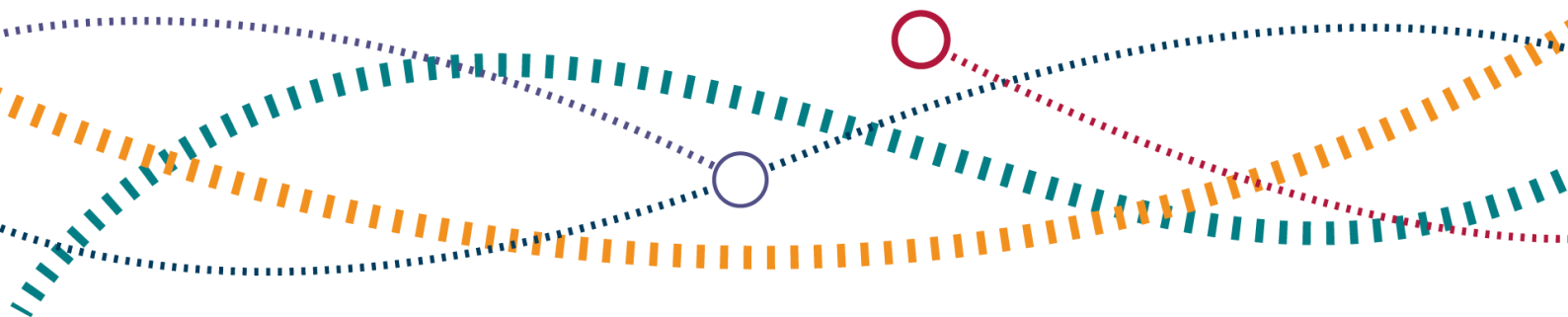




# Localism Act 2011

## Delivering ORR's duty to cooperate

07 February 2023



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 introduced a duty to cooperate, which is set out in the Planning and Compulsory Purchase Act 2004. That duty requires local planning authorities and certain county councils in England and ORR, as well as other public bodies, to cooperate in planning processes, by engaging “constructively, actively and on an ongoing basis” to develop plans relating to strategic matters. In particular, the duty:
  - relates to sustainable development or use of land that would have a significant impact on at least two planning areas or in a two-tier area where the planning matter falls within the remit of a county council;
  - requires that councils set out planning policies to address such issues; and
  - requires consideration be given to entering into agreements on joint approaches to plan making in relation to strategic matters.
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 council, county council in England for which there is no district council, London borough council, National Park, Broads or English inshore or offshore region); 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’s public correspondence team (contact.pct@orr.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 implications for railway, including tramways and systems using guided transport, or other transport matters within ORR's remit, for its scheme they should discuss this with ORR at the outset. If there are clearly no such 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.



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