore patients will need to travel to access GP services and to one of the three local pharmacies to have their prescription dispensed.

3.20 The PNA does not include the need for improvement or better access.

3.21 The applicant has not provided any evidence that any persons within the area of the proposed premises are having difficulty accessing pharmaceutical services, or pharmaceutical services of a specified type.

3.22 Therefore, the Committee determined that this Regulation has not been met as there is already reasonable choice of pharmaceutical services within the locality.

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

3.23 The applicant has identified elderly, people with disabilities and mothers with prams and buggies as persons with protected characteristics. Based on the high car ownership and privately owned properties in the estate around the proposed location of the pharmacy it seems that residents prefer to use their own transport to access pharmaceutical services.

3.24 The Community Transport Service is available for residents with limited income or who are unable to use public transport or walk to the nearest pharmacy.

3.25 The applicant has not provided evidence that people who share a protected characteristic have either difficulty accessing pharmaceutical services or are unable to access pharmaceutical services.

3.26 Therefore, the Committee determined that this Regulation has not been met

(iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also the NHSCB's duties under section 13K of the 2006 Act(a) (duty to promote innovation)), granting the application would confer significant benefits on persons in the area of the relevant HWB which were not foreseen when the relevant pharmaceutical needs assessment was published.

3.27 Innovative approaches to the delivery of pharmaceutical services were not demonstrated by the applicant.

3.28 Therefore, the Committee determined that this Regulation has not been met

3.29 Regulations 18 (2) (a) – (g) are not applicable as no other applications are being considered or have previously been considered and are at appeal. There are no grounds to defer the application.

3.30 Regulation 19 – Not applicable

3.31 Regulations 40-44 – Not applicable

3.32 Regulation 65: The applicant has applied to provide a total of forty core hours.

3.33 Regulation 65 (4) therefore does not apply.

3.34 Regulation 66: The applicant has undertaken to provide the following directed services if the application is granted, or granted on appeal:

3.35 Smoking cessation, COVID-19, Flu vaccination, Pharmacy Contraception Service, Hypertension, New Medicine Service (NMS), Pharmacy First

3.36 Regulation 66(4) therefore applies if the application is to be granted or granted on appeal, and the inclusion of the applicant and the pharmacy premises in the pharmaceutical list for the area of Worcestershire HWB would be subject to the condition set out in Regulation 66(5).

3.37 The Committee refused the application. Regulation 18 (1) b is not met.

3.38 Regulations 18 (2) (a) and (b) have not been met.

3.39 The Committee determined that appeal rights are to be granted to the applicant.

3.40 Who has the right of appeal: Applicant

3.41 PCSE to notify the applicant and interested parties of the decision."

4 The Appeal

In a letter dated 25 June 2026 addressed to NHS Resolution, Healthcare Plus Consulting Ltd on behalf of the Applicant appealed against the Commissioner's decision. The grounds of appeal are:

4.1 "Thank you for your letter dated 26th May 2026. Prescription Hub Ltd have instructed us (Healthcare Plus Consulting Ltd) to act on their behalf for this appeal, please find an authorisation letter attached.

4.2 We would like to appeal the decision made in relation to the above unforeseen benefits application.

4.3 We make the below representations in addition to previous comments already made, which we have reattached.

Grounds for Appeal

4.4 We outline our client's grounds for appeal below and submit that the ICB did not give due weight to the following:

4.4.1 New Developments

4.4.2 Role of Community Pharmacy

4.4.3 Proposed Location

4.4.4 Location of Current Pharmacy Provision

4.4.5 Access to pharmaceutical services for residents without a car

4.5 We trust that NHS Resolution will consider these as outlined below.

New Developments

4.6 We submit that Droitwich Spa is and has been undergoing major expansion and investment. This is in line with its vision to expand through its spatial strategy. A Neighbourhood Development Plan for Droitwich Spa is also currently out for consultation, indicating that the future development of the local area is in place.

Yew Tree Village

4.7 Our client's application seeks to secure pharmaceutical provision within the heart of Yew Tree Village's Local Centre.

4.8 "Droitwich Spa is a second-tier 'Urban Area' in the SWDPR settlement hierarchy. The Town Council's administrative area, which is also the designated Neighbourhood Area, is largely built-up, following the recent completion of the Yew Tree Hill development in the south" (Annex 1, Droitwich Spa Neighbourhood Plan, Site Assessment Report, August 2023) [see Appendix D for Committee]

4.9 The Droitwich Spa Neighbourhood Plan specifically describes the town as a "second-tier 'Urban Area'" as a result of the "completion of the Yew Tree Hill development". This is unsurprising given that the development saw the establishment of 765 new homes, a local centre and a care home (Annex 1), and an additional c. 2,000 residents.

Springwell Park

4.10 We also note that the Springwell Park development will launch in autumn 2026, bringing 52 new homes of 2, 3 and 4 bedrooms developed by Owl Homes (Annex 1 [see Appendix A for Committee]). These will be located off Woodland Way, WR9 7TL – approximately 0.5 miles away from the proposed location. Assuming an occupancy rate of 2.5 per household, this will see an increase of 130 new residents.

Newland Lane

4.11 We also highlight that outline planning permission has been granted for a new residential development of up to 50 homes to the southeast of Droitwich Spa, on the land north of Newland Lane (Annex 1 [see Appendix D for Committee]). We note that there will be a mix of housing types and tenures with up to 40% of the new homes being affordable and a new play area – located approximately 0.5 miles away from the proposed location. Assuming an occupancy rate of 2.5 per household, this development will see an increase of 125 additional residents.

Tagwell Road

4.12 We note that 100 affordable houses are actively being built on the land between Tagwell Road and the M5, less than 400 metres from the proposed site (Annex 1 [see Appendix D for Committee]). We note that this development will be 100% affordable housing with "60 homes for social rent (60% of market rates) and 40 for shared ownership". This means that the residents of these houses must meet the income and asset criteria in order to be able to buy houses at below market value. Assuming an occupancy rate of 2.5 per household, we submit that this development will see 250 new residents in the area.

