

## Responses to consultation on ORR's proposed approach to track access and the future operation of High Speed 2 (HS2)

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**From:** andrewbosi

**Sent:** 15 October 2017 14:19

**To:** Rodgers, Jonathan

**Subject:** Consultation on access arrangements post HS2

I have a question. If you are "to meet stated Ministerial aims including for a broadly comparable or better service for all places which currently have a direct London service" at Stoke-on-Trent and Coventry, how will existing capacity be freed up?

Andrew Bosi.

John Larkinson  
Director, Railway Markets and  
Economics  
Office of Rail and Road  
1 Kemble Street  
London

88 The Mount  
York  
YO24 1AR

20<sup>th</sup> October 2017

Dear John,

**Consultation on ORR's proposed approach to track access and the future operation of High Speed 2 (HS2)**

Thank you for sending through the above consultation document. This response is on behalf of Arriva plc, its subsidiary Arriva UK Trains Limited and its wholly owned train operating companies (TOCs), Arriva Rail London Limited, Arriva Rail North Limited, Arriva Trains Wales/Trenau Arriva Cymru Limited (ATW), Grand Central Rail Company Limited, The Chiltern Railway Company Limited (CR) and XC Trains Limited (XC). In addition, this response also covers Alliance Rail Holdings Limited and the Great North Western Railway Company Limited. Arriva is a wholly owned subsidiary of Deutsche Bahn AG (DB AG).

Arriva is supportive of the purpose of the consultation and the need for a clear process to help the delivery of HS2, its operation and also for applications on the West Coast Main Line (WCML) made by train operators. We have provided our comments below in relation to each of the ORR section headings and the relevant ORR paragraph reference.

Section headed “Our general approach to access regulation”

With regard to the proposed draft for consultation, Arriva notes at paragraph 12 that the ORR is proposing a general principle that “*the existing statutory framework for the regulation of the railways will apply to HS2 (e.g. the Railways Act 1993 and Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016). and freight operators alike*”. We agree that this is the most sensible approach. It logically follows that the existing procedures and processes applicable to the domestic network will apply to the new HS2 line.

In paragraph 20, we note the ORR has stated that it may “*“batch up” applications as in our ECML decision or hold an application that comes in during a franchise competition until the franchise proposals are clear. We may also decide not to consider applications, for example where they are speculative and do not demonstrate the applicant is ready, willing and able to use the rights applied for, or where including an application in a process that is underway would unduly delay our decision making and be unfair to others.*”

In respect of how the ORR may choose to process applications, we are concerned about the East Coast Mainline (ECML) decision process becoming a template for how the ORR could handle future applications. The ECML decision process had some positive aspects and some negative aspects. For example, we believe that the hearing process, documentation issued by the ORR and engagement with the applicants all worked well. However, the capacity and performance analysis and its outputs could have been better. Arriva believe that a review of the ECML process with the industry should be carried out to understand the pros and cons in detail before adopting this for any further routes to ensure that it is fit for purpose.

The ECML decision process has been a key factor informing Network Rail's position on Access and Enhancements, recently stated by letter on 20th August 2017<sup>1</sup>. As a result of uncertainty over the longer term required outputs and available capacity on the route, Arriva's ability to plan effectively has been compromised due to the lack of certainty as to what capacity, in the form of train paths, will be available beyond May 2019. You will appreciate that in terms of managing and planning our businesses in terms of staff, rolling stock and finances this uncertainty is not helpful. This underlines the importance of having in place a long-term strategy for the WCML, specifying exactly the nature of capacity available.

We note that in future, under the proposed new Economic Equilibrium Test (EET), operators will be required to inform the ORR of their new services some 18 months in advance. Clearly, any capacity assessment process must ensure that these timescales can be met to ensure that this new process works.

Section headed "Access issues on the northern WCML"

In paragraph 31, the ORR states "*Where HS2 services re-join Network Rail's network, we anticipate that in many cases they will make use of paths similar to those used by Virgin's existing services to complete their journeys north.*"

We do not believe that this is a valid assumption to make as the rolling stock will not be able to take advantage of the Enhanced Permissible Speeds (EPS) on the current network unless there are some infrastructure enhancements or the HS2 rolling stock is capable of tilt<sup>2</sup>. We are aware that Network Rail has looked at possible infrastructure enhancements and the impact on Anglo Scottish rail markets should the HS2 trains have a maximum speed capability on the classic network of only 110 mph. The impact of slower services is likely to have an operational impact on

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<sup>1</sup> East Coast Mainline (ECML) Access and Enhancements: Aligning Infrastructure with services

<sup>2</sup> This was reported by the National Audit Office at page 39 in its report "Progress with preparations for High Speed 2 – June 2016"

existing operators as well as a potential impact on any economic calculations the ORR may carry out in assessing the impact of new open access proposals. Therefore, we believe that the ORR should seek further clarification from Network Rail on the impact of HS2 rolling stock on the “classic” network paths.

Best wishes



**Jonathan Cooper**

*JP, MSc, BA(Hons), Dip M, PG Dip BL, PG Dip Law*

**Head of Contracts**



For Arriva



Consultation on ORR's proposed approach to track access and the future operation of High Speed 2

October 2017

1. The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK's largest train driver's union representing approximately 20,000 members in train operating companies and freight companies as well as London Underground and light rail systems.
2. ASLEF appreciates the opportunity to respond to this consultation and highlight some of the issues that we feel are important. Given that operators wishing to run trains on Britain's rail network need ORR approval for their track access agreements, ASLEF is pleased that ORR is looking ahead now and planning for track access rights when HS2 begins operating. Construction of Phase 1 of HS2 is scheduled for completion in 2026, the extension of the new high speed line for Phase 2a should be complete in 2027, and Phase 2b is not expected until 2033. Nevertheless, this consultation is timely because even though HS2 services will not start running for some time, the ORR is likely to begin receiving applications very soon for access contracts which could be up to 10 years in duration and could therefore be affected by HS2.
3. ASLEF has opposed the fragmentation of the railway system under privatisation and we campaign for an integrated network because this is the most efficient way of running the railway system. The majority of trains using HS2 will also use the existing rail network so it is crucial that plans are made with the network as an integrated whole in mind. The current franchise operated by Virgin Trains West Coast runs from London to Glasgow and Edinburgh, primarily on the WCML but also through North West London, Wales and Scotland routes. From 2019 a new rail franchise, the West Coast Partnership (WCP), will combine the current

InterCity West Coast services with the introduction of HS2 Phase 1 and 2A services. The new franchise will be responsible for operating services on the WCML and also for operating new high speed services using HS2 and Network Rail infrastructure from 2026.

