

Statutory Non-Compliance and Procedural Risk: Concealment of Heritage & Archaeological Consultee Representations Prior to Determination

This document sets out the issue, the legal obligations, the pattern of non-publication in Hillingdon, the steps taken by the Ruislip Residents' Association (RRA) to raise the matter, and comparative evidence from across London.

1. The Problem

Across multiple planning applications in Hillingdon, statutory consultee responses including those from **Historic England (HE)** and the **Greater London Archaeology Advisory Service (GLAAS)** are not being published on the LBH planning portal prior to determination. This affects applications involving:

- listed buildings
- conservation areas
- archaeology
- heritage assets
- major developments

The absence of these documents prevents residents, amenity groups, and ward councillors from understanding the full basis on which decisions are being made. It undermines transparency, procedural fairness, and the statutory public consultation process.

2. Legal Obligations Under DMPO 2015

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 40(1)(a)–(c) requires LPAs to make available on the planning register:

- the application
- plans and supporting documents
- *“any representations made to the authority in relation to the application”*

Statutory consultee responses are formal representations. They must therefore be:

- published,
- publicly accessible, and
- available before determination.

This is a **legal requirement**, not optional practice.

3. Evidence of Non-Publication in LBH (Ruislip Snapshot)

The RRA has reviewed a small sample of currently live Ruislip applications. In each case, statutory consultee responses exist and, in many cases, have been obtained directly from the consultees, yet none have been published on the LBH portal:

- St Martins Approach Car Park – Ref: 49461/APP/2025/3009
- The Barn Hotel – Ref: 7969/APP/2024/2451 and 2452
- 2 Arlington Drive – Ref: 74323/APP/2026/478
- 9 Eastcote Road (Old Cab Site) – Ref: 41912/APP/2018/792 (*documents pending FOI*)

This is only a snapshot of Ruislip. The pattern strongly suggests a borough-wide systemic issue across the entire Local Planning Authority. It is almost certain that numerous other applications across the rest of the borough - as well as previously determined cases within Ruislip - have been decided without these crucial statutory documents ever being published.

If the portal cannot display these documents, LBH must provide an alternative method. System limitations do not remove the legal duty to publish

4. What the RRA Has Already Done to Raise this Issue

The RRA has repeatedly attempted to resolve this matter with LBH. The timeline shows a clear pattern of delay, omission, and refusal to publish statutory documents.

St Martins Approach (49461/APP/2025/3009)

- The application was validated in January 2026, yet the LPA did not consult Historic England (HE) or GLAAS until 20 February, several weeks later.
- By 15 April, the RRA had obtained copies of the GLAAS response and the London & Middlesex Archaeological Society (LAMAS) submission directly from the consultees.
- The Historic England (HE) response was subsequently obtained via FOI request later in April.
- These documents raise significant archaeological concerns, including the need for pre-determination evaluation.
- None were published on the LBH portal.

16 April – First Contact with LBH Planning

On 16 April, the RRA emailed planning officers because neither the GLAAS or LAMAS responses had been published on the planning portal. Planning officer Eoin Concannon

replied to the email on the same day, confirming that LBH “*does not routinely publish consultation responses*”. (See fuller quotation in section 5 below).

The Barn Hotel (7969/APP/2024/2451 & 2452)

- The RRA obtained the GLAAS consultation response dated October 2024 but noted that it is not published on the portal. The RRA was unaware whether Historic England provided a consultation response for this application, as no HE response currently appears on the planning portal.

27 April - emailed Christopher Brady Planning Officer for The Barn Hotel to ask for confirmation whether Historic England and GLAAS will be re-consulted on the updated scheme, and whether their responses **will be published as part of the Live re-consultation process**.

29 April reply from Chris Brady said “*The LPA do not publish consultee comments and that include statutory consultee comments however if GLAAS or the HE wish to share them with you then this would be there prerogative.*”

27 April – Formal Request to Head of Planning

After receiving the HE response via FOI for the St Martins Approach Application, I wrote to Julia Johnson on 27 April, requesting that:

1. All statutory consultee responses be uploaded to the public planning register without delay; and
2. These documents be included in any officer report or committee papers associated with the application.

I also advised that, in the interests of transparency, the RRA would publish the documents on our own website unless LBH made them publicly available.

We requested confirmation of when LBH would upload the statutory consultee responses.

30 April – Second Email to Head of Planning

RRA requested:

- Publication of all HE/GLAAS responses
- Legal justification for withholding
- Assurance no determination would occur without publication

Despite the seriousness of the issue and the statutory implications, no response has been received within the expected timeframe.

