

**Responses to consultation on ORR's approach to East West Rail track access.**

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**From:** Bevis Thomas

**Sent:** 11 October 2021 16:43

**To:** Rodgers, Jonathan

**Cc:** Sarah El-Shoubashi, Sarah Ash , Richard Johnson , Richard Allan , Peter Finch, Mark Goodall

**Subject:** [EXTERNAL] RE: Consultation on ORR's approach to East West Rail track access - closing date 11 October 2021

Hi Jonathan

I hope you are well.

Many thanks for allowing Chiltern to comment on ORR's proposed approach to considering track access applications relevant to the introduction of East West Rail services when Phase 2 is completed.

In response Chiltern are pleased that the ORR has laid out the process operators go about getting new Track Access Rights, for which East West Railway Company Limited (EWRC) will have to do to begin CS1 services between Milton Keynes/Bletchley and Oxford from December 2024 at the earliest.

As the ORR will remember when Chiltern began the process to get new Track Access Rights for East West Phase 1 we were only given contingent access rights until Network Rail were happy about the impact on performance after Oxford Phase 1 was commissioned. Therefore, we would anticipate the same level of scrutiny given to a new service group operating on an already constrained network in and around Oxford and the WCML.

Therefore, Chiltern would expect:

- EWRC to follow the agreed process to gain the new access rights
- EWRC to engage and collaborate with TOCs regarding concept timetable performance modelling
- The DFT to understand the impact on the additional services when it sets NRC performance benchmarks (otherwise we will be less supportive in access rights consultations)

Thank you

Bevis

**Bevis Thomas**

Head of Train Planning

Chiltern Railways

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**From:** Rob holder

**Sent:** 11 October 2021 15:55

**To:** Rodgers, Jonathan

**Cc:** Reed, David

**Subject:** [EXTERNAL] Re: Consultation on ORR's approach to East West Rail track access - closing date 11 October 2021

Hello Jonathan,

Thank you for this.

GWR supports the approach the ORR intends to take, whereby (if we have understood correctly):

1. unless a caveat on such a presumption has already been provided by the ORR when Approving the rights, a presumption that existing right will be extended in expiry when extension is sought;
2. new applications may have such a caveat applied if approved; and
3. in all other respects normal practice to be applied to applications.

GWR continues to work well with EWR, the DfT, Network Rail and other operators to help bring the EWR TSS for CS1 and CS2 into service. We look forward to early involvement in transparent timetable concept plan development.

GWR is working with the DfT on developing a contract for its own services which may last a further six years, so is in discussion with the DfT over train service development during the duration of that contract. Once this is agreed and we are able we will endeavour to ensure the ORR (and the industry) is conscious of the plans.

Many thanks.

Rob

**Robert Holder | Network Access Manager | Great Western Railway**  
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**From:** Catherine Rowe

**Sent:** 11 October 2021 10:42

**To:** Rodgers, Jonathan

**Cc:** Track Access

**Subject:** [EXTERNAL] RE: Consultation on ORR's approach to East West Rail track access - closing date 11 October 2021

Jonathan

Many thanks for the chance to review this.

I have only one comment which is that, as SFO at Cambridge station and operator of a variety of different services to/from Cambridge, I would expect EWR to interface with Greater Anglia (and its successor) as part of the project as well as the other operators listed in paragraph 6 of your letter.

Kind regards,

Catherine Rowe

**Catherine Rowe**

Track Access Manager

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**From:** Darren Gay

**Sent:** 19 October 2021 11:54

**To:** Rodgers, Jonathan

**Subject:** [EXTERNAL] RE: Consultation on ORR's approach to East West Rail track access

Dear Jonathan

Thank you for the opportunity to comment on this matter.

The allocation of Access Rights in that area of the network, specifically where it will interact with existing routes which GTR currently has Access Rights for is something we will be paying very close attention too. It is reassuring to read that the Train Service Specification is being developed so that existing services will not be impacted by the introduction of CS1 and 2 services and to this end, how decisions will be made on the allocation of Access Rights in advance of its proposed Dec 2024 introduction is very important. Directly related to this is the possibility of changes made to the regulatory framework which may be needed ( although I understand that it is currently too early to say what these changes may be, if at all). The ORR's approach as outlined in their paper dated 10<sup>th</sup> September 2021 states in paragraphs 21 and 22 that there is a strong presumption that existing access rights will be continuing/extended except where the ORR have stated otherwise, however I note that in paragraph 28 its states that when approving an access contract the operator should not rely on the presumption of extending those access rights. In the instances where an operator may be seeking to extend its Track Access Agreement in the months prior to the implementation of CS1 and 2 it would be useful to know exactly how much of a factor CS1 and 2 will play in what access rights are or aren't extended. Further to that, it would be useful to have some indication (if possible at this point) on when it is thought that the Access Rights for EWS passenger services are likely to be applied for.

