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Dear Debbie,

Consultation on our proposed approach to the duty to cooperate

Thank you for the opportunity to comment on the ORR's proposed draft guidance on the duty to cooperate.

Overall we support this guidance, and consider it to be a pragmatic and helpful approach to informing those involved in planning consultations on when and how ORR should be consulted.

For planning applications for rail freight developments, there are often issues around the need for such facilities, on a local or national basis. Absent the National Policy Statement for National Networks, DfT has published a guidance note which can be found at <https://www.gov.uk/government/publications/strategic-rail-freight-interchange-policy-guidance>. It would be helpful if ORR's response to any such applications was aligned with this policy guidance.

It would also be helpful if ORR and Network Rail established a consistent approach to future network capacity and access for new facilities. This is an area which is frequently tested at planning inquiries, and an aligned approach, where possible, is helpful. Paragraph 8 of the guidance note refers to ORR's role in this area.

Please do not hesitate to contact me if you need any further information.

Yours sincerely,

A handwritten signature in black ink that reads 'M Simpson'.

Maggie Simpson
Executive Director

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