4. On the southern part of the WCML some long distance services will be moved over to HS2 infrastructure, creating opportunities for additional services to be introduced where capacity has been released. The DfT anticipates that the WCP will use all available capacity on the new track infrastructure for high speed rolling stock so we understand that the ORR expects to only approve WCP access contracts to HS2, in line with the existing statutory framework for the regulation of the railways (e.g. the Railways Act 1993 and Railways Regulations 2016). As a union we wish to see maximum use made of all track. Where new paths are available, if there is capacity on the high speed lines and shared access is possible, we would expect that to be taken advantage of and access to be granted to other operators. Where there is released capacity on existing infrastructure, paragraph 29 of the consultation paper suggests that this could create opportunities either for additional passenger or freight services or for breaks in the timetable to support good performance. We would advocate the introduction of additional services to alleviate the problem of overcrowding on busy services, assuming that new Digital Railways technology will assist in resolving the challenge of congestion on these routes.
5. On the northern part of the WCML, HS2 services will replace intercity services on the existing network and there are places - such as sections of line between Crewe and Manchester Piccadilly or Weaver Junction - where access rights will be more complicated because of constraints on capacity for all services to run. It is important that competition for access does not undermine access to the network for some service operators in favour of others and that the introduction of HS2 does not lead to a trade-off withdrawal of any services on parts of existing routes.
6. Specifically ASLEF would object to any proposals which would have a negative impact on rail freight services in favour of passenger traffic and would damage the predicted growth rates in rail freight. Network Rail's Freight Market Study has projected an annual growth in total rail freight volumes of about 3% per annum to 2043 but closing lines to freight would be devastating to the rail freight sector and would push freight onto the roads. Rail freight produces 76% less CO2 emissions than the equivalent HGV journey and a gallon of diesel will



carry a tonne of freight 246 miles by rail as opposed to 88 miles by road. Moving freight on roads rather than rail would therefore be detrimental to the UK meeting climate targets. Instead, ASLEF encourages the ORR, along with the DfT and Network Rail, to look into providing capacity for the growth of the rail freight sector. ASLEF is pleased that in paragraph 35 the ORR consultation expressed favour for the extension of current access rights to freight train operators and we hope that opportunities do arise for freight train operators to benefit from additional access on any freed up capacity on the southern WCML.

7. We look forward to hearing more about proposals for dealing with capacity constraints on the Northern part of WCML, and to working with the ORR, DfT, Network Rail, the rail operator and other partners to ensure the smooth integration of HS2 services and delivery of improved rail services across Britain.

Mick Whelan  
General Secretary  
ASLEF

**From:** Carolyn Brocklehurst  
**Sent:** 23 September 2017 13:19  
**To:** Rodgers, Jonathan  
**Subject:** HS2 and HGV lorries

As a resident of CW5 7NH for the past 30 years I am utterly amazed by the thoughtless actions of large companies and many Council decisions in this area! Our local roads and traffic movement in and around Nantwich and Crewe is shocking to say the least! How can you think that sending HGV's through a village with an already 7.5 ton limit, narrow roads and a badly sited Primary school entrance is feasible? USE THE MAIN ROADS (even those are narrow enough!) Tipper lorries entering the local quarry have caused havoc and concerns over many years even when they use the main road ( the Council has received many complaints about numbers, poor drivers, speed, mud and more importantly the obvious erosion of our road edges.) THINK AGAIN! HGV's have a purpose but NOT through villages.

I do expect an explanation for these ill thought out plans. Wybunbury is not the only village to feel threatened by bureaucracy and our complaints need answers!

Carolyn Brocklehurst



## **Submission by The Chartered Institute of Logistics and Transport to the Consultation on ORR's proposed approach to track access and the future operation of High Speed 2 (HS2)**

1. The Chartered Institute of Logistics and Transport is a professional institution embracing all transport modes whose members are engaged in the provision of transport services for both passengers and freight, the management of logistics and the supply chain, transport planning, government and administration. Our principal concern is that transport policies and procedures should be effective and efficient, based on objective analysis of the issues and practical experience, and that good practice should be widely disseminated and adopted. The Institute has a number of specialist forums, a nationwide structure of locally based groups and a Public Policies Committee which considers the broad canvass of transport policy. This submission has been prepared by the Institute's Strategic Rail Policy Group.
2. As with HS1, ORR is assuming it will be responsible for approving access applications for HS2 and will continue to do so for the West Coast Main line (WCML) – this appears a reasonable assumption.

### **HS2-only services**

3. For HS2-only services, ORR is proposing to use the same methodology for determining applications as for the rest of National Rail, as they exist at the time of determination. This appears to be eminently sensible.
4. DfT expects to award a franchise to 'West Coast Partnership' for
  - a. the operation of long-distance inter-city services on WCML (currently operated by Virgin),
  - b. the future operation of analogous services running wholly on HS2, including those continuing on the WCML north of Lichfield, and
  - c. the transitional arrangements associated with HS2 construction, testing, commissioning, etc
5. ORR states that its normal arrangement for granting access is to 'favour extension of existing access rights'. ORR suggests this would provide certainty that WCP will get the access rights it requires to operate on HS2 and WCML north. **We suggest ORR should strengthen this** by indicating that it will ensure that, if there are any access applications by other than WCP, the quantum and characteristics of the currently declared (by DfT) services should be protected.
6. Open Access applications could then be made into any remaining 'white space' in the timetable. This will help ensure that the Government's investment in a high speed railway for long-distance services is protected.

### **Access issues on West Coast South**

7. It is important that access rights are granted so as to enable the most efficient use of the capacity on the West Coast (south of Lichfield). DfT advised the ORR that a Ministerial aim is for a 'broadly comparable or better service for all places which currently have a direct London service'. While the politics of this statement, particularly during the Parliamentary approvals process is understood, this statement does not necessarily imply the most efficient use of the WCML infrastructure. It is noted that DfT propose to reduce the Coventry-London inter-city service via WCML from 3tph to 2tph, which CILT accept as a reasonable development. However, this already indicates some move away from the stated aim and implies further adjustments may be acceptable.
8. For any given infrastructure, the greatest use of it is achieved by all trains using the route having the same performance and stopping pattern characteristics (as LUL Victoria Line for instance). Such capacity reduces whenever different trains use the infrastructure. Specifically, this can happen when trains have different transit times between nodal points, such as junctions, where different trains can take different routes.
9. It should be noted that there are circumstances where potential differences can be mitigated. Thus a 75mph non-stop freight service can have the same nodal point to nodal point journey time as a 100mph stopping passenger train. These two services can co-exist without losing infrastructure capacity if timetabled sensibly.
10. **We recommend that the ORR should incorporate this principle in its proposed approach to granting access rights on WCML post HS2.** Specifically:
  - a. the 'slow' lines should be deemed to be available, in access capacity terms, for non-stop 75mph trains or equivalent. Physical linespeed should remain at 100mph, allowing faster trains on stopping services (currently London Midland services)
  - b. The 'fast' lines should be deemed to be available, in access capacity terms, for non-stop 110mph trains or equivalent. Physical linespeed should remain at 125mph (with tilt) allowing faster trains on stopping services (currently most Virgin services). This approach will maximise the number of LM services that can use the fast lines, thus releasing paths on the slow lines for additional stopping and/or freight services
  - c. Note that, to make maximum use of the fast lines, it is likely that the ex-Virgin intercity services that remain on WCML may, in response to passenger demand, have additional stops inserted e.g. stops at Rugby, Milton Keynes Central and Watford Junction, rather than just one of these. The additional journey opportunities to/from these locations, is likely to outweigh the penalty of a slightly longer journey time – the principal existing flows will use HS2 – indeed the additional opportunities are likely to stimulate demand and lead to additional revenue for the operators.

