

## APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A FREIGHT TRACK ACCESS AGREEMENT, OR AMENDMENT TO A FREIGHT TRACK ACCESS AGREEMENT UNDER SECTIONS 17-22A OF THE RAILWAYS ACT 1993

### 1. Introduction

Please use this form to apply to the Office of Rail and Road (ORR) for:

- directions under section 17 of the Railways Act 1993 for a new track access contract. Section 17 allows companies who want the right to use a railway facility (including Network Rail's network) to apply to ORR for access if they are not able (for whatever reason) to reach agreement with the facility owner.
- approval under section 18 of the Railways Act 1993 for a new track access contract. Section 18 allows companies to apply for approval if they have agreed terms with the facility owner.
- approval of a proposed amendment (agreed by both parties) under section 22 of the Railways Act 1993 to an existing track access contract.
- directions under section 22A of the Railways Act 1993 for an amendment to an existing track access contract. Section 22A allows anyone seeking an amendment to an existing track access contract which allows the operation of more extensive services to apply for a compulsory amendment if they are not able (for whatever reason) to reach agreement with the facility owner.

If it is the facility owner, Network Rail will carry out a pre-application consultation. In this case fill in this form up to section 7.4. You should fill in the rest of the form after the consultation and before applying to ORR. If you are unhappy with the facility owner carrying out the consultation, you should ask ORR to do so. If this is the case, you should complete this form in full before submitting it to us.

The form sets out ORR's standard information requirements for considering applications. It cross-refers throughout to our [criteria and procedures](#) (C&Ps). The C&Ps explain the process, timings and the issues we will expect to consider. You should use the published [model freight track access contract](#) as your starting point when drafting the contract or amendments you want. Please read the C&Ps and the Code of Practice before applying.

We are happy to talk to you before you apply. Please contact us [here](#).

You can download a copy of this form, and of ORR's model track access contract, from the ORR website: [www.orr.gov.uk](http://www.orr.gov.uk).

## 2. The application

**2.1 Title of contract or supplemental agreement** (please also include the section of the Railways Act 1993 under which you are applying):

Colas Rail Limited New Track Access Contract – Section 17 Application

**2.2 Contact details** (Company and named individual for queries):

<u>Facility Owner</u>	<u>Beneficiary</u>
Company: Network Rail	Company: Colas Rail Limited
Contact individual: Andy Saunders	Contact individual: Stuart Ballinger
Job title: Customer Relationship Executive	Job title: Contract Manager – Rail Services
Address: 1 Eversholt Street London NW1 2DN	Address: Plant Depot, Mill Road, Rugby, Warwickshire, CV21 1BE
Telephone number: ☒	Telephone number: ☒
E-mail address: ☒	E-mail address: ☒

**2.3 Licence and railway safety certificate:** please state whether you intend to operate the services yourself or have them operated on your behalf.

Does the proposed operator of the services (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and** (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006. If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

**C&Ps paras 3.9-3.15**

Colas Rail Limited intends to operate the services itself and holds a valid operating licence under Section 8 of the Railways Act 1993 and Regulation 6 of the Railway (Licensing of Railway Undertakings) Regulations 2005 ('the Licensing Regulations') as well as a Statement of National Regulatory Provisions granted under Regulation 10 of the Licensing Regulations. Colas Rail Limited also has a Safety Certificate under Regulation 7 of the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

### 3. The proposed contract or amendment

**3.1 Executive summary:** please provide an executive summary of the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

**C&Ps para 3.22-3.28**

Please also explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate). **C&Ps paras 4.9-4.11**

Please also state the commencement and end dates for the proposal, and for new agreements or extensions to existing agreements, provide justification for the proposed length of the application, with reference to the Railways Infrastructure (Access and Management) Regulations 2005. **C&Ps paras 4.72-4.79**

Date of commencement: Principal Change Date 2016 (PCD 2016) 11<sup>th</sup> December 2016.

End date: Principal Change Date 2026 (PCD 2026).

Colas Rail currently holds a Track Access Contract (Freight Services) dated 21<sup>st</sup> December 2006, as amended, consulted and approved by various subsequent Supplemental Agreements, the latest of which, the 7<sup>th</sup> Supplemental, dated 3<sup>rd</sup> March 2015.

Colas Rail is seeking a new Track Access Contract (Freight Services) for 10 years, from PCD 2016 through to PCD 2026 incorporating all the rights as specified in the accompanying Colas Rail Schedule 5 rights table.

The attached Schedule 5 rights table reflects format changes agreed by Freight Operating Companies via participation in the Rail Delivery Group's (RDG) Contractual and Regulatory Reform Working Group (CRRWG). In summary, the format changes reflect the removal of specific arrival and departure times at origin and destination points being replaced by operational windows. Specific arrival and departure timings for stated intermediate points have also been removed from the table. The agreed changes ensure the rights table is easier to read and understand.

Colas Rail's application for a 10 year contract reflects the strong growth of the business over the preceding decade which has seen a number of high profile customers choose Colas Rail as their haulier of choice. In parallel this growth has seen significant levels of investment in all aspects of the business including locomotives, rolling stock, facilities, IT/systems and personnel.

