

# Localism Act 2011

## Delivering ORR's duty to cooperate

1. The purpose of this guidance is to set out:
  - which plans local authorities should consult ORR about;
  - what information should be provided to ORR; and
  - how we will work with local authorities to review plans and what timescales should be allowed.
  
2. The Localism Act 2011 requires local planning authorities and ORR, as well as other public bodies, to cooperate in planning processes, by engaging “constructively, actively and on an ongoing basis” to develop strategic policies. In particular, the duty:
  - relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council;
  - requires that councils set out planning policies to address such issues; and
  - requires councils to consider joint approaches to plan making.
  
3. A strategic matter in this context is considered to be development or use of land either:
  - having a significant impact on at least two planning areas (district, county or London borough council); or
  - in a “two-tier” area, that is, having a county council and a district council, where the plan is a county matter, or would have a significant impact on a county matter.
  
4. If a plan concerns a strategic matter as defined above, and requires consideration of transport matters, it can be sent to ORR ([dutytooperate@orr.gsi.gov.uk](mailto:dutytooperate@orr.gsi.gov.uk)). ORR will consider land, safety and operational issues and respond to the authority within 12 weeks of the submission date though it may take longer to provide a full response, in which case we will endeavour to set out a time estimate for a response. It may also be necessary for a proposer to meet with ORR to ensure that all implications are understood and the desired outcome is achieved.

5. If a proposer is unsure whether there are railway implications for its scheme they should discuss this with ORR at the outset. If there are clearly no railway implications for a scheme there is no need to include ORR in the consultation process.
6. We understand that plans often include a great amount of information in relation to various aspects of a project. To allow ORR to concentrate its efforts, proposers should clearly state which parts of their submission concern transport matters.
7. In considering consultations/submissions made to us it would be helpful if the documentation sets out:
  - references to existing railways with maps if possible;
  - whether the proposals have been worked up with other parties; and
  - timescales for responses.
8. We will endeavour to:
  - review and explain any relevant points or concerns (other proposals at the location or nearby);
  - explain any other actions that would need to make the proposal happen (e.g. licensing/access requirements) and other issues that the applicant should be aware of; and
  - set out other likely interested parties, and if we consider that there is a need to consult them, for example, the Department for Transport, or Network Rail.

© Crown copyright 2013

You may reuse this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence/version/2/](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/) or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

**OGL**