NHS Resolution

24 September 2026

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REF: APL-4531 (LEGACY REF: SHA/27051)

APPEAL AGAINST NHS NORTHAMPTONSHIRE ICB DECISION TO GRANT AN APPLICATION BY HEALTH CORNER LTD FOR A RELOCATION THAT DOES NOT RESULT IN A SIGNIFICANT CHANGE TO PHARMACEUTICAL SERVICES PROVISION UNDER REGULATION 24 FROM DRYLANDS SURGERY, 3 FIELD STREET, KETTERING NN16 8EJ TO 16 THE MALL, NEWLANDS SHOPPING CENTRE, KETTERING NN16 8JA

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:

PCSE, on behalf of NHS Northamptonshire ICB
Healthcare Plus Consulting Ltd, on behalf of Health Corner Ltd
Boots UK Ltd

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1 The Application

By application dated 26 November 2025, Health Corner Ltd ("the Applicant") applied to Northamptonshire ICB ("the Commissioner") for a relocation that does not result in a significant change to pharmaceutical services provision under Regulation 24 from Drylands Surgery, 3 Field Street, Kettering NN16 8EJ to 16 The Mall, Newlands Shopping Centre, Kettering NN16 8JA. 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- no NHS pharmacy contract operates from the new proposed site or any adjacent site".

1.2 Information in support of all no significant change applications

1.3 Please use the box below to explain why you consider that the new premises are not significantly less accessible for the patient groups that are accustomed to accessing pharmaceutical services at the existing premises.

1.4 "For the patient groups that are accustomed to accessing pharmaceutical services at the existing premises, the location of the new premises is not significantly less accessible.

1.5 See Supporting Information"

1.6 Please use the box below to explain why you consider that granting the application will not result in a significant change to the arrangements that are in place for the provision of local pharmaceutical services or pharmaceutical services (other than those provided by dispensing doctors) in any part of the HWB's area or any controlled locality within 1.6 kilometres of the new premises.

1.7 “The same services currently provided will be provided at the proposed location.

1.8 See Supporting Information”

1.9 Please use the box below to explain why you consider granting the application will not cause significant detriment to the proper planning in respect of the provision of pharmaceutical services in the HWB’s area.

1.10 “The relocation is only a short distance away from the existing site so will not have any effect on patients who access the pharmacy at its current location.

1.11 See Supporting Information.”

1.12 The Applicant confirmed that the services to be provided at the new premises are the same as those that have been provided at the current premises and that there will be no interruption to service provision.

1.13 Supporting information

1.14 “Healthcare Plus Consulting Ltd are instructed by Health Corner Ltd to submit this supporting information for the above application on their behalf.

1.15 **Background**

1.16 Health Corner Ltd own and operate the Sage Pharmacy, 3 Field Street, NN16 8EJ; which dispenses an average of c.8,500 items per month.

1.17 My client’s lease is soon to expire and therefore in order to maintain the continuity of healthcare provision for the local population, our client has agreed terms to relocate a short distance (300m) to 16 The Mall, Newlands Shopping Centre, Kettering, NN16 8JA.

1.18 The most practicable route from the current to the proposed site is a 4-minute or 0.2-mile walk, alternatively patients could access by car involving a 0.2 mile or 1-minute journey. The journey by foot is characterised by flat terrain, dropped kerbs, and well-lit roads. There are no obvious barriers in the area preventing people from moving around the area, with access to traffic light-controlled crossings.

1.19 We have included a map overleaf depicting the location of the existing site and proposed site.

1.20 *Figure 1: Map showing current site (yellow marker) and proposed site (red marker*

1.21 **Regulation 24**

1.22 **Regulation 24(1)(a)** requires NHS England to consider whether:

"for the patient groups that are accustomed to accessing pharmaceutical services at the existing premises, the location of the new premises is not significantly less accessible"

1.23 We note 'patient groups that are **accustomed to accessing** pharmaceutical services' and '**not significantly** less accessible' **emphasis added**

1.24 The proposed premises are located within a short distance of the existing premises c. 0.2 miles distant.

1.25 We define the Patient Groups that use the pharmacy as below:

1.25.1 Patients that utilise the collection & delivery service

1.25.2 Patients that originate from local GP surgeries requiring access to Pharmaceutical Services

1.25.3 Patients that require access to Pharmaceutical Services other than after a visit to a GP surgery

1.26 **1. Patients that utilise the collection & delivery service**

1.27 We note that the pharmacy has 99% of Rx sent to the pharmacy by EPS with c.10% delivered to patients.

1.28 This is a significant number of patients that are not accustomed to accessing pharmaceutical services at the current premises and therefore they would not find that the new premises is less accessible. The delivery arrangements and the advice given to this patient group would remain exactly the same in the new location. These patients will see no change in their provision of pharmaceutical services.

1.29 We can also confirm that those other essential services that can be carried out through the delivery service (such as the collection of unwanted medication) will continue to be provided at the new premises.

1.30 **2. Patients that originate from the Local GP surgeries in the area requiring access to Pharmaceutical Services**

1.31 The table below shows the item breakdown at the current location from the various GP surgeries, only surgeries prescribing minimum 5% of the pharmacy's items have been included. We note that distances to these surgeries are also provided. (Source: Pharmdata Jul 25)

Practice Code	Prescribing Organisation	Items	% of pharmacy items Jul 25	Distance from current site (miles)
K83039	Dryland Medical Centre	7,652	85.57%	0.0
K83013	Eskdaill Medical	540	6.04%	0.2

1.32 From the table above it is clear that the largest number of items originate from Dryland Medical Centre (85.57%). For those who access the pharmacy following a visit to the Dryland Medical Centre, they currently travel for c.20 metres to reach the pharmacy.

1.33 For those patients who do access the current premises for pharmaceutical provision after a visit to the surgeries above, we submit that the proposed site **cannot be deemed significantly less accessible** than the current site. This becomes clear when looking at the patient journeys between the two sites below.

1.34 **Journeys on Foot**

1.35 We reiterate that the c.300 metres between the two sites is the maximum extra distance patients would need to travel to access the proposed site, thus patients that access the pharmacy by foot after a visit to the GP will not see any **significant** reduction in accessibility.

1.36 **Journey by foot from Dryland Medical Centre to the Proposed Site**

1.37 Figure 2 below shows the journey by foot between Dryland Medical Centre and the proposed site. For clarity, this only refers to patients who are accustomed to accessing the existing premises, the regulations do not allow for an assessment of future patients.

1.38 *Figure 2: Map showing journey on foot between Dryland Medical Centre and the proposed site*

1.39 The route by foot from Dryland Medical Centre to the proposed site is approximately 4 minutes or 0.2 miles and is easy to navigate. The terrain is flat, with traffic-controlled crossings, dropped kerbs and well-lit wide walkways.