4.13 Upon completion of the above developments altogether, we highlight that an additional 505 residents will be living in southeast Droitwich – in addition to the c. 2,000 residents already living in the completed Yew Tree Village development. Thus, we submit that the Droitwich South East Ward, recording 6,754 residents in the 2021 Census, is likely to reach a population figure of c. 9,260. When we consider that one pharmacy typically serves a population of 5,567 residents in England, we can clearly see that the population of southeast Droitwich already significantly exceeds this figure, yet lacks any nearby pharmacy. We can see that Droitwich is expanding with a growing population, and thus the need for a new community pharmacy – particularly in the unserved southeast area – will only increase, and therefore urge the Committee grant the present application.

Community Pharmacy

4.14 We submit that the impact pharmacies have on communities cannot be understated. The ACS Local Shop Report (2025) highlighted that pharmacies, post offices and convenience stores are the top three facilities which have the "most positive impact on the local area" (https://cdn.acs.org.uk/public/ACS%20Local%20Shop%20Report%202025.pdf, pg. 13).

4.15 We note that the proposed location is served by the Woodland Way Drop & Collect Post Office and a Co-op Food Store. We submit that the range of services already available limit the need for local residents to travel to the town centre and rather such journeys may be limited to more occasional trips. We therefore submit that the proposed site is already an established, local community and is missing a pharmacy to offer essential healthcare services for the community at this location.

4.16 As a comparison, we note that the amenities around St Mary Pharmacy to the northwest of Droitwich include a convenience store, post office, a fish and chips shop and a school/nursery – largely similar to that at our client's proposed location. This is demonstrates [sic] that pharmacies need not be located in town centres or with medical centres, but rather can be located in local, established communities.

4.17 Further, we submit that this position undermines the fundamental objectives of Pharmacy First, which is designed to reduce dependence on GP services and place greater reliance on pharmaceutical services.

4.18 As noted in the Worcestershire PNA (2025), "Pharmacy First includes referrals into community pharmacy from other healthcare professionals for minor illness, the urgent supply of repeat medication and seven Clinical Pathways…The initiative aims to alleviate pressure on GP services by freeing up GP appointments for more complex cases." (Worcestershire PNA 2025, pg. 18)

4.19 However, it appears that the significance of Pharmacy First was not found amongst the hearing impaired group, as the Healthwatch Worcestershire Survey revealed that "All participants were unaware of Pharmacy First" (Worcestershire PNA 2025, pg. 74).

4.20 We stress to the Committee the importance of having accessible pharmacies within communities, especially with the advent of Pharmacy First and the

Hypertension service. We highlight that pharmacies are no longer just dispensers but are being tasked with providing a number of minor ailments services through the Pharmacy First scheme and are playing an important role in accessing professional advice for people to lead healthier lives. Pharmacy is increasingly serving as the accessible front door of the NHS. We submit that pharmacies situated within communities amongst amenities that residents access as part of their daily lives, ultimately improves access to these services while reducing the burden on GPs.

Support

4.21 We wish to highlight the support from Local County and District Councillor Dan Birch, who has provided a letter of support detailing his unparalleled insight regarding the needs of the community. [see Appendix G for Committee]

4.22 We invite the Committee to read this in full, but also quote directly from it below for ease:

"I regularly engage with residents regarding access to healthcare services and have become increasingly aware of the pressures facing primary care and pharmacy provision across the town. Residents frequently raise concerns regarding appointment availability, increasing demand on healthcare services and the accessibility of essential services as our population continues to grow.

Droitwich Spa has experienced significant housing growth in recent years, with further development planned and underway. It is therefore important that healthcare infrastructure keeps pace with this growth. Community pharmacies play a vital role not only in dispensing medication but also in reducing pressure on GP surgeries, urgent care services and hospitals through the provision of advice, minor illness treatment and preventative healthcare services."

4.23 Cllr Birch, representing the Droitwich community, wishes for NHS Resolution to carefully consider the increasing pressures on pharmaceutical services and the current concerns raised by residents which will only continue and indeed worsen if this application is not granted.

4.24 Thus, we submit that this application will meet the NHS' goals by delivering pharmaceutical services within a community that currently experiences increasing demand and large population growth. It would offer the growing population of Yew Tree Village access to basic medical care in the form of Pharmacy First within their own community, reducing the need to rely on more distant GPs or pharmacies for these services.

Proposed Location

4.25 The proposed pharmacy would be located in the Droitwich South East Ward, within the centre of the Yew Tree Village. We reiterate that the ward's population was 6,754 residents according to the 2021 Census, which will increase further upon completion of the new developments in southeast Droitwich as outlined above.

4.26 We note that the proposed pharmacy would serve a large community who currently have access to a variety of amenities which serve their day-to-day and/or weekly needs:

4.26.1 Co-op Food Store (Woodland Way Drop & Collect Post Office)

4.26.2 Happy Days Nursery and Preschool (144 children on roll, ages 0-4)

4.26.3 Fish and Chip Shop

4.26.4 Caprinos Pizza

4.26.5 Ale Hub Public House

4.27 It is also served by a designated car park with 40 free parking spaces, including EV charging points, disabled spaces, and additional parking available outside the nursery.

4.28 We highlight the benefits of a pharmacy located nearby a nursery/preschool in particular. It is of note that the Happy Days Nursery and Preschool is a large two-storey setting – especially given there are 144 children on roll. We submit that having an pharmacy very close to the nursery/preschool is highly beneficial especially for children who are feeling poorly, as they inevitably do.

4.29 If a child is feeling unwell and their parent/guardian wishes to seek advice from a healthcare professional, we submit that they presently have no choice but to drive at least 2.6 miles to the nearest pharmacy (as it is unlikely they would walk for c. 30 minutes or wait for an infrequent and indirect bus service) – all while the child is feeling unwell. Alternatively, they may not undertake such a lengthy journey and be deterred from the distance, and instead wait for a GP appointment.

4.30 We note that the Pharmacy First service enables pharmacists to provide advice and prescription medicine to treat:

4.30.1 Earache (aged 1-17 years)

4.30.2 Impetigo (aged 1 year and over)

4.30.3 Infected insect bites (aged 1 year and over)

4.31 Even if the parent/guardian would just like to purchase an over the counter product, it is clear that the proposed pharmacy would provide significantly better access for patient groups who share a protected characteristic compared to a 2.6 mile drive – which is the best possible alternative scenario assuming the parent drives, but we submit is still an unreasonable journey. A pharmacist can also advise as to the best over the counter products to use for a certain condition.