#### **WCML north**

11. Many HS2 services will leave the HS2 infrastructure and continue on the current WCML routes. To the extent that these replace current Virgin services, the ORR proposes to treat these as 'existing access rights' with a presumption they will continue. This seems reasonable.
12. Where DfT is proposing additional ex-HS2 services (e.g. an extra 1 tph to Liverpool) the ORR is proposing this should be by means of a 'traditional' track access application by Virgin/WCP to operate additional services. This seems a reasonable approach.

13. DfT may argue that, having invested in HS2, enabling for instance a second hourly service to Liverpool, it should be allowed to have the access rights through to Liverpool. We would not accept such a proposition if there is not capacity available between HS2 and Liverpool. If DfT wishes to see such a service in this circumstance, it should be prepared to invest in the additional infrastructure required to enable it. Otherwise the additional Liverpool service might be at the expense of another operator (e.g. freight or a local Northern service). The ORR's current approach to considering access applications (which, where necessary, are usually accompanied by infrastructure adjustments) is designed to treat all applications in a way that is understood and has been accepted as 'fair' by the industry. It would be inappropriate to change these arrangements.
14. In order to make best use of the released paths south of Rugby it is also necessary to ensure their use isn't frustrated by the continuing capacity limitations between Colwich junction and Stafford which will remain two track until by-passed by HS2a. An alternative route exists via the West Midlands (Bescot) but this involves using the released capacity on the Rugby-Coventry-Birmingham route. As there will be competing demands for use of this capacity by the West Midlands local services, the ORR should ensure that it considers these access requests holistically and not just in relation to individual route sections.

#### **Open Access**

15. The ORR proposes to explore the post HS2 implications of any pre-opening open access applications on WCML as they arise. The implication is that granting any such applications may be time limited. **The approach of the ORR looking forward in this manner is commended** as there have been past instances where an application has been frustrated as an impending franchise award changes the whole mix of services that have to be considered on capacity constrained infrastructure. It will be for the ORR to determine which to take into account as speculative freight service plans should not be treated any less favourably than DfT-sponsored service plans.
16. However, CILT would caution that 2026 and beyond is still at least nine years away, and circumstances can change a lot in that time. While there is a good case for precision wherever possible in terms of the future regimes that will apply, the need for changes in the future must not be overlooked. Such changes might also be in the light of experience, say two years after Phase 1 opens, plus of course when Phases 2a and 2b successively come on stream.

Submitted by:  
Daniel Parker-Klein  
Head of Policy  
The Chartered Institute of Logistics and  
Transport  
October 2017

## Track Access Issues arising with High Speed 2 – ORR Consultation

The following comments relate to both the letter from DfT to ORR dated 8 September 2017 and to the ORR published letter dated 21 September 2017 addressing ORR's initial position in this regard.

1. Ref DfT letter para. 11. It is entirely appropriate not to aim to determine the operational timetable too early. In practice this will mean that the West Coast Partnership (WCP) franchise will be awarded without a firm timetable for 2026. This leads to the need to identify who will be the lead party in developing the timetables which will apply from 2026 onwards. There will of course be a requirement to actively involve numerous other relevant parties and include mechanisms for resolution of conflicting aspirations. It will also be necessary to identify who (ORR?) will have the authority to determine and approve the finalised timetable.
2. Ref DfT letter para. 13. Given the comment above, the scope for the WCP franchise must clearly state the 2026 timetable development requirements, including timeframe for finalisation and indicate the parameters which should apply. It also needs to be clarified as to what the WCP's responsibilities are (if any) relating to the development of the operational timetable which will apply on completion of HS2 Phase 2b.
3. Ref DfT letter para. 15. This lists the high level objectives that should accrue from HS2. To an extent the degree of achievement of each of the objectives is constrained by the other objectives. This will become more apparent when all the interested parties involved in timetable development indicate their aspirations. It may be appropriate for government to indicate priorities. In some cases the ability to achieve these objectives will require (or be enhanced) by the upgrading of the conventional rail network and in such cases it will be necessary to identify whether (and when) such upgrades will be implemented. See also comment 4 below.
4. Ref DfT letter para. 29. DfT recognises capacity constraints in the North West of England. It will be important to know what upgrading is proposed and when it will be implemented. These constraints may significantly influence timetable possibilities. If implementation is to be completed before 2026, then the execution will need to be carried out mostly in CP6, which may well influence the timetable for the period up to 2026. In addition to the noted constraints, there is presently being developed a proposal to make Crewe station a key hub for HS2/conventional rail interchange. If this is adopted, it will require significant works at Crewe station in CP6. If it is agreed that Crewe should be a key hub, this will have a considerable influence on the development of the 2026 and also post HS2 phase 2b timetables.
5. Ref DfT letter para. 34. DfT believes that access agreements for conventional train services from 2026 will be mostly uncontroversial given that most services will represent revisions to existing services which have existing access rights. This view is only valid if the presumption of retention of existing rights remains a primary right. However if this is the case it is likely to be a (significant) limitation to optimising the overall timetable aimed at best meeting the objectives stated in DfT para 15. See also comment 6 below.
6. Ref ORR Letter para. 17. Indicates a strong presumption in favour of current access rights. (This reflects comment in DfT letter para.34.). Whilst this approach is reasonable for the normal ongoing development of network timetables, it should not apply in this specific case. To do so will significantly limit the opportunity to fundamentally review the timetable on the WCML with the aim of best achieving the objectives stated in DfT letter para. 15. It would give the WCP franchise holder excessive leverage versus other franchises and the rail freight sector when determining the optimal timetable. An example of an alternate service possibility is the following –
  - Preliminary indication is that the existing service between Glasgow/Edinburgh and London via Birmingham will be retained. This service has value in connecting many intermediate

locations. However it could be replaced for example with a new service between Bristol and Scotland via Birmingham and Crewe. Such a service would enhance the connectivity between the South West of England, the North West and Scotland thereby generating a benefit beyond the geographic area of HS2. This would also free up an additional train path on the southern part of the WCML.