1.40 Patients would first exit the surgery and travel along Field Street for approximately 30 metres before turning left onto Northall Street. Patients would then proceed to travel for c.70 metres before utilising the traffic-controlled crossing illustrated shown below.

1.41 *Figure 3: Image depicting traffic-controlled crossing on Northall Street*

1.42 The image above shows that the crossing is traffic light controlled with dropped kerbs, rendering the journey accessible for patients in wheelchairs/mobility scooters. It is important to note that at the time of submission of this application, we are unaware of any patients that are accustomed to accessing the current premises that have significant impaired mobility under the Equality Act 2010 Protected Characteristics.

1.43 After crossing Northall Street, patients must travel for c.100 metres along Tanners Lane before entering the Newlands Shopping Centre where the proposed site is located.

1.44 We submit that patients would not find the proposed site significantly less accessible, being located just a short 300 metres walk away.

1.45 **Journey by foot from Eskdaill Medical Centre to the Proposed Site**

1.46 There are a smaller number of patients who access the pharmacy following a visit to Eskdaill Medical Centre. In the case that a patient does access the current premises by foot following a visit to Eskdaill Medical Centre, they would undertake a 0.2 miles or 6-minute walk.

1.47 A journey to the proposed site from Eskdaill Medical would be 0.4 miles or 9 minutes. We do not consider an additional 3-minute walk to be significantly less accessible.

1.48 We also note that Eskdaill Medical Centre has a co-located pharmacy, which likely explains the low number of patients that access the current site.

1.49 **Journeys by Car**

1.50 **Journey by car from Dryland Medical Centre to the Proposed Site**

1.51 Patients accessing the proposed premises after having visited Dryland Medical Centre by car will not find the proposed premises significantly less accessible. The journey by car between the sites is only 1-minute with multiple car parks available outside the Newlands Shopping Centre.

1.52 **Journey by car from Eskdaill Medical to the Proposed Site**

1.53 Similarly, patients accessing the proposed site following a visit to Eskdaill Medical will not find the proposed premises significantly less accessible. The journey by car between the two sites is just a short 2-minute drive, with multiple car parks available surrounding the proposed site.

1.54 Therefore, for this patient group, the journey by car cannot be considered significantly less accessible.

1.55 **Journeys by Public Transport**

1.56 **Journey by public transport from Dryland Medical Centre to the Proposed Site**

1.57 For patients accessing the pharmacy by bus, travel will not be significantly less accessible. We note that patients that access the pharmacy at its current location via bus, alight at the Newlands Shopping Centre bus stops. Evidently, with the proposed location situated within this shopping complex the same bus stop will be utilised.

1.58 At the current premises, patients have a 275 metre walk to access the Pharmacy after alighting. The proposed site would require a shorter 250 metre walk from the bus stop and therefore cannot be considered significantly less accessible and may in fact be more accessible.

1.59 As a general observation, any patient that does currently use the bus to access the pharmacy must be reasonably mobile and able to travel the short distances required.

1.60 **Journey by public transport from Eskdaill Medical to the Proposed Site**

1.61 For those patients who currently access the current premises following a visit to Eskdaill Medical Centre, the journey involves utilising the X10 or 2 bus services. Patients must catch the bus from the Railway View bus stop and travel for one stop to the Newland Centre Bus Stop. Once alighting the service patients must then walk for 4 minutes to access the pharmacy. We submit that most patients would choose to simply walk for 6 minutes rather than getting the bus.

1.62 To access the proposed site, patients would also utilise the X10 or 2 bus services, alight the service at the Newland Centre Bus Stop and then walk for 3 minutes.

1.63 It is clear that those patients who currently access pharmaceutical services by public transport following a visit to the GP will not find the proposed premises significantly less accessible.

1.64 **3. Patients that require access to Pharmaceutical Services other than after a visit to a GP surgery**

1.65 The applicant has considered where this patient group may start their journey. The consideration is equivalent to those patients who are accessing pharmaceutical services with a prescription but not coming directly from the surgery, so the comments at Patient Group 2 should also be considered.

1.66 In any case, it is clear that no patient would find the newly proposed premises to be significantly less accessible than the current premises. We reiterate that the maximum extra distance that patients could need to travel is 0.2 miles, but for many this will be less.

1.67 Both sites are located within the centre of Kettering and therefore patients will likely be accessing the pharmacy in connection with a visit to other services within the area. We reiterate that the proposed site is located within Newlands Shopping Centre, and thus we submit that those patients wishing to access the pharmacy in connection with other amenities will find the proposed site more accessible.

1.68 Consideration in relation to the Equality Act 2010 namely patients sharing a protected characteristic identifies no patients that would be significantly impacted as a result of this relocation given the short distance and good transport links.

1.69 **In addition, the committee will also consider the other matters required under Regulation 24**

1.70 **1. In the opinion of the NHSCB, granting the application would not result in a significant change to the arrangements that are in place for the provision of pharmaceutical services.**

1.71 There is no evidence that granting the application would result in a significant change to the arrangements that are in place for the provision of pharmaceutical services. The same services will be provided from both sites.

1.72 **2. The NHSCB is satisfied that granting the application would not cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the HWB's area.**

1.73 My client is not aware of any plans in respect of the provision of pharmaceutical services to which significant detriment would be caused should their application be granted. The area is already well served by a number of pharmacies.

1.74 **3. The services the applicant undertakes to provide at the new premises are the same as the services the applicant has been providing at the existing premises.**

1.75 My client undertakes to provide the same services at the new premises as are provided at the existing premises.

1.76 **4. The provision of pharmaceutical services will not be interrupted (except for such period as the NHSCB may for good cause allow).**

1.77 My client confirms that the provision of pharmaceutical services will not be interrupted during the proposed relocation (except for such period as the NHSCB may for good cause allow).

1.78 **Conclusion**

1.79 In conclusion, the proposed location will not be significantly less accessible for any patient group and will actually be more accessible to a large number of patients.

1.80 We invite NHS England to approve this application as all parts of Regulation 24 & 31 are met."

1.81 [Supporting information at Appendix A for Committee]

2 Comments to the Commissioner

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

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

2.1 The Applicant, represented by Healthcare Plus Consulting Ltd

Letter dated 19 February 2026

2.1.1 "Thank you for your letter dated 9th February. Please see our response to comments below.

2.1.2 We note that Boots are the only interested party who have chosen to respond.

2.1.3 **Boots**

2.1.4 We note that, given the relocation is less than 250 metres, we submit that the statements surrounding the pharmacy moving to a different area are highly exaggerated. We also note that the feel of an area is irrelevant to the regulations.

2.1.5 We also note that there is a traffic-controlled road crossing between the current and proposed sites. This has dropped kerbs and protective railings for pedestrians. Therefore, the A4300 is in no way a barrier, and the crossing is in fact designed to be used frequently by the local population.