4.32 We also note that the Woodland View Care Home is also located nearby, with 66 beds. It serves dementia patients, those aged 65 and above and those with a visual/hearing impairment. Should a healthcare professional be required at any point, we submit that it is essential for a pharmacy to be located nearby to support these residents who also share a protected characteristic.

Worcestershire PNA (2025-2028)

4.33 We submit that limited reliance can be placed on the Worcestershire PNA (2025-2028).

4.34 We first note that Droitwich Spa itself was not specifically considered or even mentioned at all in the PNA. Instead, the assessment focused on pharmacy provision across the six districts of Worcestershire, with Droitwich included within the wider Wychavon area.

4.35 Notably, the nature of Droitwich – particularly the ward of the proposed site – largely differs from that of Wychavon's rurality, especially when looking at its population density:

2021 Census	Droitwich South East Ward	Wychavon Local Authority	England
Population Density (residents per square kilometre)	3,636.5	199.7	433.5

4.36 We can clearly see that southeast Droitwich has a significantly greater concentration of residents per square kilometre compared to Wychavon, and indeed England. We note that urban areas are largely defined by dense populations, and submit that southeast Droitwich can therefore be classified as urban in character.

4.37 The PNA Steering Group determined access to pharmaceutical providers by car as 'essential criteria', and access by foot and public transport as 'non-essential criteria'. While we understand that the car may be the main mode of transport for those living in rural areas, we submit that the assumption cannot be made for a town like Droitwich Spa with such a high population density, an expanding infrastructure, and a population that continues to grow. This is notwithstanding the fact that not all residents will access pharmacy provision by car, nor do all residents have vehicular access.

4.38 We urge the Committee to bear this in mind when considering the weight to be placed on the PNA's analysis and patient journeys when accessing current pharmacy provision as detailed below.

Current Pharmacy Provision

4.39 We note that the ICB incorrectly stated that "there are 3 pharmacies within 1.3 miles of the proposed location". We first highlight that there are no pharmacies located within 1 mile of the proposed site, with the nearest pharmacy located 1.2 miles away along the quickest route, and the others at least 1.5 miles away.

4.40 Even then, we submit that distances alone are not enough to conclude whether pharmaceutical services are accessible or not, as the actual journeys must also be considered. As outlined in our previous correspondence, the journeys by foot and public transport are not straightforward, and pose difficulties that render the current pharmacy provision difficult to access. Unfortunately, the ICB did not appear to acknowledge these journeys outlined previously, and thus we detail the journeys to all pharmacies in Droitwich below.

Patient Journeys

4.41 We note that all pharmaceutical provision is located to the north of Droitwich, and reiterate that the proposed site would particularly serve the large population in southeast Droitwich.

4.42 Geographically, as shown in the map below, [see map at Appendix C for Committee] we can see that a clear service disparity exists, with the entirety of south Droitwich completely unserved.

Corbett Pharmacy (WR9 7BE)

4.43 The journeys to Corbett Pharmacy have previously been detailed in our client's application. However, for the benefit of the Committee, we summarise below.

By Foot

4.44 The journey by foot requires a 1.2-mile walk, equating to 25 minutes. In total, this is a 2.4-mile round trip and a minimum 50-minute journey. From the distance alone, it is clear that only those who are particularly physically able, fit and healthy would choose to undertake this journey, and even then only with a significant time commitment. In any case, we assert that a pharmacy that can only be accessed by foot by those who are physically able and willing should not be considered accessible.

4.45 We reiterate that the journey itself is also not straightforward, with unlit and unpaved paths when passing the Yew Tree Hill Water Tower. There are also no drop kerbs to access this path, proving entirely inaccessible for those in a wheelchair/mobility scooter. Given the lack of lighting and impracticality of the path, we submit that even able-bodied residents may find this uncomfortable – especially during darker and colder evenings.

4.46 We therefore submit that such a journey cannot be considered walkable. We also do not consider any other journeys as practical. The journeys which avoid the Yew Tree Hill path are at least 1.4 miles long, equivalent to a 30-minute walk, which is simply excessive and does not constitute good access to pharmaceutical services – especially given this is the nearest pharmacy to the proposed site.

By Public Transport

4.47 We note that the journey by public transport appears to have changed since our client's supporting information was submitted. However, we submit that it still remains dire. When looking at Journey Planner (Transport for West Midlands), the suggested route is 31-minutes in total.

4.48 First, residents must walk for 7-minutes to Wildlife Way bus stop, then travel on the bus for 16- minutes to the Ombersley Street East bus stop. Since there is no direct route connecting the proposed site and Corbett Pharmacy, residents must either walk for 11-minutes/0.5 miles or catch another bus to a closer stop (Raven Hotel) and walk for 8-minutes to reach the pharmacy.

4.49 We therefore submit that the nearest pharmacy is barely accessible by public transport, with around half of the journey requiring residents to walk. This undermines the purpose of public transport.

4.50 Ultimately, we submit that such a journey would prove especially difficult for those who are likely to be reliant on public transport – such as those who are of an elderly age.

4.51 It is also of note that the 157 service operates every hour. While residents are likely to be aware of its frequency, we do not consider access to an hourly service for an area urban in character as reasonable.

By Car

4.52 We note that the journey by car to access Corbett Pharmacy ranges between 8-12 minutes, across 2.6 miles. This equates to a 16-24-minute drive, covering at least a 5.2-mile distance.

4.53 We submit that this journey is clearly excessive, and largely due to the fact that there is no direct linear route, but rather residents must first travel south to Newland Lane and then use the most outer lanes surrounding Droitwich then circle back north. We also note that these lanes are winding, and fairly narrow yet lack any speed cameras. Due to the lack of road markings in large sections, drivers are entitled to overtake in the right lane on this road and there are no parking restrictions.

4.54 Both mean that the likelihood of a situation where two cars come head-to-head at speed is increased.

4.55 We submit that these lanes are likely to be driven at speed despite the tricky conditions which may intimidate some drivers. This is particularly the case for the eastern roads since these roads may be used by those avoiding traffic on the M5.

4.56 It has also been reported that Tagwell Road is frequently used by construction vehicles associated with the Tagwell Road development. These large vehicles can block the road even when not parked.