7. The introduction of HS2 services will not only create substantial additional passenger demand, but also result in changes to travel patterns. Various forecasts of future demand for both passengers and rail freight have been made, but these may well not accurately reflect the outcomes. History shows that many forecasts for rail demand have been far from accurate. Given that the introduction of HS2 provides a major step change in both capacity and journey time reduction, forecasting is even more challenging. It would therefore be prudent to ensure that there is a specific mechanism to allow revisions to the timetables after say 2yrs (2028) in order to remedy any significant problems arising from the timetable agreed prior to the commencement of HS2 services. Following are possible examples –
  - Preliminary indication is that the present 3tph Pendolino service between Manchester and London will be replaced with 3tph HS2 trains plus 1tph conventional. It is entirely possible that this would not provide sufficient capacity at peak periods, given that an 8 car HS2 train will have  $\approx 20\%$  less seats than a 11 car Pendolino.
  - Preliminary indication is that the exiting conventional service between Chester/North Wales and London will be retained with additional stops. It is probable that many customers to/from Chester/North Wales will choose to use the HS2 service by changing at Crewe. This would potentially render the through service no longer to be viable.
8. The introduction of HS2 service will lead to some towns and cities losing their existing direct services to/from London. However in most cases, this can be accommodated by ensuring that there are appropriate (timing, frequency) connecting services to access HS2 services at locations such as Preston and Crewe. If this is the case then in most cases the journey times will be faster than today. It will also be important to ensure that this does not result in higher fares even in the case where the two sectors are provided by different franchises.
9. Longer term issues related to HS2 Phase 2b.
  - Most of the HS2 route provided in phase 2b will be utilised by HS2 services well below the capacity of the route. It is therefore potentially attractive to utilise these sections by appropriate conventional services, provided that they have performance capabilities such that they would not compromise HS2 schedules. Such use would significantly enhance the “value for money” of the infrastructure, provide additional connectivity and mitigate the impact of some capacity constraints on the existing conventional network. In developing timetable for the period from commencement of Phase 2b services it will be essential to be clear as to whether conventional services will be allowed on HS2 track. In some cases it may be appropriate to construct additional cross-overs to facilitate such use.
  - The introduction of HS2 services to/from Birmingham northwards is likely to have a very significant impact on the passenger demand on the existing Cross Country services from Birmingham northwards. This will need to be addressed to ensure that the improved connectivity to/from Birmingham does not result in loss of connectivity between other towns and cities. The fact that Curzon St station (HS2) is some 600m from New Street does not help.



Jonathan Rodgers  
Office of Rail and Road  
One Kemble Street  
London WC2B 4AN

**DB Cargo (UK) Limited**  
Ground Floor McBeath House  
310 Goswell Road  
London EC1V 7LW

**Nigel Oatway**  
Access Manager

Dear Jonathan,

19 October 2017

## **TRACK ACCESS ISSUES ARISING WITH HIGH SPEED 2 (HS2)**

This letter contains the representations of DB Cargo (UK) Limited (“DBC UK”) on the letter entitled “*Track Access issues arising with High Speed 2 (HS2)*” issued by ORR on 21 September 2017.

The HS2 project is a colossal undertaking and presents some key potential opportunities for the rail freight industry such as; generating a requirement for additional freight services to transport the vast quantities of materials that will be needed or generated during the project’s construction phase and; once HS2 is operational, allowing capacity to be released on the national network to support freight growth.

DBC UK operates rail freight services across the majority of the national railway network including those routes (for example, the West Coast Main Line (“WCML”)) that will be affected by the service changes contemplated by HS2. Therefore, notwithstanding the positive opportunities outlined above, DBC UK is also keen to ensure that the impacts of the HS2 service changes do not materially affect (1) its ability to continue to operate its existing services or (2) its ability to develop new freight services in line with industry growth forecasts.

In December 2016, DBC UK secured a long term track access agreement with Network Rail giving it firm rights to operate on the network until December 2026. However, DBC UK firmly expects to continue to operate and grow its rail freight services well beyond that date and will require, in time, a further long term track access agreement to support that continued operation and growth.

DBC UK is encouraged that ORR’s approach set out in its letter proposes to treat any HS2 related access application as it would any other, thereby maintaining a ‘level playing field’ across all operators whether or not they are directly involved in HS2. However, it also believes that the ORR’s statutory duty to “*enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance*” is also a duty that will be relevant and should be added to those already listed in paragraph 14.





2/2

DBC UK also notes ORR's recognition that freight access issues are likely to arise on the WCML both in the south, where there is potential for freight use for any relinquished capacity, and in the north where capacity will be particularly constrained. Whilst DBC UK is pleased to acknowledge that ORR's strong presumption in favour of the extension of current access rights applies equally to freight, it would urge ORR to also have due regard to the development and safeguarding of an appropriate level of strategic capacity to enable the rail freight industry to continue its growth to meet industry forecasts and in doing so meet a key high level principle expressed in the Government's HS2 2013 Strategic Case (i.e. to provide capacity for the growing railfreight sector).

Finally, whilst ORR makes mention of DfT's anticipation that all available capacity on HS2 (once open) will be used by WCP's franchised passenger services, DBC UK hopes that HS2 would still be able to accommodate freight services as is currently the case on HS1.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nigel Oatway', with a horizontal line underneath.

**Nigel Oatway**  
**Access Manager**

...

Jonathan Rodgers  
One Kemble Street,  
London  
WC2B 4AN

Freightliner Group Limited  
3<sup>rd</sup> Floor, The Podium  
1 Eversholt Street  
LONDON  
NW1 2FL

*By email*

20 October 2017

Dear Mr Rodgers

### **Track access issues arising with High Speed 2 (HS2)**

Freightliner Group welcomes the opportunity to respond to ORR consultation on Track Access issues arising with HS2. Owned by US-listed railway operator Genesee & Wyoming Inc, Freightliner has operations in the UK, Poland and Germany and intermodal rail services Europe-wide.

### **Support for HS2**

Freightliner strongly supports the construction of HS2 - it will be an engine for growth, will support trade and is vital for the long term planning of infrastructure in Great Britain. HS2 is a vital project for the rail freight sector - both during the construction phase and by releasing capacity on the classic network to support freight growth. The capacity delivered by the new high speed line is essential for the continuing development of the railway and the contribution it makes to the country's economic and social welfare.

HS2 trains will also create challenges when they operate on capacity constrained parts of the classic network. In that respect we strongly welcome the ORR presenting its proposed approach with regard to the track access issues arising with HS2.

### **Capacity issues**

The consultation correctly identifies a number of capacity constrained parts of the classic network where HS2 trains will be operating. This is the case between Crewe and Manchester, north of Crewe and, in the period between Phase 1 and Phase 2a, north of Handsacre Junction.