2.1.6 *Figure 1: Image showing the well-used light-controlled crossing*

2.1.7 For the reasons we have previously detailed, any journey by residents to the new site would not be significantly longer than the journey to the current site. We also note that all services will continue to be provided.

2.1.8 We believe all relevant patient groups have been considered. Boots have not identified any additional patient groups.

2.1.9 We note that parking is free for 2 hours in the car park just to the North of the Newlands Shopping Centre, located by Farmfoods and Energie Fitness Kettering. This is plenty of time to use the pharmacy. Given the proximity of the current site to the proposed site, most users will also have the option to use the same parking arrangements they already use to access the current site. Holders of blue badges will also have access to free disabled parking in the shopping centre's own multistorey car park if they choose to do so.

2.1.10 Boots accept that the proposed site is not adjacent to their pharmacy. We note that, per NHS guidance, vicinity is not sufficient for regulation 31 to be engaged:

> "*For the purposes of Regulation 31, the Committee has determined that existing premises which are "in the vicinity" of the applicant's premises are disregarded. In SHA/17479 (March 2014), two units of a centre housing multiple businesses were held not to be the same or adjacent premises as the two units were not the same unit and were not adjacent to each other.*"

(GUIDANCE NOTE, Regulation 31, updated 1 October 2025, NHS-Resolution-Regulation-31-Guidance-Note-August-2024-2.pdf)

2.1.11 Pharmacies in the vicinity are also not relevant to regulation 24.

2.1.12 Boots have not pointed to any relevant plan which may be affected by the proposed relocation. We do not believe that any such plan exists.

2.1.13 We note that the general effect on current provision is not a relevant consideration.

2.1.14 We note that Boots have explicitly presented arguments on relocations leading to clustering, but these have been rejected by the Appeals Committee numerous times (SHA/26603, SHA/26635).

2.1.15 We therefore do not believe that the comments by Boots raise any reason to reject this application."

2.1.16 [Supporting information at Appendix B for Committee]

Letter dated 13 April 2026

2.1.17 "Thank you for your letter dated 7th April 2026.

2.1.18 We note that we have previously responded to the representations which Boots have resubmitted in our letter dated 19th February 2026. We reattach our previous representations in this regard. We suggest that the Committee read the previous letter before this one.

2.1.19 Thursfield Pharmacy

2.1.20 Thursfield Pharmacy make a number of objections to our client's application. We believe that none of these objections are well founded.

2.1.21 Thursfield object to the effect that the relocation would have on the distribution of pharmacies. We do not believe any detriment has been shown by any pharmacy. We also note that arguments based on clustering have been repeatedly rejected by the Appeals Committee (SHA/26603, SHA/26635) as it is not a relevant consideration under Regulation 24.

2.1.22 In regard to Regulation 31, we continue to submit that no pharmacy is "adjacent" to the proposed premises. This was accepted by Boots. As noted in our letter dated 19th February 2026, mere vicinity is insufficient to engage Regulation 31.

2.1.23 In regard to section 7.1, this section is not applicable as our client's pharmacy is not listed as a result of an application to which Regulation 13(1)(a) of the NHS (Pharmaceutical Services) Regulations 2005 applied. The definition of Approved Retail area in this context is not connected to local planning categories.

2.1.24 Comments concerning the lack of need at the proposed location are not relevant to Regulation 24 which only allows consideration of the effect a relocation would have on those accustomed to accessing the pharmacy. We note that, for the reasons we have previously outlined, the effect on those accustomed to using the pharmacy will be minimal and does not rise to the level of concluding that the pharmacy will be significantly less accessible.

2.1.25 No evidence has been presented that any group will struggle to make the short journey between the current and proposed site. We reiterate that the maximum additional journey which a user may be required to take is c. 300 m and that this journey is characterised by flat terrain, light controlled crossings and wide walkways. We submit that users of the Drylands Medical Centre are likely already accustomed to making this journey to access shops across the road.

2.1.26 The proposed site does benefit from a multistorey car park, which provides disabled parking on all levels free of charge. This means that no disabled patient will be required to pay any charge and would not need to rely on the lift, though it is suitable for disabled people.

2.1.27 For those without a blue badge, they can rely on the 2 hours of free parking provided to the north of the Newlands Shopping Centre – which some may already use.

2.1.28 We do not know why the commenter is highly critical of the need for our client to vacate their current premises. There is no reason to doubt that relations between a landlord and tenant will from time to time come to an end. Despite engaging in good faith negotiations, the proposed lease costs will make it financially unviable for our client to continue operating, if this relocation is not granted. Our client has chosen to move proactively to avoid any disruption to services.

2.1.29 We note that necessity is not a requirement of the regulations and the lease's termination is merely background to this application.

2.1.30 Our client confirms that in accordance with the regulations they will maintain all existing hours to ensure no users suffer any loss of access. Furthermore, our client does intend to offer additional opening hours on Saturdays to further increase pharmaceutical access in the area.

2.1.31 In summary, for the reasons stated above and in previous correspondence, the objections made by Boots and Thursfield Pharmacy are not well founded and the application should be accepted."

2.2 Boots UK Ltd

2.2.1 "Thank you for your letter dated 7th April 2026.

2.2.2 In our previous submission dated 28th January 2026 we stated that we believe that Regulation 31 should be considered as part of the determination of this application.

2.2.3 Since our initial submission, we have found that our premises are in fact adjacent to the applicants proposed location. The unit between Boots and the proposed premises is in fact within our footprint.

2.2.4 In order to help the deciding Committee with this consideration, I have enclosed a copy of the outline drawing of the premises that is within Boots UK Ltd possession.

2.2.5 This Land Registry drawing clearly shows that unit 16, that the applicant has applied to relocate in to is adjacent to part of the premises we own.

2.2.6 We hope that this will help the Committee in their determination."

2.2.7 [Supporting information at Appendix C for Committee]

3 The Decision

The Commissioner considered and decided to grant the application. The decision letter dated 2 June 2025 [sic] states:

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

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

3.2 Decision report

3.3 "**Regulation 24 – Relocations that do not result in significant change to pharmaceutical services provision**

3.4 **Regulation 24(1)(a)**

3.5 The proposed premises are located a short distance from the existing site within the same central area, with the route between the two being easy to navigate. The journey is along well-maintained, level, and well-lit streets, with wide pavements, dropped kerbs, and traffic-controlled crossings, supporting accessibility for all patients, including those using wheelchairs or mobility aids.

3.6 Parking provision near the proposed premises, including within the shopping centre, remains readily available. Access to public transport is also unchanged, with patients continuing to utilise the same bus stops serving the area.

3.7 As a result, the proposed premises are not significantly less accessible for patient groups accustomed to accessing pharmaceutical services at the existing location. Patient journeys, routes, and modes of transport will remain

effectively the same, whether patients access the pharmacy on foot, by car, or via public transport, with no material change to convenience or accessibility.