4.57 This traffic also degrades the road and spreads dust over the road surface. Cllr Dan Birch also visited the site, and noted “the lack of care” taken by the developers (Annex 2 [see Appendix E for Committee]). Ultimately, this can deter residents from driving, thus making access to pharmaceutical services by foot and public transport essential.

4.58 The fact that residents have taken it upon themselves to display signage along these roads indicate that cars often pass through travelling at a high speed and has therefore created safety concerns for their children and other drivers. It is likely that those with cars may be uncomfortable utilising these roads and therefore avoid using them. When we consider that utilising these roads are the only way residents can access pharmaceutical services in Droitwich, we submit the prospect of using them can ultimately deter them from accessing pharmaceutical services.

4.59 Corbett Pharmacy is located with the Corbett Medical Practice, and thus shares its parking with those visiting the Medical Practice. We submit that capacity may be limited due to this shared parking arrangement.

4.60 Should a patient wish to park elsewhere, it is of particular note that there are parking charges in and around Droitwich Spa's town centre, with a 1 hour stay at a cost of £1.

4.61 Thus, we submit that residents travelling by car not only have to endure a 10-minute drive on average, but must also pay for parking and then walk to the pharmacy.

Droitwich Pharmacy (WR9 8RD)

By Foot

4.62 We note that the journey by foot is at least 33-minutes for 1.5 miles. This equates to at least a 1-hour and 6-minute journey for 3 miles. Again, we reiterate that it is unreasonable to assume that any patient would access this pharmacy by foot, regardless of how fit and healthy they are.

4.63 One of the available routes requires residents to travel along the pathway where the Yew Tree Hill Water Tower sits. We have already outlined above and in previous correspondence that this is an impractical and unreasonable journey for residents to undertake.

4.64 Another available route is nearly 2-miles/40-minutes long, which again, the distance in itself is too significant to expect patients to undertake. This journey also requires residents to travel through Droitwich Lido Park, which requires walking along an entirely unlit pathway exposed to the elements.

4.65 We submit that access to this pharmacy by foot from the proposed site is both excessive and impractical, and therefore unreasonable. We therefore conclude that such a journey cannot be considered walkable or accessible.

By Public Transport

4.66 Again, the journey by public transport is not straightforward. The quickest journey is 23-minutes, requiring residents to first walk 9-minutes from the proposed site to the Tagwell Heights bus stop to catch the 157 bus heading towards the town centre. The bus journey in itself is 14-minutes, then residents would have to alight at the Ombersley Street East bus stop and walk for 1-minute to the pharmacy.

4.67 We reiterate that the bus service operates hourly. We do not consider such an infrequent bus service as reasonable.

By Car

4.68 We note that the journey by car to Droitwich Pharmacy requires travelling for 3-miles, and can take anywhere between 9-12 minutes. We submit that a 6-mile round trip to access pharmaceutical services does not constitute good access to provision – especially for residents living in an urban area. Once

again the route requires residents to first travel south to the Pulley Lane and then to circle back north on the outer lanes. The same issues therefore persist.

4.69 We reiterate that parking charges apply in Droitwich's town centre, and assert that the requirement to pay a parking fee when accessing pharmaceutical services may deter residents from visiting.

Boots Pharmacy (WR9 8TJ)

By Foot

4.70 Similarly to Droitwich Pharmacy, the journey to Boots requires travelling 1.5 miles for 31-minutes.

4.71 This is not only outside of the PNA's 'non-essential criteria', but also requires residents to travel along the same journeys which we submit are not reasonable to undertake. Therefore, we conclude that such a journey cannot be considered walkable or accessible.

By Public Transport

4.72 When travelling by bus to Boots Pharmacy, the quickest route is via the number 157 service.

4.73 Residents must first walk to the Tagwell Heights bus stop for 9-minutes, then travel for 14-minutes when on the bus, and alight at Ombersley Street East (Stop 2). The entire journey itself is 26-minutes, equating to a 58-minute round trip. Again, we reiterate that the 157 service operates hourly, and submit that this service cannot be relied upon.

4.74 We therefore submit that this pharmacy is barely accessible by public transport, and cannot be considered reasonable.

By Car

4.75 We note that the journey by car to Boots Pharmacy requires driving for 3.1 miles, and can take anywhere between 10-14 minutes. Again, we submit that a 6.2-mile round trip to access pharmaceutical services does not constitute good access to provision – especially for residents living in an urban area.

St Mary Pharmacy (WR9 9EQ)

By Foot

4.76 The journey by foot to St Mary Pharmacy is 2.5 miles, equating to a 55-minute walk. This is simply inaccessible for residents and therefore we do not consider the pharmacy to be accessible on foot.

By Public Transport

4.77 The journey by public transport involving the least amount of walking to St Mary Pharmacy requires catching the 157 and 20A bus services.

4.78 The journey in total takes 46-minutes, beginning with a 9-minute walk to the Tagwell Heights bus stop, then alighting the service at Ombersley Street East (Stop 2). Residents must then catch the 20A bus from Ombersley Street East (Stop 1), alight at Paddock Way and then walk for 6-minutes to reach the pharmacy. We reiterate that the 157 service is highly infrequent operating hourly, and the 20A also operates approximately once every hour. In any case, catching two buses does not represent good access to pharmaceutical services, especially when they are both highly infrequent.

4.79 We therefore submit that this pharmacy is barely accessible by public transport, and cannot be considered reasonable.

By Car

4.80 The journey by car to St Mary Pharmacy from the proposed site requires travelling across the majority of Droitwich Spa, as it is located to the northwest. The journey itself is a 10-minute drive for 3.8 miles, in this case joining the A38 (Roman Way). We do not consider this journey reasonable nor representative of good access to pharmaceutical services.

4.81 We also note that St Mary's Pharmacy is located in a communal area which appears to serve only the Westlands area. It is therefore odd for residents of the Yew Tree Hill community to leave their communal area to visit a different community.

4.82 We submit that accessing the pharmacy is also complicated by the fact that it is only accessible by navigating a residential area, which frequently terminate as cul-de-sacs preventing through traffic making path finding quite hard. We also note that the location is also incorrectly marked on online maps, meaning these would not assist in finding the pharmacy. The pharmacy itself is tucked between the back of other facilities, meaning it is not particularly visible from any main road.