This lack of engagement reinforces the need for urgent corrective action.

5. The Risk to Hillingdon: Why the "Industry Practice" Defence Fails

On 16 April, planning officer Eoin Concannon stated: *"The Council does not routinely publish consultation responses... This approach is consistent with the practice adopted by many Local Planning Authorities across London and England."*

Planning officers have defended Hillingdon's non-publication policy by claiming it mirrors wider trends across London. This defence is both legally flawed and factually incorrect:

1. Irrelevance of Comparative Non-Compliance: Even if other authorities were breaching the DMPO 2015, a collective failure across boroughs does not make a statutory breach lawful.
2. The Software Reality: The software infrastructure used for Hillingdon's public planning registry is functionally identical to that deployed by the majority of London LPAs. Other authorities facing identical volumes of heritage and archaeological applications consistently configure their systems to host these exact files transparently.

5.1 Benchmark Precedents: Cross-London Statutory Publication Practice

To demonstrate that the publication of statutory heritage documents is standard, frictionless practice across London, the RRA highlights the following active portal benchmarks where HE and GLAAS PDFs are openly published prior to determination:

- **London Borough of Camden**
 - **Belgrove House, King's Cross (Ref: 2020/3881/P)**
 - [Camden Council: Planning: Case file](#)
 - *Application Type:* Major office and life-sciences development in a highly sensitive heritage context.
 - *What is published:* 14/09/2020 LAMAS Historic England 16/10/2020

The public portal for this application explicitly features standalone, downloadable PDFs titled *"Consultation Response - Historic England"* and *"GLAAS"* available during the live consultation window.

- **London Borough of Hackney**
 - **The Stage, Shoreditch (Ref: 2012/3871)**
 - [Hackney | Council Direct | Application | 49300](#)
 - *Application Type:* Major mixed-use development over the remains of the Elizabethan Curtain Theatre.
 - *What is published:* MOLA November 2012 LAMAS 12/09/2020.

Statutory portal files contain successive phases of evaluation managed under GLAAS oversight, specifically the **MOLA (Museum of London Archaeology) 2012 Evaluation Report**, the *2nd and 3rd Phase Archaeological Evaluations (MoLA 2015)*, and the *Interim Post-Excavation Assessment (MoLA 2017)*.

- **London Borough of Haringey**

- **High Road West Regeneration, Tottenham (Ref: HGY/2021/3175)**
- [Planning Application: HGY/2021/3175](#)
- *Application Type:* Large-scale estate regeneration affecting multiple heritage assets.
- *What is published:* GLAAS 23/06/2022, GLAAS recommended archaeology conditions 21/2/2022, LAMAS 22/2/2022, Historic England 07/07/22

Meticulous, timely uploads of Historic England consultation feedback and internal Conservation Officer reports published chronologically as they arrive.

- **London Borough of Lewisham**

- **Lewisham Shopping Centre, Molesworth Street / Lewisham High Street, SE13 (Ref: DC/24/137871)**
- *Application Type:* A massive hybrid application for town-centre redevelopment.
- *What is published:* HE Archaeological report dated 11 /12/24. Letter from Mark Stevenson GLAAS dated 18/09/2025 [DC 24 137871-CONSULTEE_COMMENT-1415638.pdf](#). Historic England letter dated 19/12/2024 from Alasdair Young [Addressee](#)

The PDFs were uploaded to the public portal completely transparently before committee determination.

These external benchmarks prove that hosting statutory representations is standard administrative reality. By maintaining an absolute embargo on consultee feedback and insisting that records are only available "*upon request*," Hillingdon separates itself from lawful, transparent governance. It leaves any eventual planning permissions highly vulnerable to being quashed in court via Judicial Review.

6. Immediate Remedial Actions Required

To mitigate legal exposure and restore procedural integrity to Hillingdon's planning function, the RRA requests that the Director of Planning execute the following directives:

1. **Immediate Portal Restoration:** Upload all outstanding statutory consultee responses (HE, GLAAS) and specialised amenity submissions (such as LAMAS) for the live cases identified above without delay.
2. **Deferral of Determinations:** Issue an immediate instruction that no determination or committee decision will be made on applications **49461/APP/2025/3009**, **7969/APP/2024/2451**, or **74323/APP/2026/478** until the public has had a minimum of 14 days to view these documents on the portal.
3. **Correction of Policy Directive:** Provide formal, updated guidance to the planning management team clarifying that Article 40 of the DMPO 2015 requires proactive public accessibility, rendering the "*available only upon request*" protocol unlawful.

Sue Browne On behalf of Ruislip Residents' Association 26 May 2026