3.8 The proposed premises is 0.2 miles away from the current premises. This is estimated to be approximately a 5-minute walk.

3.9 Overall, the relocation satisfies the requirements of Regulation 24, as the proposed premises are not significantly less accessible to any patient group and continuity of pharmaceutical services is maintained within the same locality.

3.10 **Regulation 24(1)(b)**

3.11 The location of the premises is not within a controlled locality.

3.12 **Regulation 24(1)(c)**

3.13 NHS Northamptonshire Integrated Care Board has no current planning arrangements in place within the North Northamptonshire Health and Wellbeing Board area.

3.14 **Regulation 24(1)(d)**

3.15 The applicant has stated that the same services will be provided in the proposed premises that are currently being undertaken in the current premises.

3.16 **Regulation 24(1)(e)**

3.17 The applicant has stated that there will be no interruption to the provision of pharmaceutical services caused by the relocation.

3.18 **Regulation 24(2)**

3.19 This regulation is not applicable as the applicant is not seeking to relocate to a different Health and Wellbeing Board area.

3.20 **Regulation 24(3)**

3.21 This regulation does not apply because:

3.21.1 The pharmacy did not open following the grant of an application under regulation 13(1)(a) or (c) of the NHS (Pharmaceutical Services) Regulations 2005,

3.21.2 The pharmacy has been at its current location for more than 12 months, and

3.21.3 The application does not relate to distance selling premises.

3.22 **Regulation 31 – Refusal: same or adjacent premises.**

3.23 The application cannot be refused pursuant to this regulation as no persons on the pharmaceutical list (which may or may not be the applicant) is providing or has undertaken to provide pharmaceutical services from

3.23.1 The premises to which the application relates, or adjacent premises and

3.23.2 The Integrated Care Board 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).

3.24 **Regulation 66 – Conditions relating to providing directed services**

3.25 The pharmacy has provided a declaration in section 5 of the application to state that they will provide the same services as those provided at the current location.

3.26 Regulation 66(4) therefore applies if the application is to be granted, and the inclusion of the applicant and the pharmacy premises in the pharmaceutical list for the area of North Northamptonshire Health and Wellbeing Board would be subject to the condition set out in regulation 66(5).

3.27 The condition is that, at the pharmacy premises, the applicant must:

3.28 a) Provide the directed services mentioned in the application and

3.29 b) Not withhold agreement to a service specification for those services unreasonably

3.30 If the ICB commissions the services from the applicant within three years of the date of either the grant of the application or, if later, the listing in relation to the applicant of the pharmacy premises, unless thereafter the ICB ceases to commission the services (if it has commissioned them).

3.31 For the services commissioned by the ICB and East Midlands Primary Care Team, If the application is granted, the Committee is to consider whether or not to specify a date by which the condition to provide these services is to take effect.

3.32 Granting this application will have no impact on those with protected characteristics or on the commissioner's duty on health inequality as the same pharmaceutical services and opening hours are to be provided at the proposed new location.

3.33 Granting the application should not cause significant detriment to proper planning in respect of the provision of pharmaceutical services.

3.34 The Committee determined to **grant** the application as the applicant is compliant of Regulation 24 and Regulation 31.

3.35 Thursfields Pharmacy and Boots have right of appeal."

4 The Appeal

In a letter dated 1 July 2026 addressed to NHS Resolution, Boots UK Ltd ("the Appellant") appealed against the Commissioner's decision. The grounds of appeal are:

4.1 "Boots UK Limited wish to appeal the decision made by Northamptonshire ICB to grant the above no significant change relocation application.

4.2 We do not believe that the ICB has fully considered Regulation 24(1)(a) and in particular, Regulation 31.

4.3 **Regulation 24(1)(a).**

4.4 The proposed premises are located within the Newlands Shopping Centre in the town. The current location of the pharmacy is adjacent to the Dryland Medical Centre. The two locations are divided by the busy A4300, Northall Street.

4.5 The applicant stated in point 3 of their submissions under the heading **Patients that require access to Pharmaceutical Services other than after a visit to a GP surgery** that *"patients wishing to access the pharmacy in connection with other amenities will find the proposed site more accessible"* but have not documented how it is more accessible. For patients who travel by car to access pharmaceutical provision in its current location, free parking is available. At the proposed premises, the car parking at Newlands shopping centre is chargeable at £1.50 for 2 hours for example.

4.6 The applicant also has not provided any information on the patient group(s) who access their pharmacy for over-the-counter medication, for advice or for pharmaceutical services such as, (but not limited to) Pharmacy First after a referral. These patients will not necessarily be in the vicinity of the pharmacy, but as no data has been provided on this patient group, we believe that the Committee cannot be sure that the proposed location will not be significantly less accessible for this group.

4.7 **Regulation 31.**

4.8 During the application process we submitted a copy of the outline of the premises that are in our possession at The Mall, Newlands Shopping Centre. The drawing clearly shows the whole of our footprint, which includes the unit adjacent to the proposed premises. There is no reference to this in the ICB's decision report, so it appears that the document was not considered when determining the application. We have attached the document for your consideration. We believe that Regulation 31(2)(b) is engaged and the application must be refused.

4.9 For the reasons above, we submit that this appeal should be upheld and the NHS ICB decision overturned.

4.10 Please be aware that we would wish to attend an oral heating should it be deemed necessary to hold one”

4.11 [Supporting information at Appendix C for Committee]

5 Summary of Representations

This is a summary of representations received on the appeal.

5.1 The Appellant

5.1.1 “Thank you for your correspondence dated 14th July 2026. Boots UK Limited wish to make the following comments.

5.1.2 In the response submitted by Healthcare Plus Consulting Ltd, on behalf of the applicant, [redacted] states that “Boots accept that the proposed site is not adjacent to their pharmacy”. We would like to make it very clear that this is not the case. We absolutely believe that the proposed premises are adjacent to our premises, and that Regulation 31 is engaged.

5.1.3 During the application process we submitted a copy of the outline drawing of the premises Boots UK Ltd own, clearly showing that the premises, right up to the proposed unit are in our possession. We have also submitted this to NHS Resolution. As there is no reference to our submission in the ICB’s decision report, it appears that our document was not considered when the ICB determined the application, but we firmly believe that Regulation 31 is engaged.

5.1.4 A copy of the outline drawing of the premises is enclosed again for avoidance of doubt and for your consideration when determining the appeal.”

5.1.5 [Supporting information at Appendix C for Committee]

5.2 The Applicant, represented by Healthcare Plus Consulting Ltd

5.2.1 “We thank you for your letter dated 14th July 2026. We respond to the appeal below. Our response is in addition to previous representations which we have attached below.

5.2.2 **Regulation 24(1)(a)**

5.2.3 We reiterate that Northall Street (A4300) poses no significant barrier to patients as it can be crossed at a wide and well utilized light-controlled crossing.