Summary of Patient Journeys

By Foot

4.83 We consider Droitwich's current pharmacy provision to be inaccessible on foot from the proposed site. We submit that even a minimum 25-minute walk one way, and a total 50-minute walk is unreasonable even for those who are considered to be relatively fit and physically able. This is further compounded by the fact that the available routes are not straightforward, instead requiring residents to travel along unpaved and unlit paths and roads.

Public Transport

4.84 As per the Droitwich network map, we can see that the bus routes are poor, only serving the outer area of the Yew Tree development (Annex 3). Thus, we submit that the majority of residents living within the development and not along its perimeter have limited access to the bus service.

4.85 The Droitwich Spa Community Transport service that the ICB suggest residents can utilise only appears to be available on Tuesdays at a cost of at least £6.

4.86 Ultimately, residents would be required to plan their visits to the pharmacy in advance, and we submit this does not constitute good access to pharmacy provision. The suggestion that residents can utilise this service does not consider its availability, say if a patient feels unwell on a Wednesday and wishes to seek advice from a pharmacist, they would have to wait nearly one week to visit the pharmacy. In the meantime, the symptoms the patient is experiencing could worsen, leading to a GP appointment, and increasing pressure on an already stressed system. We do not consider a means of transport for those without vehicular access that is only available on one day of the week as a reliable method of access to pharmaceutical provision.

Car

4.87 It is important to note that any journey by car requires residents to travel out of Yew Tree Village, rather than being able to pass easily through Droitwich Spa to access services to the north. Journeys from the proposed site to destinations north of the town would require residents to first travel along the outer edge of Droitwich, either via Newland Lane and Tagwell Road or via Pulley Lane. We submit that Yew Tree Village is not well connected to Droitwich Spa, and that residents choosing to live in this development would do so with the understanding that journeys to the north would generally be infrequent and planned in advance. However, it appears that access to pharmaceutical provision has also fallen into this category, and therefore we submit that such essential services are not currently accessible nor able to support the needs of the community.

Conclusion

4.88 In conclusion, given the following factors, we submit that the present application ought to be granted:

4.88.1 There are substantial completed and continuing housing developments being built in southeast Droitwich

4.88.2 Southeast Droitwich has a significantly higher population density than its rural Local Authority Wychavon meaning access should be better

4.88.3 The proposed location is at the Yew Tree Village Local Centre, situated at the heart of southeast Droitwich

4.88.4 The proposed site hosts a number of useful services which residents frequently access, making the proposed site highly beneficial

4.88.5 Cllr Birch, a local stakeholder, has expressed support for the pharmacy while highlighting the increasing pressures on healthcare services in Droitwich Spa

4.88.6 Current transport links between the Yew Tree area and the north of Droitwich Spa which houses all pharmaceutical provision are extremely poor, and virtually inaccessible by foot and public transport

4.89 We have shown there is no reasonable option for those who have no car since there is no practical walking journey and bus services are highly infrequent and indirect. Even for those with a car, we note that patients would need to first

travel south and then circle back north on potentially difficult outer roads – effectively travelling out of their local community. Parking in and around Droitwich Spa's town centre is also at a cost, meaning residents may not visit the town centre as frequently.

4.90 On the evidence outlined above, we invite the Committee to grant this application."

5 Summary of Representations

This is a summary of representations received on the appeal.

5.1 BOOTS UK LTD

5.1.1 "Thank you for your correspondence dated 2nd July 2026 informing us of the above appeal.

5.1.2 Boots UK Limited wish to make the following comments:

5.1.3 Our nearest pharmacy to the application site is located at St Andrews Square, Droitwich, WR9 8TJ. This pharmacy is open seven days a week. This pharmacy offers a delivery service.

5.1.4 Whilst the PNA may not specifically mention a particular place or housing development(s), it does not mean that they have not been a consideration when producing the PNA. The developments in Droitwich Spa are established with further planned and underway. It is highly unlikely the Health & Wellbeing Board would not know about them.

5.1.5 The amenities at the proposed location are not sufficient to enable residents to have no need to leave the area. We submit that residents would be moving around the to access their place of work for example or to access larger supermarkets & healthcare facilities.

5.1.6 The appellant has gone into great detail about patient journeys to access existing provision, but they have not provided any car ownership statistics. Taken from the 2021 Census data on the Office for National Statistics, car ownership in the postcode areas provided is very high and shows that over 89% or residents have access to at least one car or van. We would expect that given that new housing often attracts a younger or family population, this figure may well be higher now.

5.1.7 When determining the application, the Committee must have regard to the matters set out in Regulation 18, paragraph (2)(b)(ii) – people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the relevant HWB, are difficult for them to access.

5.1.8 We do not believe that the appellant has provided any evidence of patient group(s) who share a protected characteristic not having access to meet specific health needs.

5.1.9 In conclusion we submit that the appeal should be dismissed as it will not confer significant benefits on persons in the area of the relevant

Health and Wellbeing Board which were not foreseen when the relevant Pharmaceutical Needs Assessment was published.

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

5.2 COMMUNITY PHARMACY HEREFORDSHIRE & WORCESTERSHIRE

5.2.1 "Thank you for your letter of 2nd July 2026 regarding the above appeal.

5.2.2 Further to our letter dated 14 March 2025, in which Community Pharmacy Herefordshire & Worcestershire (CPHW) concluded that the application had not demonstrated an unforeseen benefit and that adequate pharmaceutical provision exists for all patient groups, we note that Worcestershire's latest Pharmaceutical Needs Assessment (PNA), published in October 2025, further supports this position.

5.2.3 The 2025 PNA concludes that there are no significant gaps in access to pharmaceutical services across the county. In Wychavon, pharmaceutical provision is supported by 14 community pharmacies and 9 GP dispensing practices. The assessment also reports that approximately 96% of Worcestershire's population lives within a 20 minute drive of a pharmaceutical provider, indicating generally good geographical access to services.

5.2.4 CPHW has no further comments to make, but request to be kept informed and have the opportunity to attend any oral hearings should any be arranged.