Kind regards

Darren Gay

Track Access Contracts Manager



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7 October 2021

Dear Dan,

## **Track access issues arising with East West Rail Phase 2 (EWR-2)**

Network Rail welcomes the opportunity to respond to ORR's consultation regarding track access issues arising with East West Rail Phase 2 (EWR-2).

### **Background**

Network Rail fully supports the development and delivery of EWR-2 as much needed expansion of the national rail network capacity and capabilities to support communities and provide economic benefits. A safe, sustainable and growing rail network is a key enabler of the UK industrial strategy. The investment in EWR-2 complements our Rail Upgrade Plan for the conventional network.

### **Our role**

As ORR will of course be aware, Network Rail owns and operates most of Britain's railway infrastructure and manages timetabling and contracts with operators to provide access on to the network. All passenger and freight operators on the network require track access contracts which are supported by track access rights. This will include those EWR-2 services which are expected to run on Network Rail's infrastructure from 2024.

As East West Rail Company (EWR Co) and the Secretary of State for Transport further develop proposals for EWR-2 train services we will continue to work with them to balance the demands on the conventional network. This is in accordance with our statutory duties, licence conditions and the processes in the Network Code<sup>1</sup>. A fuller description of these processes is set out in our published Network Rail Access Rights Policy<sup>2</sup>.

Our Sale of Access Rights (SoAR) panel provides network-wide governance of the process to negotiate and agree the sale of access to train operators. The principal role of the SoAR panel is to ensure that we apply a consistent approach across the network, as appropriate and that we

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<sup>1</sup> <https://sacuksprodnr.digital0001.blob.core.windows.net/network-code/Network%20Code%20and%20incorporated%20documents/The%20Network%20Code.pdf>

<sup>2</sup> <https://sacuksprodnr.digital0001.blob.core.windows.net/sale-of-access-rights/Sale%20of%20Access%20Rights/Network%20Rail%20Access%20Rights%20Policy%20with%20Annex%201%20&%20/Network%20Rail%20Access%20Rights%20Policy.pdf>



are making the best overall use of capacity whilst maintaining an acceptable level of performance.

### **How we will apply the process**

Based on the approach set out by ORR, Network Rail does not expect to need to make changes to our existing processes for managing access rights

Network Rail will continue to engage with DfT, ORR and other interested groups in developing plans for EWR-2 and the wider network. As the national system operator, we will lead the development of timetables for the introduction of each phase of EWR-2 services on our network. We will work with all passenger and freight operators and EWR Co to develop options for train service specifications that enable better use of the network. This work will provide options to resolve locations of known capacity constraints.

No part of this consultation response is confidential and we are content for it to be published in full. We would also welcome any further opportunities to engage with you bilaterally on the development of these documents and any other process documents which will support our working arrangements relating to EWR-2.

Should ORR wish to discuss aspect of this response, please do not hesitate to contact me.

Yours sincerely

**Peter Craig**  
**Regulatory Reform Manager**

**From:** John Sears

**Sent:** 23 September 2021 11:32

**To:** Rodgers, Jonathan

**Subject:** [EXTERNAL] Re: Consultation on ORR's approach to East West Rail track access - closing date 11 October 2021 0909a22

Jonathan,

Thank you for sending Transport Focus details of the ORR's approach to track access rights on East West Rail. They note that:

the first stage, now known as Connection Stage 1, rather than Western Section, is planned to be in service in December, 2024;  
it should provide two trains an hour between Oxford and Milton Keynes Central;  
the next phase is planned to add two trains an hour between Oxford and Bedford stations.

Transport Focus particularly notes these paragraphs in the DfT's letter of 20/7/21:

*para. 17, page 5 - We ask that EWR Co. are allowed the opportunity to finalise plans for CS1 & 2 services before ORR conclude any decision to grant future track access rights to other parties which would conflict with prospective CS1 services.*

*para. 21, page 5 - The Department intend that the development of the TSS through the CTPWG [Concept Train Plan working group] will enable the delivery of an integrated, well designed rail service optimised for the wider network.*

Passengers will endorse the concept of "an integrated, well designed rail service optimised for the wider network" as being in their best interests.

Regards,

John Sears.