5.2.4 *Figure 1: Image showing the wide and well-utilised light-controlled crossing on the A4300*

5.2.5 We note that while the proposed site is likely to be more accessible for those accessing the pharmacy in connection with any of the many

amenities in the Newlands Shopping Centre, it is not necessary for the proposed site to be more accessible; access need only not be significantly less accessible.

5.2.6 We also reiterate that parking immediately north of the Newlands Shopping Centre is free for two hours and that disabled parking is free in the multi-storey car park attached to Newlands Shopping Centre.

5.2.7 The application included three patient groups and considered various modes of transport within those patient groups. We continue to regard this as sufficient. Those accessing non-dispensing services are included in the three patient groups and would face no additional barriers compared with those receiving dispensing services.

5.2.8 We note that in Community Pharmacies (UK) Ltd, R (On the Application Of) v The National Health Service Litigation Authority [2016] EWHC 1595 (QB), it was noted that the proper approach to patient groups was to separate groups based on shared characteristics which affect access:

> [32] "If, then, in context, the purpose of grouping is to facilitate a decision as to the accessibility of the new premises, the starting point is considering what makes a relocated pharmacy less easy to go to physically, mentally or socially, and 'groups' must have their identities determined with that in mind."

5.2.9 Types of services, except for delivery services, do not affect the accessibility of a pharmacy.

5.2.10 Given the close proximity of the two sites and our previous submissions on the matter, it is clear that Regulation 24(1)(a) is satisfied.

5.2.11 **Regulation 31**

5.2.12 We continue to believe that the Boots and the proposed site are not adjacent. We fear that the Land Registry document may be slightly outdated as it shows what now appears to be Unit 18 to be within the Boots unit.

5.2.13 We note that the following map on the Newlands Centre website clearly shows that Unit 18 sits between Boots and Unit 16 – the proposed site:

5.2.14 *Figure 2: Map taken from the Newlands Shopping Centre webpage showing Unit 18 between Boots and the proposed Unit 16, marked with the red star (https://newlandsshopping.com/centre-map/)*

5.2.15 We also note that imagery from the shopping centre appears to show that Unit 18 is indeed between Unit 16 and Boots:

5.2.16 *Figure 3: Image showing the vacant Unit 18 between Boots on the left and Unit 16, signed as "Select" in the image to the right. The image was published in the last year but may be older.*

5.2.17 *Figure 4: More recent images of Unit 18 showing it is actively being marketed*

5.2.18 In any case, even if Boots is adjacent to the proposed site, we note that Regulation 31 does not affect an application unless Regulation 31(2)(b) is also satisfied:

> 31(2)(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).*"

5.2.19 Given the absence of any commonality or connection between the Boots pharmacy and our client's pharmacy, it would be wholly irrational to treat them as part of the same service. We also note there are no shared directors, shareholders or operations between our client and Boots.

5.2.20 We wish to reiterate that the proposed relocation would also allow our client to continue to grow service offering including offering supplementary hours on Saturdays and Sundays, aligning the pharmacy's hours with those of the shopping centre. Our client hopes that this reduces the burden on GPs in the area and improve access to services overall.

5.2.21 Based on our previous submission and for the above reasons, we submit that the appeal must be rejected."

5.2.22 [Supporting information at Appendix D for Committee]

5.3 The Commissioner

5.3.1 "Thank you for your letter dated 14th July 2026. The East Midlands Primary Care Team on behalf of Northamptonshire Integrated Care Board would like to make the following representations.

5.3.2 Relevant Regulations

5.3.3 Regulation 31 – refusal; same or adjacent premises. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013

5.3.4 Regulation 24 - Relocations that do not result in significant change to pharmaceutical services provision. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013

5.3.5 Health Corner Ltd submitted an application for a no significant change relocation. This was reviewed at the panel meeting held 19th May 2026.

5.3.6 Regulation 31

5.3.7 The Committee considered Regulation 31 as part of its determination of the application.

5.3.8 At the time of the Committee's consideration, the evidence available indicated that the proposed premises were not the same as, or adjacent to, existing listed chemist premises and the Committee therefore concluded that Regulation 31 did not apply.

5.3.9 This was reflected in the decision report, which stated that the application could not be refused under Regulation 31 as there was no person on the pharmaceutical list providing or undertaking to provide pharmaceutical services from the proposed premises or adjacent premises.

5.3.10 Following the Committee's decision, Boots has provided further evidence in its representation dated 14th April 2026. Boots states that its premises are adjacent to the proposed premises and has provided a Land Registry plan in support of its position.

5.3.11 The Commissioner acknowledges this further evidence and notes that the applicant has also responded to this point. The applicant maintains that its proposed premises are not adjacent to the Boots pharmacy and refers to the distinction between premises being adjacent and merely being in the vicinity.

5.3.12 However, Regulation 31 requires both limbs of Regulation 31(2) to be satisfied. In addition to the proposed premises being the same as or adjacent to existing listed chemist premises, the decision maker must also be satisfied that it is reasonable to treat the services the applicant proposes to provide as part of the same service as the existing services.

5.3.13 Health Corner Ltd and Boots are separate pharmacy contractors. There is no evidence before the ICB that the two pharmacies share ownership, management, control, staff or operational arrangements, or that there is any other connection between the two businesses which would support treating the pharmaceutical services provided by them as part of the same service. The ICB therefore considers that, even if it is concluded that the proposed Health Corner premises are adjacent to the Boots premises, there is insufficient evidence to satisfy Regulation 31(2)(b).

5.3.14 The ICB therefore remains satisfied that there are no grounds for refusal under Regulation 31.

5.3.15 <u>Regulation 24(1)(a)</u>

5.3.16 The Committee considered whether, for the patient groups accustomed to accessing pharmaceutical services at the existing premises, the proposed location was significantly less accessible.

5.3.17 The Committee's assessment was based on the relatively short distance between the two premises and the accessibility of the route

between them. It is recorded that the proposed premises are approximately 0.2 miles from the current premises, estimated to be approximately a five-minute walk.

5.3.18 The application identified a number of relevant patient groups, including patients attending the local GP surgeries, patients accessing the pharmacy independently of a GP visit and patients receiving delivery services. The applicant stated that delivery services would continue unchanged and that patients would continue to be able to access the pharmacy on foot, by car and by public transport. The Committee also considered the physical accessibility of the route. The route was identified as being level, well maintained and well lit, with wide pavements, dropped kerbs and traffic-controlled crossings. Parking and public transport arrangements were also considered.

5.3.19 The applicant's subsequent representations have provided further information regarding the route and parking arrangements. In particular, the applicant has stated that the journey is approximately 250–300 metres, includes a light-controlled pedestrian crossing and has wide walkways and flat terrain. The applicant has also identified free parking to the north of the Newlands Shopping Centre and disabled parking within the shopping centre's multistorey car park.