5.2.5 We look forward to hearing from you in due course."

6 Observations

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

7 Consideration

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

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

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

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

Regulation 31

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

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

(2) This paragraph applies where -

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

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

(ii) adjacent premises; and

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

7.6 In response to the question of Regulation 31, the Applicant, in the application form had stated "*N/a. There is no pharmacy trading from or adjacent to the proposed premises, so Regulation 31 does not apply."* The Committee noted the conclusion of the Commissioner that there is no pharmacy providing pharmaceutical services at the same or adjacent premises and that this had not been disputed either on appeal or in subsequent representations. The Committee having noted the above, determined that it was not required to refuse the application under the provisions of Regulation 31.

7.7 The Committee noted that, if the application were granted, the successful applicant would - in due course - have to notify the Commissioner of the precise location of its premises (in accordance with paragraph 31 of Schedule 2). Such a notification would be invalid (and the applicant would not be able to commence provision of services) if the location then provided would (had it been known now) have led to the application being refused under Regulation 31.

Regulation 18

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

"(1) If—

(a) NHS England receives a routine application and is required to determine whether it is satisfied that granting the application, or granting it in respect of some only of the services specified in it, would secure improvements, or better access, to pharmaceutical services, or pharmaceutical services of a specified type, in the area of the relevant HWB; and

(b) the improvements or better access that would be secured were or was not included in the relevant pharmaceutical needs assessment in accordance with paragraph 4 of Schedule 1,

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

(2) Those matters are—

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

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

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

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

(i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also NHS England's duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),

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

(iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also NHS England's duties under section 13K of the 2006 Act (duty to promote innovation)),

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

(c) whether it is satisfied that it would be desirable to consider, at the same time as the applicant's application, applications from other persons offering to secure the improvements or better access that the applicant is offering to secure;

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

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

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

(g) whether it is satisfied that the application presupposes that a gap in pharmaceutical services provision has been or is to be created—

(i) by the removal of chemist premises from a pharmaceutical list as a consequence of the grant of a consolidation application, and

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

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

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

7.10 The Committee went on to consider whether Regulation 18(1)(b) was satisfied, i.e. whether the improvements or better access that would be secured if the application was granted were or was included in the Pharmaceutical Needs Assessment ("the PNA") in accordance with paragraph 4 of Schedule 1 of the Regulations.

7.11 Paragraph 4 of Schedule 1 requires the PNA to include: "a *statement of the pharmaceutical services that the HWB had identified (if it has) as services that are not provided in the area of the HWB but which the HWB is satisfied (a)* ***would*** *if they were provided….secure improvements or better access, to pharmaceutical services… (b)* ***would*** *if in specified future circumstances they were provided…secure future improvements or better access to pharmaceutical services…"* (emphasis added).

7.12 The Committee noted that the application had been submitted under the 2022 PNA but that the HWB had since published a 2025 version of the PNA.

7.13 The Committee was of the view that the relevant PNA is the PNA of the relevant HWB that is current at the time that the decision is taken. There is no dispute that the 2025 PNA is the current PNA.

7.14 The Committee noted that the Commissioner had considered the application under the provisions of the 2025 PNA as this was the relevant PNA at the time of the Pharmacy Services Regulations Committee meeting in April 2026.

7.15 Whilst the Committee noted the references from the Applicant to the 2022 PNA contained within its original application form and comments to the Commissioner, it further noted that the Applicant had considered and made reference to the 2025 PNA within its appeal.

7.16 The Committee considered the PNA prepared by Worcestershire HWB, conscious that the document provides an analysis of the situation as it was assessed at the date of publication. The Committee bears in mind that, under Regulation 6(2), the body responsible for the PNA must make a revised assessment as soon as reasonably practicable unless to do so appears to be a disproportionate response to those changes. Where it appears disproportionate, the responsible body may, but is not obliged to, issue a supplementary statement under Regulation 6(3) explaining changes to the availability of pharmaceutical services since the publication of its PNA. Such a statement then forms part of the PNA. A supplementary statement must not provide a new analysis of service provision. The Committee noted that the PNA was dated 2025 and that no supplementary statements had been issued.

7.17 The Committee noted that Droitwich, which falls within the Wychavon locality had not been specifically mentioned within the PNA apart from references to pharmacies within the area. The Committee noted that the PNA had looked at the area as a whole.

7.18 The Committee noted the "Executive Summary and Recommendations" of the PNA states:

> *"Pharmacy Landscape*
>
> *This document reviews the existing pharmacy landscape in Worcestershire, noting that as of 2025, there are 109 total contractors, including 88 community pharmacies and 21 dispensing GP practices. This reflects a 6% reduction in the number of service providers since the last assessment in 2022.*
>
> *Access and Travel Times*
>
> *Most residents in Worcestershire have good access to pharmacy services, with 100% of the population living within a 20-minute drive of a pharmacy. Public transport access is also adequate, with 86% of the population able to reach a pharmacy within 30 minutes.*
>
> *Local Health Needs*
>
> *This document highlights various health needs across Worcestershire, including higher rates of chronic conditions such as asthma and hypertension compared to national averages. In addition,*

Worcestershire has an ageing demographic. This document emphasises the importance of addressing these needs through effective pharmacy services.

…

PNA 2025 Summary

Key Conclusions (Full conclusions towards the end of document)

No major access gaps, but rural areas like Malvern Hills have seen pharmacies close in the past few years.

Fewer pharmacies open on weekends and evenings; no late-night services remain.

Worcestershire has fewer pharmacies per capita than the national average.

Pharmacies are valued, but issues reported by survey respondents include limited hours, travel difficulties, and low service awareness.

Vulnerable groups face barriers due to stigma, privacy concerns, and communication issues.

Opportunities exist to expand services for chronic conditions and harm reduction.

Key Recommendations (Full list of recommendations towards the end of document)

1. Raise public awareness and trust in pharmacy services.

2. Align services with local health priorities and support staff wellbeing.

3. Improve evening access and simplify commissioning processes.

4. Enhance privacy, accessibility, and tailored communication.

5. Ensure respectful, private care for supervised medicine users."

7.19 The Committee noted that the PNA went on to conclude:

"Worcestershire PNA 2025 Summary Statement 1

It has been assessed that there is currently sufficient provision of pharmacies and dispensing GP practices through Worcestershire who deliver essential pharmaceutical services.