Freightliner maintains that where HS2 is reliant on the classic network to deliver its train service, it is critical that the wider issues beyond the high-speed line itself are fully addressed in order to ensure that there is sufficient capacity for all operators. That may require upgrades to the classic network to accommodate the new traffic. Such upgrades should be considered as part of the core HS2 scheme because they are likely to be essential components to run the trains.

The consultation notes that the DfT and HS2 are working with Network Rail to understand the options for the HS2 services operating on the classic network. It is important that a comprehensive and robust timetabling study is completed to understand the impact that HS2 services will have on the network in order to determine appropriate mitigations. Freightliner would be keen to be involved and support any timetable studies.

Freightliner strongly welcomes the ORR clarification that additional access rights for the West Coast Partnership franchise will be subject to the resolution of the capacity concerns. It is vital that any new services do not detrimentally impact on existing users of the network.

### Freight access rights

The consultation notes that many of the Freight Operating Companies (FOCs) have access contracts that run until the introduction of Phase 1 of HS2 in 2026. In that respect we highly welcome the “strong presumption” by the ORR in favour of the extension of current access rights. Freightliner, together with the other FOCs, was granted 10-year access rights last year, in part on the basis of substantial long-term investments that had been made.

A presumption that access rights will be extended is absolutely critical to maintain freight customer and investor confidence. Freight operators (as well as ports, terminals and other users) invest significant amounts of private capital in assets with a 30+ year life and as a result will be looking for a long-term return extending well beyond any access contract. In that respect, the clarification provided in the consultation over existing freight access rights is particularly welcome.

### Freight growth

Many of the route sections where HS2 services will be operating on the classic network are also likely to be the growth parts of the network for rail freight. The intermodal sector is forecast to grow significantly over the next 15 years and with 95% of intermodal freight trains using the West Coast Main Line (WCML) for part of their journey this will drive greater demand for paths on this key corridor. Looking specifically at the WCML through Crewe, the impact that the potential growth could have on rail freight volumes through Crewe is shown by looking at the forecasts in Network Rail’s Freight Market Study:



Source: Freight Market Study, Network Rail, 2013

The forecasts suggest a potential increase from the current 2-3 freight trains per hour in each direction on the WCML through Crewe, to 5-6 freight trains by 2033.

The capacity released on the WCML following the introduction of Phase 1 and Phase 2a of HS2 will provide a once in a generation opportunity to unlock capacity and facilitate growth, but it is important that HS2 trains rejoining the classic network do not stymie this growth. In that respect it would be helpful to take into consideration freight growth

alongside existing freight access rights when considering the Track Access issues arising with HS2.

**Further discussions**

In light of the existing capacity constraints and given the wide impact that HS2 services will have when they operate on the classic network, Freightliner strongly welcomes the ORR presenting its proposed approach on the Track Access issues arising with HS2.

Freightliner supports the initial presumptions made by ORR, particularly the strong presumption in favour of freight access rights being extended and the need to resolve the capacity concerns on the WCML ahead of the additional access rights for the West Coast Partnership franchise.

We would be happy to arrange a meeting to discuss or clarify any of the comments made in this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P/Graham', with a long horizontal flourish extending to the right.

Peter Graham  
Rail Strategy Manager  
Freightliner Group Limited



Jonathan Rodgers.  
Office of Rail & Road,  
One Kemble Street,  
London,  
WC2B 4AN.

19<sup>th</sup> October 2017

Dear Jonathan,

**GB Railfreight response - Track Access Issues arising with High Speed 2:**

Thank you for the opportunity to comment on this consultation.

GB Railfreight has no issue with the proposed way of dealing with access rights along the HS2 Route and understands that future access applications for WCML and WCML/HS2 interfaces will need to be properly assessed with the ORR Criteria & Procedures for the Approval of Track Access Contracts (2011) document and other standard criteria.

The most important point to make is that, with the removal of some passenger train slots and Firm Rights on the WCML, this is ideal opportunity to really speed up existing freight services through the country, several of which currently have a poor velocity. There has been no real step-change that has taken place since the December 2008 WCML Upgrade re-write.

It is also, obviously, the time to look to encompass new freight train slots and rights for the growth in freight services that the Freight Market Study (2013) and Freight Network Study (2017) are predicting and which is already taking place in many sectors. This also needs to take into account new freight terminals such as that being proposed for Northampton Gateway, just beyond Hanslope.

It is well know that there are, currently, issues accommodating freight services on parts of the southern end of the WCML, specifically on the Milton Keynes Central - Hillmorton Juncton – Northampton section, the three-track section from Brinklow to Attleborough and north of Crewe station through Winsford to Warrington, so GB Railfreight would not want this opportunity squandered and a serious complete re-cast of services along this most important of UK freight arteries.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Kapur', written over a horizontal line.

**Ian Kapur.**  
**National Access Manager.**

**From:** Rob holder  
**Sent:** 20 October 2017 10:56  
**To:** Rodgers, Jonathan  
**Subject:** RE: Update: Consultation on High Speed 2 (HS2) access issues

Good morning Jonathan,

Thank you for this.

The strategy of applying normal track access policy to HS2 (and residual WCML) seems sensible. Each point in the ORR letter of 21st September is supported by GWR including the "not primarily abstractive" approach.

East-West rail may affect opportunities and constraints on the WCML.

These are GWR thoughts and I should be very grateful if you would apply an approach that any FirstGroup Rail response takes precedence over anything said here.

Many thanks.

Rob

**Robert Holder | Network Access Manager | Great Western Railway**  
1 Milford Street | Swindon | SN1 1HL

First Greater Western Limited | Registered in England and Wales number 05113733  
Registered office: Milford House, 1 Milford Street, Swindon SN1 1HL.

**From:** Rodgers, Jonathan  
**Sent:** 25 September 2017 12:46  
**To:** Stakeholders  
**Subject:** Update: Consultation on High Speed 2 (HS2) access issues

Dear all

Further to my email of 21 September 2017, the Annex of the DfT letter has been amended. Please see our updated [consultation page](#).

Regards

**Jonathan Rodgers | Senior Executive, Access & Licensing**  
Office of Rail and Road, One Kemble Street, London, WC2B 4AN  
Web [orr.gov.uk](http://orr.gov.uk) | Follow us [@railandroad](#)

**Subject:** Consultation on High Speed 2 (HS2) access issues

Dear all

The purpose of this [consultation](#) is to seek views on how ORR proposes to take into account the future operation of High Speed 2 (HS2) when making decisions about access to the existing network.

Please send any comments or questions to me by 5pm on Friday 20 October 2017.

We will publish a final version of our letter once we have considered any comments.

