

September 2013



Dear Colleague

ORR consultation on our proposed approach to the duty to cooperate

We recently consulted you about the way in which ORR handles requests for co-operation under the Localism Act 2011. This included seeking your views on a new guidance document which set out our process for considering planning applications (including timescales and information requirements).

Responses were received from:

- The Rail Freight Group
- Transport for Greater Manchester
- Network Rail
- Leeds City Region Strategic Planning Officers Group
- Railfuture
- Greater Anglia
- Sheffield City Region Planning Officers Group

These responses, along with our original consultation, can be found on the ORR website at <http://www.rail-reg.gov.uk/server/show/ConWebDoc.11166>.

In general the proposal to publish guidance, and its content, was well received by those who responded. However some specific issues were raised which are addressed in the following paragraphs.

Respondents sought assurance that ORR is working in line with the national strategies put in place by the Department for Transport, and is keeping Network Rail informed of its views on plans.

In responding to plans, ORR experts always take industry developments into account. In addition, ORR takes seriously its unique position as a body with a duty to cooperate in planning under the Localism Act, when inputting to national strategy. ORR hopes that DfT and Network Rail will keep this aspect of its role in mind when developing strategies or plans, and consult ORR at an early stage of policy or planning development.

It was suggested that ORR publish its responses to planning applications on its website in order to assist other planning authorities in the development of their projects.



INVESTOR IN PEOPLE



ORR is content to make its most substantive responses to planning proposals public, and will consider whether this is appropriate (given the number of applications received) on a case by case basis. However, we also think that greater transparency would be achieved if planning authorities themselves were to publish all responses they receive, alongside their original plans.

ORR could be more proactive in guiding planning strategies for local and national railway needs.

When considering plans, ORR is conscious of how land belonging to Network Rail is reused, with regard to both the Localism Act, and its duties of stewardship of the railway network. It would also always give due regard to how disused railways are handled when considering plans which include land bought from the British Railway Board (Residuary) Ltd.

In view of the comments received we have decided to publish the guidance without amendment. The guidance is therefore attached and the process outlined comes into effect immediately. As stated in the consultation, the policy and guidance will be reviewed periodically, and we will endeavour to keep all affected parties informed of any changes in our approach.

Yours faithfully,

Debbie Daniels