Worcestershire PNA 2025 Summary Statement 2

Travel time analysis indicates very good access to services by car (the entire population lives within a 20 minute-journey by car to a pharmacy or GP dispensing practice.) Access is poorer by foot or public transport,

particularly in more rural areas. Most of the population are able to access a pharmacy or GP dispensing practice within 30 minutes by foot or public transport. 96% of the population are within a 20-minute drive of a pharmaceutical provider that is open after 7pm on weekday evenings. The entire population are able to access a pharmaceutical provider within 20 minutes by car on Saturdays and within 30 minutes by car on Sundays.

Worcestershire PNA 2025 Summary Statement 3

Overall, there is good coverage of Advanced Services. All pharmacies offer the New Medicine Service. Pharmacy First is offered at nearly all pharmacies (98%,) the Advanced Hypertension Service is offered by 92%, the Advanced Flu Vaccination Service by 86%.

7.20 The Committee noted that the Applicant seeks to provide unforeseen benefits to those residing in the south of Droitwich Spa. The Committee noted that the improvements or better access that the Applicant was claiming would be secured by its application were not included in the relevant PNA in accordance with paragraph 4 of Schedule 1.

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

Regulation 18(2)(a)(i)

7.22 The Committee had regard to

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

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

7.23 The Committee noted the conclusion of the Commissioner that it was "*satisfied that granting the application would not cause severe detriment to the proper planning … of pharmaceutical services in the HWB area."* The Committee noted that this had not been disputed by parties either on appeal or in subsequent representations. On the basis of the information available, the Committee was not satisfied that, if the application were to be granted and the pharmacy to open, the ability of the Commissioner thereafter to plan for the provision of services would be affected in a significant way.

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

Regulation 18(2)(a)(ii)

7.25 The Committee had regard to

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

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

7.26 The Committee noted that the Commissioner had gone on to conclude that it was "*satisfied that granting the application would not cause severe detriment to the proper …provision of pharmaceutical services in the HWB area*." The Committee noted that this had not been disputed by parties either on appeal or in subsequent representations. The Committee was therefore not satisfied that significant detriment to the arrangements currently in place for the provision of pharmaceutical services would result from a grant of the application.

7.27 In the absence of any significant detriment as described in Regulation 18(2)(a), the Committee was not obliged to refuse the application and went on to consider Regulation 18(2)(b).

Regulation 18(2)(b)

7.28 The Committee had regard to

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

(i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB (taking into account also NHS England's duties under sections 13I and 13P of the 2006 Act (duty as to patient choice and duty as respects variation in provision of health services)),

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

(iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services (taking into account also NHS England's duties under section 13K of the 2006 Act (duty to promote innovation)),

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

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

7.29 The Committee had regard to the location of the existing pharmacies and GP surgeries as provided on the map by the Commissioner, which had not been disputed by any party.

7.30 The Committee sought to understand, from the information before it including the nature of the population in the area. The Committee noted the comments from the Applicant regarding the population size at the time of the 2021 Census,

that it is increasing and that "*the southern part of Droitwich is its own discrete community*". The Applicant goes on to state that the "*residents in the Droitwich South East Ward can access all of their daily amenities at this retail centre …"*

7.31 The Committee noted the comments from the Applicant with regard to the "*typical"* amenities and facilities in the area which as well as a care home nearby also include:

7.31.1 A Co-op Food shop

7.31.2 A fish and chip shop

7.31.3 A post office

7.31.4 A nursery and pre-school

7.31.5 A Caprinos Pizza restaurant

7.31.6 An Ale Hub

7.31.7 A dessert shop

7.32 The Committee did not doubt that these amenities may be used by persons in the area, however the Committee considered that these services and amenities were not so extensive that those residing in the area would not have to travel elsewhere for some of their requirements including work, leisure and also to access medical services. In doing so, they may be able to access existing pharmaceutical services in the area. However, the Committee also had particular regard to the increasing role of community pharmacy in providing an extended range of services without a need to visit the GP first.

7.33 The Committee considered access to existing services on foot. The Committee noted that the distances to the nearest pharmacies had been disputed by the Applicant as the original distances quoted by the Commissioner had been "as the crow flies" whereas the most practicable routes, would involve a longer walk. The Applicant had provided various maps showing the walking routes as well as photographs demonstrating a lack of pavements at certain points along one route and that some of the routes went past the Yew Tree Water Tower, which the Applicant stated would deter some from accessing existing pharmaceutical provision on foot. In the Committee's view the lack of a pedestrian pavement might deter patients from walking that route. The Committee also accepted that the distance to some of the pharmacies may be beyond walkable. The Committee noted that none of the information provided in respect of the routes to be taken had been challenged by parties and that no alternative walking routes had been provided. The Committee was of the view, based on all of the information before it, that there were significant barriers to accessing pharmaceutical services on foot, including the terrain and lack of pavements and lighting in the area.

7.34 The Committee was mindful that there would be some who would choose not to access services on foot, or who are unable to access services on foot, for whatever reason. The Committee therefore went on to consider the ease and level of access to existing pharmacies by private and public transport.

7.35 The Committee noted access to the nearest pharmacies for those persons with their own car or van. The Committee noted that car ownership is high, with at least 89% having access to at least one car or van, and that this had not been disputed. The Committee noted the comments from the Applicant with regard to traffic in the area and in particular access issues due to new developments, and whilst it was of the view that there would always be general traffic in an area, it noted the unchallenged information provided with regard to the residents putting up their own warning signs in the area encouraging drivers to restrict their speed. The Committee concluded that for those who did have access to private transport they were experiencing some difficulties with regard to traffic in the area, however there was nothing provided by the Applicant to demonstrate that once they had left the immediate area round the proposed site there were any difficulties with regard to parking etc at the existing provision in the area of the HWB.

7.36 The Committee noted the information from the Applicant with regard to the length of the bus journeys to the existing pharmacies in the area as well as the frequency of some of the bus services including the number 6 service which was hourly. The Committee also noted the comments from the Applicant that those using the bus services in the area would also have to walk up to 9 minutes to the bus stop which, for the number 6 service, included crossing the grassland by the Water Tower. The Committee noted that the Applicant's comments were with regard to the bus stops in the vicinity of the proposed site, however none of the statements had been disputed.