Regards

**Jonathan Rodgers | Senior Executive, Access & Licensing**  
Office of Rail and Road, One Kemble Street, London, WC2B 4AN  
Web [orr.gov.uk](http://orr.gov.uk) | Follow us [@railandroad](#)



John Larkinson  
Director, Railway Markets and Economics  
Office of Rail and Road  
One Kemble Street  
London  
WC2B 4AN

Network Rail  
The Quadrant:MK  
Elder Gate  
Milton Keynes  
MK9 1EN

19 October 2017

Dear John

### **Track access issues arising with High Speed 2 (HS2)**

Network Rail welcomes the opportunity to respond to ORR's consultation regarding track access issues arising with HS2.

### **Background**

Network Rail fully supports the development and delivery of HS2 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 HS2 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 HS2 services which are expected to run on Network Rail's infrastructure from 2026.

As HS2 Limited and the Secretary of State for Transport further develop proposals for HS2 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

<sup>1</sup> <http://archive.nr.co.uk/browseDirectory.aspx?root=&dir=%5cnetwork%20code>

<sup>2</sup> <https://16cbgt3sbwr8204sf92da3xxc5m-wpengine.netdna-ssl.com/wp-content/uploads/2017/07/Network-Rail-Access-Rights-Policy.pdf>



network, as appropriate, and that we 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 HS2 and the wider network. As the national system operator, we will lead the development of timetables for the introduction of each phase of HS2 services on our network. We will work with all passenger and freight operators and the West Coast Partnership 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.

Network Rail is also involved in the development of DfT's proposals for the West Coast Partnership with a view to understanding and informing the expectations of the franchise. This will mean that expectations for future HS2 track access applications can be considered in the context of our overall plans. We will do this in a way that is mindful of the requirements of our other customers who may hold track access rights or wish to make future applications and we will be transparent in our decision making where potential interaction with future HS2 services may exist.

With regard to the nature of interaction, paragraphs 35 and 36 of ORR's letter recognise that interaction may arise in the case of open access applications from freight and passenger operators. We suggest that the potential for interaction may be wider than this and that ORR might contemplate in its proposal how it might deal with a situation in which the requirements of different franchised operators interacts with those of HS2. Given that the West Coast Main Line is used by franchisees holding contracts that are expected to be let by the Welsh and Scottish governments, this appears to be an important consideration.

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 HS2.

Should ORR wish to discuss aspect of this response, please do not hesitate to contact me or Neil Kirkwood ([neil.kirkwood@networkrail.co.uk](mailto:neil.kirkwood@networkrail.co.uk)) – HS2 Integration Director.

Yours sincerely



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



Jonathan Rodgers  
ORR  
One Kemble Street,  
London,  
WC2B 4AN

Date: 20<sup>th</sup> October 2017

Dear Jonathan,

**ORR Consultation: Track access issues arising from HS2**

Thank you for the opportunity to respond to the above consultation. Nexus leads on behalf of the North East Combined Authority (NECA) on Heavy Rail matters through the North East Rail Management Unit. The Unit also includes the representatives of the Tees Valley Combined Authority.

The response has been produced following consultation with the constituent authorities.

Although the main area of interest for the North East is the 2b phase of HS2 it is considered important to provide comment and input to this early approach to track access, which is likely to be rolled out over the whole high speed network.

**Interface with the East Coast Mainline and Trans Pennine operations**

Although it is understood that the consultation primarily relates to Phases 1 and 2A, its conclusions are widespread and are likely to interface with subsequent phase 2b.

With the conclusion that benefits from HS2 must be widespread, NERMU considers that the existing train paths on the East Coast Mainline (ECML) must be protected through subsequent HS2 phases except where substitution is agreed. This is inclusive of East Coast, Trans Pennine, Cross Country and Open Access passenger services as well as Freight traffic. Furthermore, how these services interact with HS2 infrastructure between the ECML and Leeds and beyond towards Manchester and Liverpool should be done in a way that ensures the objectives of the emerging Northern Powerhouse Rail strategy are achieved. The Nexus House St James' Boulevard Newcastle upon Tyne NE1 4AX  
T: 0191 203 3425 F: 0191 203 3180 nexus.org.uk

presumption is that NPR services will connect to and run on parts of the HS2 infrastructure.

It is this interrelationship between high speed services and more local, regional and subnational services that needs to be fully explored in consultation with stakeholders. It is important to retain existing connectivity to stations within the NERMU area and the overall accessibility to the network should not be reduced.

### **Access issues on the southern West Coast Mainline (WCML)**

NERMU supports the presumption in favour of existing access rights. With regard to statements around protecting / enhancing links to London, NERMU requests the ORR add clarity around routes that operate on the southern WCML that don't serve London. The Cross Country franchise operates on the WCML and there should be opportunities for enhancements in future franchises.

### **Access issues on the northern WCML**

NERMU would like to be reassured that long distance Trans Pennine services will be fully considered within any future access applications. NERMU would wish to see retained the existing service access rights and opportunities for enhancements should be investigated in line with the emerging Transport for the North's Long Term Rail Strategy and Northern Powerhouse Rail project. As per the TfN Strategy, with HS2 travel patterns may change which gives rise to the opportunity to change service patterns on the existing network to provide connections to other centres and potential more capacity for local services. The interface between HS2 subsequent phases and Northern Powerhouse Rail should be full considered in collaboration with all partners and solutions found to deliver wider benefits. It is requested that the interface with Northern Powerhouse Rail and no degradation in Trans Pennine services be reflected in the ORR approach to future track access applications.

### **Non Franchised operators**

NERMU supports the presumption in favour of extending existing freight access rights. Consideration of the additional provision of freight paths as part of Northern Powerhouse Rail and Transport for the North's emerging long term rail strategy should be considered as part of the overall view on future access rights.

ORR's proposal around applications from open access operators being considered in context of HS2 operations is supported by NERMU. This is to avoid

new long distance services being provided at the detriment of existing service patterns / future services within the NERMU area.

When considering such open access applications for HS2 Phase 2b and beyond, the specific issues around the East Coast will need to be considered, particular items to consider will be how we seek to maintain the quantum and mix of train services north of Northallerton with additional HS2 services. As above, there should be no loss of existing local, regional or national connectivity.

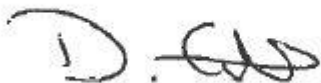
### **Mitigation for East Coast 'classic' operators beyond HS2 opening**

Although it is appreciated that this is out of the current scope of this consultation, Nexus would like to raise concerns regarding the potential for future regional economic imbalance, once HS2 is operational to its full extent. Nexus would like ORR to consider, at the appropriate time, that for services remaining on the ECML there ought to be significant cost benefits that are passed on through the operator to the passengers. This should include both franchised and open access operators. Through such action, the economic benefit to non-HS2 operators, including any new ones, would be able to take account of the possible negative effects on the regions they serve that don't get a direct HS2 services.