5.3.20 The ICB has considered the concerns raised by Boots regarding the impact of the relocation on patients who currently access the pharmacy in connection with the nearby GP surgery and patients living within the surrounding residential area. Boots has stated that those patients would be required to travel into the town centre and that parking arrangements would be less convenient. However, the ICB has not been provided with evidence demonstrating that any particular patient group accustomed to using the existing pharmacy would experience a significant reduction in accessibility.

5.3.21 The ICB therefore remains satisfied, having regard to the short distance between the premises, the available pedestrian route, crossing facilities, parking arrangements and continuation of public transport access, that the proposed premises are not significantly less accessible for the patient groups accustomed to accessing pharmaceutical services at the existing premises.

5.3.22 Accordingly, Regulation 24(1)(a) is satisfied.

5.3.23 Regulation 24(1)(b)

5.3.24 The Committee considered the effect of the proposed relocation on the arrangements for the provision of pharmaceutical services.

5.3.25 The proposed application is for the relocation of an existing pharmacy and does not involve the introduction of an additional pharmacy contractor. The applicant has confirmed that the same pharmaceutical services and existing opening hours will continue to be provided from

the proposed premises. The applicant has also stated that it intends to provide additional Saturday opening hours.

5.3.26 The ICB remains satisfied that the relocation of an existing pharmacy by approximately 0.2 miles, while maintaining the same services and opening hours, does not constitute a significant change to the arrangements for the provision of pharmaceutical services.

5.3.27 The ICB therefore considers that Regulation 24(1)(b) is satisfied.

5.3.28 Regulation 24(1)(c)

5.3.29 The Committee considered whether granting the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the Health and Wellbeing Board area.

5.3.30 It is recorded that there were no current planning arrangements in place within the North Northamptonshire Health and Wellbeing Board area which would be adversely affected by the application.

5.3.31 The representations from Boots raised concerns regarding the concentration of pharmacies within the town centre and the potential impact on existing provision. The ICB has considered these concerns but has not been provided with evidence of any specific pharmaceutical services plan or established commissioning arrangement which would be significantly adversely affected by the relocation. The ICB therefore remains satisfied that granting the application would not cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the Health and Wellbeing Board area.

5.3.32 Accordingly, Regulation 24(1)(c) is satisfied.

5.3.33 Regulation 24(1)(d)

5.3.34 The applicant has confirmed that the same pharmaceutical services currently provided from the existing premises will continue to be provided from the proposed premises. In addition to that, the applicant has further confirmed that existing opening hours will be maintained, with the intention of providing additional Saturday opening hours. There is no evidence before the ICB to suggest that the services currently provided by Health Corner Ltd will cease or materially change because of the relocation.

5.3.35 The ICB therefore remains satisfied that Regulation 24(1)(d) is met.

5.3.36 Regulation 24(1)(e)

5.3.37 The applicant has confirmed that there will be no interruption to the provision of pharmaceutical services because of the relocation. The applicant has explained that the proposed relocation is being undertaken proactively to avoid disruption arising from the position regarding its existing premises and has confirmed that existing opening

hours will be maintained. The ICB has no evidence to indicate that pharmaceutical services would be interrupted because of the relocation.

5.3.38 The ICB therefore remains satisfied that Regulation 24(1)(e) is met.

5.3.39 Conclusion

5.3.40 The ICB has considered the further representations submitted by Boots and the responses provided by Health Corner Ltd.

5.3.41 The ICB acknowledges that Boots has provided further evidence regarding the proximity of its premises to the proposed Health Corner premises. However, even if the Appeals Committee concludes that the premises are adjacent for the purposes of Regulation 31(2)(a), the ICB does not consider that the second limb of Regulation 31(2) is satisfied. There is no evidence that the services provided by Health Corner Ltd and Boots should reasonably be treated as part of the same service.

5.3.42 In relation to Regulation 24, the ICB remains satisfied that the proposed premises are not significantly less accessible for patients accustomed to accessing the existing premises and that the relocation would not result in a significant change to the arrangements for the provision of pharmaceutical services. The same services and opening hours will continue to be provided, with no anticipated interruption to pharmaceutical services.

5.3.43 The ICB therefore remains satisfied that the requirements of Regulations 24 and 31 have been met and that the original decision to approve the application was appropriate.

5.3.44 I would like to take this opportunity to respond to any further representations."

6 Observations on representations

6.1 The Applicant, represented by Healthcare Plus Consulting Ltd

6.1.1 "We thank you for your letter dated 18th August 2026. We respond briefly to the further comments below.

6.1.2 **Regulation 24(1)(a)**

6.1.3 Boots makes no further comments on this regulation. We agree with the overall assessment of the ICB that the proposed premises are not significantly less accessible for the patient groups accustomed to accessing pharmaceutical services at the existing premises.

6.1.4 **Regulation 31**

6.1.5 We continue to believe that Boots and the proposed site are not adjacent. Based on the on-the-ground position, Unit 18 is between the proposed site and the Boots premises.

6.1.6 We apologise if Boots felt it was misrepresented by our submission of certain previous representations, which reflected Boots' position at the time.

6.1.7 We agree with the ICB's treatment of the Regulation 31 matter: in any case, given that Boots and our client are entirely unconnected—sharing no operations, officers, or owners—the requirements of Regulation 31(2)(b) are not satisfied. Therefore, Regulation 31 does not apply."

7 Consideration

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

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

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

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

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

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

(2) This paragraph applies where -

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

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

(ii) adjacent premises; and

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

7.6 The Committee noted the Applicant had stated on the application form "*N/A- no NHS pharmacy contract operates from the new proposed site or any*

adjacent site" and the Commissioner had determined that the application should not be refused pursuant to this Regulation.

7.7 The Committee noted the Appellant's comment that "*During the application process we submitted a copy of the outline of the premises that are in our possession at The Mall, Newlands Shopping Centre. The drawing clearly shows the whole of our footprint, which includes the unit adjacent to the proposed premises. There is no reference to this in the ICB's decision report, so it appears that the document was not considered when determining the application.*" The Committee had regard to the land registry drawing provided which appears to show the Applicant's proposed premises at Unit 16 adjacent to the Appellant's premises.

7.8 The Committee also noted the Applicant's comments that "*We fear that the Land Registry document may be slightly outdated as it shows what now appears to be Unit 18 to be within the Boots unit. We note that the following map on the Newlands Centre website clearly shows that Unit 18 sits between Boots and Unit 16 – the proposed site*". The Committee had regard to the map provided and noted Unit 18 sitting between the proposed and the Appellant's premises. The Committee also noted the Applicant had provided photographs showing a vacant Unit 18 between the two premises. The Committee noted that the Appellant had not disputed the pictures provided.

7.9 The Committee was mindful that even if the premises were adjacent, Regulation 31 also requires Regulation 31(2(b) to be satisfied.