7.37 The Committee was mindful that those who did use public transport, would be aware of the services and times. The Committee found it difficult to assess the extent to which patients were using public transport, especially given the high car ownership in the area which could have an impact on the frequency of bus services as well as the routes in the area. However, the Committee had already considered that there were barriers to access on foot and this would not be entirely mitigated by using the bus. The Committee has already noted the undisputed comments from the Applicant with regard to the distances to the existing bus stops and that for some the majority of the journey time actually involved walking. The Committee, being mindful of the comments from the Applicant and as well as its own conclusion above, was of the view that for those who were reliant on public transport were having difficulties in accessing the existing pharmacy provision in the area of the HWB.

7.38 Given all of the information above, which the Committee noted had not been challenged by parties in subsequent representations, the Committee was, on balance, satisfied that, having regard to there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits by way of physical access on persons.

7.39 The Committee noted the various references by the Applicant to the new housing in the area, which may result in an increase in demand for pharmaceutical services. The Committee noted the responses from parties that the proposed housing in the area, some of which had been completed, had been known about prior to the publication of the PNA and was not therefore unexpected. The Committee was of the view that there was insufficient information provided to demonstrate that the existing pharmacies in the area were not able to cope with any perceived future increase in demand.

7.40 The Committee was of the view, taking all of the information regarding access into account, that there is not reasonable choice with regard to obtaining pharmaceutical services in the area of the relevant HWB, such that it was satisfied that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits on persons.

7.41 In considering Regulation 18(2)(b)(ii) the Committee reminded itself that it was required to address itself to people who share a protected characteristic under the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) having access to services that meet specific needs for pharmaceutical services that, in the relevant area, are difficult for them to access. The Committee noted the broad references by the Applicant to those who share a protected characteristic by way of age and impaired mobility. Whilst the Committee had regard to these comments, it was of the view that there was little or no evidence of specific pharmaceutical needs. The issue of access and choice as might apply to these persons was dealt with in the assessment of reasonable access as discussed above and the Committee was mindful that there will always be people within an area who share a protected characteristic.

7.42 Whilst the Committee was mindful of its consideration above in respect of access to pharmaceutical services, the Committee was not satisfied that, having regard to the desirability of people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that are difficult for them to access, granting the application would confer significant benefits on persons.

7.43 In considering Regulation 18(2)(b)(iii) the Committee had regard to the desirability of innovative approaches to the delivery of pharmaceutical services. In doing so, the Committee would consider whether there was something more over and above the usual delivery of pharmaceutical services that might be expected from all pharmacies, some 'added value' on offer at the location. The Committee noted that there was no innovation proposed by the Applicant and they were not seeking to rely on innovation in this application. The Committee was therefore not satisfied that, having regard to the desirability of there being innovative approaches taken with regard to the deliverability of pharmaceutical services, granting the application would confer significant benefits on persons.

Regulation 18(2)(b) generally

7.44 The Committee noted that the Applicant was proposing to open for 44 hours a week, of which 40 would be core hours. The Committee noted that there would be provision of pharmaceutical services from 9am to 1pm and 2pm to 6pm Monday to Friday, all of which would be core hours. The Applicant was proposing to offer supplementary hours on a Saturday morning from 9am to 1pm. The Committee noted that the Applicant was not proposing to offer any hours, either core or supplementary on a Saturday afternoon or on a Sunday.

7.45 The Committee was mindful that, based on the information before it, there was nothing provided to support a finding that pharmaceutical services are not currently provided at such times as needed and therefore it was not satisfied

that, having regard to the desirability of there being a reasonable choice with regard to obtaining services, granting the application would confer significant benefits (in relation to opening hours) on persons.

7.46 The Committee further noted that the services that the Applicant was proposing to provide were all currently provided by the existing pharmacies in the area and there was nothing provided to demonstrate that the existing pharmacies were not able to continue to fulfil the needs of those requiring access to pharmaceutical services.

7.47 However, the Committee had regard to the advanced and enhanced services proposed as part of the application. The Committee noted that if the application was to be granted, and the pharmacy were to open, it will be the responsibility of the Commissioner, in line with Regulation 66, to ensure that the directed services mentioned in the application are provided.

7.48 The Committee has considered whether there are any other factors that would confer significant benefits including on patients who share protected characteristics. The Committee had regard to the need to eliminate discrimination and advance equality of opportunity and foster good relations between these patients and those who do not share their protected characteristics.

7.49 The Committee was of the view that in accordance with Regulation 18(2)(b) the granting of this application would confer significant benefits on persons in the area of the HWB which were not foreseen when the PNA was published.

Other considerations

7.50 Having determined that Regulation 18(2)(b) had been satisfied, the Committee needed to have regard to Regulation 18(2)(c) to (e) and found that it was not aware of any other applications or appeals relating to the provision of pharmaceutical services in Droitwich Spa and that in any event, it would not be desirable to consider any such appeals or applications before reaching a decision on the current application.

7.51 No deferral or refusal under Regulation 18(2)(f) was required in this case.

7.52 The Committee had regard to Regulation 18(2)(g) and found that it did not apply in this case.

7.53 The Committee considered whether there were any further factors to be taken into account and concluded that there were not.

7.54 The Committee was satisfied that the information provided demonstrates that there is difficulty in accessing current pharmaceutical services such that a pharmacy at the proposed site would provide better access to pharmaceutical services.

7.55 The Committee had regard to Regulation 19(6) which states:

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

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 Given that the Committee has reached a different conclusion to the Commissioner, the Committee determined that the decision of the Commissioner must be quashed.

7.58 The Committee went on to consider whether there should be a further notification to the parties detailed at paragraph 19 of Schedule 2 of the Regulations to allow them to make representations if they so wished (in which case it would be appropriate to remit the matter to the Commissioner) or whether it was preferable for the Committee to redetermine the application.

7.59 The Committee noted that representations on Regulation 18 had been sought from parties by the Commissioner and representations had already been made by parties to the Commissioner in response. These had been circulated and seen by all parties as part of the processing of the application by the Commissioner. The Committee further noted that when the appeal was circulated representations had been sought from parties on Regulation 18.

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

8 DECISION

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

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

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

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

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

8.4.1.1 there is not already a reasonable choice with regard to obtaining pharmaceutical services;

8.4.1.2 there is no evidence of people sharing a protected characteristic having difficulty in accessing pharmaceutical services; and

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

8.4.2 Having taken these matters into account, the Committee is satisfied that granting the application would confer significant benefits as outlined above that would secure improvements or better access to pharmaceutical services.

Case Manager
Primary Care Appeals