Thank you once again for your consideration of these comments and hope you find them useful.

Should you require any further information, please do not hesitate to contact me.

Yours Sincerely



**Derek Gittins - Head of Heavy Rail**

-----Original Message-----

From: Pat Ellwood

Sent: 29 September 2017 11:49

To: Rodgers, Jonathan

Subject: HS2 Wybunbury construction traffic

May I suggest that you travel the route that has been suggested for construction traffic. There are places on Wrinehill Road where two cars cannot pass. Agricultural vehicles are huge and take up all the road in places. I will not comment on the journey through the village it speaks for itself how dangerous it will be.

With today's traffic it is too dangerous to walk down Wrinehill Road. This is due to the Road being a 'rat run' to the M6 and vehicles increasing in size over the years. At least the 7.5 weight restriction which applies to all roads entering Wybunbury and Hough gives some respite from HGVs

Could thought be given to using Mill Lane as an alternative. The road would need some moderations but would disrupt less people especially at the school junctions. The Boar's Head junction is also a locally well known accident black spot.

Please give my views some consideration

Concerned resident

Sent from my iPhone

## Track Access Issues Arising with HS2

### Response from Rail Freight Group

October 2017

1. Rail Freight Group (RFG) is pleased to respond to the ORR consultation on Track Access issues arising with HS2. No part of this response is confidential.
2. RFG is the representative body for rail freight in the UK, and we campaign for a greater use of rail freight, to deliver environmental and economic benefits for the UK. We have around 120 member companies including train operators, end customers, ports and terminal operators, suppliers including locomotive and wagon companies and support services.

#### **General Comments**

3. HS2 is a critical project for the UK railways and provides opportunities for freight both during the construction phase and where capacity is released on the existing network to support freight growth. For these reasons the rail freight industry is a strong supporter of the scheme.
4. However, there are also significant concerns over the impact for freight on those parts of the network where there appears to be insufficient capacity to accommodate HS2 services and other services including freight. In some cases we are concerned that there may not be enough capacity even for existing levels of freight, if the full HS2 and franchised timetables operate and without other investment. This could be the case;
  - a. Between Handsacre and Crewe until Phase IIA opens
  - b. Between Crewe and Manchester
  - c. North of Crewe
  - d. Possibly on Midland Main Line and South Transpennine approaching Sheffield.
5. We are therefore particularly pleased to see the helpful clarification in this letter from ORR, which we support. In particular, the strong presumption in favour of the extension of current access rights is critical for freight customer and investor confidence.
6. Unlike the passenger railway, freight access contracts are not aligned with other contracts. Customers will tender work when it suits their logistics needs, and so freight operators will often have customer contracts which extend beyond access contracts. Freight investors (for example in wagons and terminals) will be looking for a long term return extending well beyond any access contract. For these reasons, there must be a strong confidence that access rights for existing traffic will be renewed (albeit allowing for reasonable flex).

### ***Specific Comments – ORR Consultation***

7. Para 11. We presume that the Investment Recovery Charge will only apply to services on the new infrastructure.
8. Para 14. We consider that the duty to ‘enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance’ is also relevant given the need to assure access for freight customers.
9. Para 22. The northern end of the WCML must also include branches to Manchester and Liverpool where HS2 services will operate.
10. Paras 33 and 34. We agree with this approach. These route sections are critically important to rail freight, both for existing services and growth.
11. Para 35. We strongly support this approach.

### ***Specific Comments – DfT Letter***

12. Paras 2 and 6. It would be helpful for DfT to acknowledge freight benefits as well as passenger.
13. Para 13. We support the approach. DfT should require the West Coast Partnership to take the needs of other users into account as part of the formal franchise documentation.



The Madeley Action Group  
Madeley  
Staffordshire

Dear Mr. Rogers

Re:

<http://orr.gov.uk/rail/consultations/open-consultations/consultation-on-orr-proposed-approach-to-track-access-and-the-future-operation-of-high-speed-2-hs2>

We refer you to the above open consultation and offer the following information which we strongly suggest you pass on to anyone considering running a franchise.

We note that at no time have you said the franchisee has any responsibility towards local residents adversely affected by HS2 over time. Further you have not mentioned the responsibility of franchisee to protect wildlife from being sucked into tunnels or adversely affected by the construction of this railway over time. Further you have not mentioned in your document who takes responsibility of ensuring that local residents do not suffer flooding, noise, vibration or other nuisance as a result of this railway.

Please consider this notice that any noise, vibration or other nuisance which is not on the Planning Proposal for this railway will be recorded and dealt with using Environmental, and Human Rights Law plus any other relevant law connected with the operation of a railway.

Your franchisee needs to know that residents with indepth technical local knowledge gained from their professional work, foresee multiple practical environmental and human rights problems and associated litigation in connection with this railway, which they will deal with overtime.

One major problem is that HS2 has not tested the sites insitu and instead has mainly relied on desk based predictions so far. Any limited survey data conducted by HS2 or its contractors has not yet been made public.

Please let us know the name of your lawyers dealing with this matter at your earliest opportunity. In addition please provide us with the name of the insurers connected with HS2 and its contractors plus any following on franchisee.

Yours Sincerely



Deborah Mallender BA Hons,MA, PGCE, LLB, PGcert Law

For and on behalf of The Madeley Action Group



Jonathan Rodgers  
Office of Rail and Road  
One Kemble Street  
London  
WC2B 4AN

19<sup>th</sup> October 2017

Dear Sir,

### **Track access issues arising with High Speed 2 (HS2)**

Thank you for offering the opportunity to comment on your proposed approach for dealing with HS2 track access applications and issues.

We support the delivery of HS2 and the improved connectivity it will provide and recognise that it will require changes to train services across the network to both deliver its' full potential and to maximise the benefit of the released capacity. At the same time, we also need to highlight the importance of maintaining local and inter-regional connectivity to, and between, destinations not on the HS2 network.

We also (along with other northern authorities) strongly support the introduction of Northern Powerhouse Rail, connecting the key cities and towns across the north and we would urge the ORR to ensure consideration is made for the provision of these services alongside and complementary to the classic rail network and HS2.

For this above reasons we support the general principle that applications for access involving HS2 operated services will be treated in the same way as any other operators under the current regulatory framework. We recognise the importance of the independent role the ORR has to ensure that changes to track access decisions are made in the overall best public interest. We consider that the factors considered when making track access decisions are appropriate for the existing network and will continue to be relevant when considering network changes to support the delivery of HS2.