7.10 The Committee noted the Applicant's comment that "*Given the absence of any commonality or connection between the Boots pharmacy and our client's pharmacy, it would be wholly irrational to treat them as part of the same service. We also note there are no shared directors, shareholders or operations between our client and Boots.*" The Commissioner also commented that "*There is no evidence before the ICB that the two pharmacies share ownership, management, control, staff or operational arrangements, or that there is any other connection between the two businesses which would support treating the pharmaceutical services provided by them as part of the same service.*" The Committee noted that no dispute had been received from the Appellant in this regard.

7.11 The Committee was therefore satisfied that it was not required to refuse the application under the provisions of Regulation 31.

7.12 The Committee had regard to Regulation 24(1) which requires the following five conditions to be met:

(a) for the patient groups that are accustomed to accessing pharmaceutical services at or from the existing premises, the location of the new premises is not significantly less accessible;

(b) in the opinion of NHS England, granting the application would not result in a significant change to the arrangements that are in place for the provision of local pharmaceutical services or of pharmaceutical services other than those provided by a person on a dispensing doctor list—

(i) in any part of the area of HWB1, or

(ii) in a controlled locality of a neighbouring HWB, where that controlled locality is within 1.6 kilometres of the premises to which the applicant is seeking to relocate;

(c) NHS England is not of the opinion that granting the application would cause significant detriment to proper planning in respect of the provision of pharmaceutical services in the area of HWB1;

(d) the services the applicant undertakes to provide at or from the new premises are the same as the services the applicant has been providing at or from the existing premises (whether or not, in the case of enhanced services, NHS England chooses to commission them); and

(e) the provision of pharmaceutical services will not be interrupted (except for such period as NHS England may for good cause allow).

7.13 The Committee considered the position in relation to each condition.

7.14 In relation to condition (a), the Committee considered the map submitted by the Commissioner which shows the locations of the existing pharmacies as well as the proposed premises and medical practices within the area.

7.15 The Committee considered the information before it with regard to the patient groups who are accustomed to accessing pharmaceutical services at or from the existing premises. The Committee considers that it must seek to identify the patient groups who would potentially be affected by the relocation based upon the information provided by the parties. This information is most commonly going to be provided by the Applicant, but others may also be able to contribute to the information on which the Committee will proceed to determination.

7.16 In this case, the Applicant has identified the patient groups as:

7.16.1 Patients that utilise the collection & delivery service;

7.16.2 Patients that originate from local GP surgeries requiring access to Pharmaceutical Services; and

7.16.3 Patients that require access to Pharmaceutical Services other than after a visit to a GP surgery.

7.17 The Committee also noted the Appellant's view that the Applicant *"…has not provided any information on the patient group(s) who access their pharmacy for over-the-counter medication, for advice or for pharmaceutical services such as, (but not limited to) Pharmacy First after a referral."* The Committee was of the view that these patients could reasonably be considered to be included in the second and third groups defined above.

7.18 The Committee concludes that the patient groups who are accustomed to accessing pharmaceutical services at or from the existing premises are those set-out below.

Patients that utilise the collection and delivery service

7.19 The Committee noted the Applicant's comment that approximately 10% of prescriptions are delivered to patients. The Applicant also states that "*the delivery arrangements and the advice given to this patient group would remain exactly the same in the new location. These patients will see no change in their provision of pharmaceutical services.*

7.20 *We can also confirm that those other essential services that can be carried out through the delivery service (such as the collection of unwanted medication) will continue to be provided at the new premises*."

7.21 The Committee was therefore satisfied that for those patients accessing pharmaceutical services from the current premises, by way of a collection and delivery service, that pharmaceutical services would not be significantly less accessible from the new premises.

Patients that originate from local GP surgeries requiring access to Pharmaceutical Services

7.22 The Committee noted that the Applicant had focussed on patients originating from Dryland Medical Centre and Eskdaill Medical. The prescription numbers as provided by the Applicant for July 2025 state that 85.57% of pharmacy items originated from Dryland Medical Centre, with 6.04% originating from Eskdaill Medical. Whilst the Committee noted the information provided by the Applicant with regard to dispensing numbers, there was no information to demonstrate that these patients were accessing pharmaceutical services after a visit to their GP surgery, however considered it reasonable to consider this possibility. The Committee therefore considered the accessibility of the proposed site for patients accessing pharmaceutical services after a visit to these surgeries. The Committee noted the Applicant had described the journey to the proposed premises on foot, by car, and by public transport.

7.23 The Committee noted that Dryland Medical Centre is on Field Street just to the south of the current premises. For those on foot, the Committee had regard to the Applicant's comment that "*the c.300 metres between the two sites is the maximum extra distance patients would need to travel to access the proposed site, thus patients that access the pharmacy by foot after a visit to the GP will not see any significant reduction in accessibility.*" The Applicant had provided a map of the journey showing a walk of 0.2 miles and taking 4 minutes. The Applicant states "*The terrain is flat, with traffic-controlled crossings, dropped kerbs and well-lit wide walkways.*" Whilst noting that the Appellant had commented on the two locations being divided by a busy road, Northall Street, the Committee was of the view that the presence of busy roads in itself was not a barrier to accessing pharmaceutical services. The Committee also had regard to the photograph provided by the Applicant which shows a light-controlled crossing with dropped kerbs over Northall Street and being used by pedestrians, including a person using a mobility scooter.

7.24 The Committee next noted the location of Eskdaill Medical on Lower Street to the west of Northall Street. The Applicant had commented that "*In the case that a patient does access the current premises by foot following a visit to Eskdaill Medical Centre, they would undertake a 0.2 miles or 6-minute walk*" and "*A journey to the proposed site from Eskdaill Medical would be 0.4 miles or 9 minutes. We do not consider an additional 3-minute walk to be significantly less accessible.*" Whilst no specific details had been provided of the route patients would be likely to take in order to access the proposed premises, the Committee had regard to the Commissioner's map and was mindful of the Applicant's general comments in the application that the terrain is generally flat and "*There are no obvious barriers in the area preventing people from moving around the area, with access to traffic light-controlled crossings.*"

7.25 For those travelling by car, the Committee noted the Applicant states that the journey from Dryland Medical Centre to the proposed site takes 1 minute "*with multiple car parks available outside the Newlands Shopping Centre*". From Eskdaill Medical, the Committee noted the Applicant's comment that "*The journey by car between the two sites is just a short 2-minute drive, with multiple car parks available surrounding the proposed site.*"

7.26 The Committee noted the Appellant's comment that "*For patients who travel by car to access pharmaceutical provision in its current location, free parking is available. At the proposed premises, the car parking at Newlands shopping centre is chargeable at £1.50 for 2 hours for example.*" In response, the Applicant had commented that there is free parking for two hours immediately to the north of Newlands Shopping Centre and that disabled parking is free in the multi-storey car park attached to the shopping centre, which had not been disputed. The Committee was of the view that a charge of £1.50 did not make the proposed premises significantly less accessible for those travelling by car and free parking is available as an alternative for those who do not wish to pay.