We also support the presumption in favour of the extension of current access rights for existing operators, as this helps to provide certainty for rail users and hopefully avoids change for change sake. However, at the same time, it must be recognised that the opening of HS2 will present the biggest step change in network capacity since the creation of ORR and that to deliver desirable outcomes, revisions of existing track access rights will be required to optimise the future service patterns. To ensure these changes can be achieved with minimal adverse passenger impact it is essential that widespread stakeholder and user consultation takes place, with all opportunities taken to gather data and evidence of user requirements to inform the optimum outcome.

In terms of the HS2 related track access issues identified in your letter (summary in paragraph 22 and explanation of approach in subsequent paragraphs), we are broadly in agreement with your approach, however we wish to add a fifth category to cater for access issues relating to touchpoints with the Northern Powerhouse Rail network. We believe this approach will ensure a fair allocation of network capability by safeguarding connectivity that already exists while providing opportunities for new use of released capacity. However, we would request that in allocating network capacity particular attention is paid to the following key DfT high level principles for HS2, being:

- to provide additional commuter capacity where it is most needed;
- to spread the benefits of long distance and inter-regional services to the many towns and cities that can be served by the capacity created on the existing rail network;
- to fully integrate HS2 services into the wide national rail network;
- to improve performance by making timetables more robust.

We would not want the granting of HS2 track access rights to lead to any detriment to non HS2 services or suppression of future local rail demand.

One area we do have a concern is with the access issues for the northern WCML where an increase in service is proposed for places with known capacity constraints. In paragraph 33 you state that *“HS2 and DfT are working with Network Rail to understand the options for services in these areas”*. We believe that the scale of change which will occur makes it essential that wider stakeholders are included within these discussions and we would like to see the ORR require wider industry and stakeholder collaboration and buy-in as part of the stated resolution before making a judgement on track access applications.

Our primary concern is to ensure that the process for accepting service changes does not unnecessarily favour HS2 services to the detriment of local and inter-regional services and the needs of the users of those services. For HS2 to deliver the promised benefits, it needs to complement the wider rail network and ensure passengers can reach the HS2 stations from a wider range of locations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'AJW' followed by a stylized flourish.

Amanda White  
Head of Rail

**From:** Salvato Loredana (TfL)  
**Sent:** 19 October 2017 16:42  
**To:** Rodgers, Jonathan  
**Cc:** Lloyd Jonathan; Miles Stephen  
**Subject:** Consultation on High Speed 2 (HS2) access issues

Hi Jonathan

Thank you for consulting TfL regarding the High Speed 2 access issues.

TfL's comments on this consultation are as follows:

As a sponsor of major rail infrastructure projects TfL recognises that certainty of long term access for the provision of appropriate rail services is a critical consideration in the planning, investment in and delivery of such long term capital intensive projects.

TfL would therefore support ORR providing firm assurances to the Secretary of State that he may utilise capacity on the Network Rail network (including capacity freed up on the southern end of the WCML) to deliver the benefits of the HS2 investment for the wider Rail network.

As an operator of services (via its Concession Operator, Arriva Rail London) on the southern end of the WCML TfL would welcome the certainty the above would provide for the future planning and delivery of these services.

More generally as a provider of services essential to travel within the Greater London area, including the provision of convenient connections to destinations for passengers from further afield, TfL would welcome the additional clarity of the backdrop for the future planning and delivery of these TfL services.

Regards

Loredana

**Rail Development Team** | [Surface Transport Directorate](#) | [Transport for London](#)

**From:** Michael Sasse

**Sent:** 18 October 2017 12:02

**To:** Rodgers, Jonathan

**Subject:** Consultation on ORR's proposed approach to track access and the future operation of High Speed 2 (HS2)

Good morning, and thank you for inviting responses to this consultation.

We would like to make a few brief general comments regarding the principles applied to allocating track access. These apply to the rail system as a whole, but clearly the opportunities and challenges of HS2 will tend to throw the relevant issues into even sharper relief. Whilst we are mindful that the consultation relates primarily to phases 1 and 2a of HS2, we consider it likely that principles established at this point are likely to have application to subsequent phases too – and potentially more widely as well.

- The approach to track access needs to have greater regard to the overriding need to ensure that the passenger timetable that results from the access decisions made is one which produces the most attractive rail passenger offer overall (across all services and operators). While clearly there is scope for debate as to how “most attractive” is defined, such consideration is particularly important for a railway which is not integrated vertically nor horizontally, and which can be described as lacking a “controlling mind”. In our view, relevant factors in defining “most attractive” include a reasonable, comprehensive and balanced mix of services (regional, interregional and intercity), coordination between services (good connections especially at interchange nodes), even and regular service intervals, and frequencies appropriate to the nature of the services being provided (noting for example that frequency forms a major component of generalised journey time for short-distance journeys, and less so for intercity travel).
- It is likely, though not inevitable, that this will often mean that the service patterns which formed the basis of the business case for specific infrastructure enhancements are those that should be favoured when allocating track access. It is therefore arguable that there should be a rebuttable presumption in favour of this – rebuttable where evidence of changed circumstances, or of preferable outcomes, can be adduced.
- It is essential that track access granted to intercity – in particular but not only HS2 – services does not come at the cost of regional trains which are vital to city region and other economies’ success. In many regions, especially in the North, these are already heavily compromised as a result of historic policies favouring long-distance services. Misapplication of simplistic yield-based criteria (as opposed to economic analysis) to prioritisation can, for example, lead to such outcomes (and has done so in the past).
- It is equally important that freight should not be compromised – this includes not only the existence of suitable paths at the right times of day and night, but also the quality of those paths in terms of directness and journey times, to ensure that FOCs can offer their customers competitive shipping times at costs that are viable.
- With specific regard to HS2 pathing on the classic network, the allocation process should be compatible with the desired outcomes for Trans-Pennine services (such as around and across Manchester), and should support the development of Northern Powerhouse Rail (which is likely to use paths on parts of HS2 itself with through-running to/from the classic network as well as potential new NPR infrastructure).

In this regard, we note DfT's comment that:

*It is neither feasible nor desirable to determine the operational timetable too early. Service planning and timetabling should take account of the most up to date information on demand, rolling stock performance and network capability, so it is desirable to maintain flexibility at this stage.*

While we agree that premature specificity can be spurious, and they are clearly right in observing that demand and train performance can change, the industry needs to become better both at designing infrastructure to produce specific timetable outcomes (not just ITSSs), and therefore, when infrastructure enhancements are delivered, at using these outcomes at least as the principles that guide the allocation of track capacity. Strategically, the industry needs to move towards a position where infrastructure is designed around timetables, whereas too often it is vice versa.

We hope that these comments are helpful and would, of course, be very happy to discuss any of the issues raised.

Regards

---

Michael Sasse  
Rail Technical Advisor  
West Yorkshire Combined Authority  
Wellington House  
40-50 Wellington Street  
Leeds LS1 2DE