7.27 For those travelling by bus and accessing the proposed premises after a visit to the Dryland Medical Centre, the Committee noted that patients would usually alight at the Newlands Shopping Centre bus stops in order to access this surgery and the current premises, and the same stops would be used in order to access the proposed premises. After a visit to Eskdaill Medical, the Committee noted the Applicant's comments that those using the bus to access the current site would use the X10 or 2 bus service and alight at the Newlands Shopping Centre bus stop, then walk 4 minutes to the pharmacy. In order to access the proposed site, they would alight at the same stop and walk for 3 minutes. Given the same bus stop would be used in both cases, the Committee considered it reasonable to conclude that for patients travelling by bus from these surgeries, the proposed premises would not be significantly less accessible.

7.28 The Committee was mindful that there were other GP surgeries in the area and whilst smaller numbers of patients would originate from those surgeries, consideration of access for these patients also needed to be taken into account.

7.29 The Committee noted the locations of Headlands Surgery and Linden Medical Group on the Commissioner's map and considered that those who were accustomed to walking to the current site after a visit to one of these surgeries

would need to pass by the Newlands Shopping Centre on their way and therefore the journey to the proposed site would be shorter. The Committee considered it unlikely that patients accessing the proposed premises after attending surgeries further afield were unlikely to do so on foot, but that in the event they did, the extra distance of approximately 300 metres would not make the proposed premises significantly less accessible.

7.30 For those using private transport, the Committee noted its considerations regarding parking charges at 7.24 above. The Committee noted that patients accessing the current premises from the surgeries considered above do so by alighting at the Newlands Centre bus stops and considered it reasonable to conclude that they would do so on journeys from other surgeries.

7.31 Overall, based on the information before it, the Committee was satisfied that for those accessing pharmaceutical services after a visit to a GP surgery, the proposed site would not be significantly less accessible.

Patients that require access to Pharmaceutical Services other than after a visit to a GP surgery

7.32 The Committee was mindful that for these patients there would be different starting points for their journey to the pharmacy. The Committee saw no comments to indicate that there was a specific place or area from which these patients may start their journey. As such, the Committee felt that it was appropriate to assess accessibility for these patients by their method of transport.

7.33 The Committee was of the view that its consideration at 7.21 to 7.25 above would also apply to this patient group.

7.34 For those travelling from further afield in Kettering or the surrounding areas, the Committee noted the Applicant's comment that "*Both sites are located within the centre of Kettering and therefore patients will likely be accessing the pharmacy in connection with a visit to other services within the area.*" The Committee was of the view that patients in the area would most likely be accustomed to visiting the shopping centre to access shops and other amenities and would be familiar with ways to travel there. The Committee noted that the maximum additional walk to the proposed site would be approximately 300 meters, which had not been disputed. For those who drive, parking is available at the shopping centre and there are bus stops at the shopping centre which patients already use to use to access the current premises.

7.35 The Committee was of the view that whilst a move to the proposed site would bring the pharmacy closer to home for some residents and further away for others, the overall effect is likely to be neutral.

7.36 Based on the information before it, the Committee was satisfied that for those accessing pharmaceutical services other than after a visit to a GP surgery, the proposed site would not be significantly less accessible.

Other groups

7.37 The Committee considered whether the information provided showed that there were patients accustomed to accessing pharmaceutical services at or from the existing premises for whom the proposed premises would be less accessible because of reasons related to 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).

7.38 The Committee identified that patients with protected characteristics may be accustomed to accessing pharmaceutical services the existing premises. Therefore, in considering condition (a), the Committee took into account these patients and 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 characteristic(s).

7.39 The Committee noted the Applicant's comment that it was "…*unaware of any patients that are accustomed to accessing the current premises that have significant impaired mobility under the Equality Act 2010 Protected Characteristics*" and the Commissioner's statement in the decision that "*Granting this application will have no impact on those with protected characteristics*".

7.40 The Committee was of the view that its considerations regarding access for the patient groups above would also apply to this patient group.

Overall assessment

7.41 The Committee took into account all of the above patient groups in reaching its decision in respect of condition (a).

7.42 In the circumstances, the Committee was satisfied that, for patient groups who are accustomed to accessing the existing premises, the proposed premises is not significantly less accessible.

7.43 The Committee was therefore of the view that condition (a) is met.

Regulation 24(1)(b)

7.44 The Committee noted the Commissioner in respect of condition (b), had stated in its decision that "*The location of the premises is not within a controlled locality*", however in response to the appeal the Commissioner had stated "*The ICB remains satisfied that the relocation of an existing pharmacy by approximately 0.2 miles, while maintaining the same services and opening hours, does not constitute a significant change to the arrangements for the provision of pharmaceutical services.*" On the information provided the Committee was of the opinion that the granting of the application would not result in a significant change to the arrangements in place for the provision of local pharmaceutical services or of pharmaceutical services in any part of the area of HWB1 or in a controlled locality of a neighbouring HWB, where that controlled locality is within 1.6 kilometres of the premises to which the applicant is seeking to relocate. The Committee concluded that condition (b) is met.

Regulation 24(1)(c)

7.45 The Committee noted the Commissioner in respect of condition (c), had stated that "*NHS Northamptonshire Integrated Care Board has no current planning arrangements in place within the North Northamptonshire Health and Wellbeing Board area.*" The Committee noted that this had not been disputed by any party either on appeal or in subsequent representations. On the information provided the Committee was of the opinion that the granting of the application would not cause a significant detriment to the proper planning in respect of the provision of pharmaceutical services in the area of HWB1 and therefore concluded that condition (c) is met.

Regulation 24(1)(d)

7.46 The Committee noted that the Applicant had given an undertaking, in their original application form, that the same services will be provided at or from the proposed premises. On the information provided, the Committee determined that condition (d) is met.

Regulation 24(1)(e)

7.47 In relation to condition (e), the Committee noted the Applicant had confirmed in their application, that there will be no interruption to service provision. On the information provided the Committee determined that condition (e) is met.

Overall

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

7.48.1 confirm the Commissioner's decision;

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

7.48.3 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.

7.49 Whilst the Committee had reached the same overall determination as the Commissioner, it had considered the identified patient groups individually. The Committee also noted that the Commissioner's decision contained an error in respect of 24(1)(b). In those circumstances, the Committee determined that the decision of the Commissioner must be quashed.

7.50 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.

7.51 The Committee noted that representations on Regulation 24 had already been made by parties to the Commissioner, and these had been circulated and seen by all parties who made representations on the application, 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 24.

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

8 Decision

8.1 The Committee quashes the decision of the Commissioner 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 determined that conditions (a), (b), (c), (d) and (e) are satisfied.

8.4 The application is granted.

Case Manager
Primary Care Appeals