Colas Rail is confident that the growth seen in its own business, a trend reflected by the general growth in rail freight, will continue over the next decade which in turn will bring realisation of benefits seen from current investment and will necessitate further future investment too. Colas Rail is actively tendering for new traffic to grow its profile and will continue to do so in the future.

It is essential that Colas Rail holds a long term Track Access Contract in order to provide existing and potential future customers with the necessary confidence that a sustainable rail led logistics solution can be provided.

Rail Freight provides an essential service to a significant number of UK based and international companies who rely on it as part of their wider supply chain. Rail freight also makes a significant contribution to the UK's economy with the Rail Delivery Group stating in its recent '*A Brighter Future for Britain's Railways*' publication that it currently contributes £1.6bn with this set to rise to £2bn by 2023.

**3.2 Terms not agreed with the facility owner (for applications under sections 17 or 22A only):** please set out here any areas of the application which have not been agreed, the reasons for the failure to agree and the reasons for seeking these provisions. **C&Ps para 3.102**

Network Rail's stated aim to improve capacity by making Freight Operating Company (FOC) access rights more flexible, specifically with the replacement of Level 1,2 and 3 rights with defined 'operating windows' which vary by flow, is at odds with Colas Rail's view.

Colas Rail, in line with wider FOC community views on this subject, do not agree with Network Rail's position, which we feel does little to reflect our customers' requirements, reflect operational reality both On and Off Network or provide sufficient security to protect existing and potential future traffic. Further to this, we do not believe that Network Rail, to date, has successfully articulated the reasoning behind its stated aims, or for the rationale behind the 'operating windows' it aspires to. In our view, the stated windows which allow 60 minutes of traffic such as intermodal and 120 minutes for 'bulk' traffic does little to reflect the fact that many bulk services, including those that Colas Rail hauls, require 'just in time' delivery to which a two hour window would render unachievable.

Existing Colas Rail Level 1 rights already contain flexibility in the form of a +/- 30 minutes either side of our booked arrival and departure times. In Colas Rail's view, this level of flexibility already provides sufficient scope to identify additional Network capacity in addition to providing a mechanism to improve common terminal performance issues such as insufficient terminal time and inaccurate associated planning rules.

Furthermore, we believe that there is scope to find additional Network capacity through existing mechanisms ranging from the ongoing programme to remove redundant freight paths from the timetable through to working with Network Rail Operational Planning to identify and improve planning rules such as Sectional Running Times (SRTs), Junction Margins and Off Network planning.

**3.3 Departures from ORR's model freight track access contract:** please set out and explain here any:

- areas where the drafting of the application changes ORR's published template freight track access contract (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made. **C&Ps paras 2.34-2.37**
- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model freight track access contract, including the financial implications (e.g. establishment of an access charge supplement or rebate). **C&Ps paras 5.1-5.44**
- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete. **C&Ps paras 6.2-6.3**

Following industry consultation and agreement via the Rail Delivery Group's Contractual & Regulatory Reform Working Group (CCRWG) on the amending of the Schedule 5 Track Access Rights Table, the attached version includes the agreed changes. These changes principally constitute the removal of columns from the table and/or the amendment of specific wording.

The changes include the removal of the following columns;

- Arrival Time at intermediate point.
- Departure Time at intermediate point.
- Electric Traction Y/N
- Total/Max number of services per week.
- Total/Max number of services per day.
- Alternative Equipment.
- Access Rights Type
- Maximum Variation

OFFICE OF RAIL AND ROAD  
ONE KEMBLE STREET, LONDON, WC2B 4AN

Switchboard 020 7282 2000 • Fax 020 7282 2041 • Website [www.orr.gov.uk](http://www.orr.gov.uk)

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In line with the above, the following columns have been re-worded to reflect the change;

- Days (replaces specific columns containing numbers of daily and weekly services)
- Firm Rights (replaces Level 1, Level 2, Level 3 Rights).
- Timing Load.

Further to the above, new definitions have been added;

- Arrival Window (re-wording of Arrival Time)
- Departure Window (re-wording of Departure Time)
- Freight Access Right (re-wording of L1, L2, L3 Access Right).

#### 4. The expression of access rights and the use of capacity

**4.1 Benefits:** please set out what specific benefits the proposal will achieve, including a justification for requiring the rights and their characteristics. Please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please also describe any significant changes in the pattern of services and any impact on other operators, including other freight operators. Please provide a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application. **C&Ps paras 4.26-4.35**

The successful provision of the 10 year track access agreement will ensure that Colas Rail is able to continue to service and grow existing commercial freight contracts in addition to providing the security to tender for future traffic. The provision also ensures Colas Rail's significant investment to date in equipment, resources and infrastructure sees full maturity in addition to providing the foundation for required future investment too.

Within the term of the existing track access agreement, Colas Rail have invested significantly in staff, depots and particularly loco and wagon resources, many with a lifespan well in excess of 25 years. A new 10 year track access agreement would provide Colas Rail with the confidence that there will be a satisfactory return on these investments, which would then increase the commercial viability of further such investments over the following years, in what will undoubtedly be a crucial period for the rail freight industry.

In particular, Colas Rail hopes to progress plans to procure additional loco resources which will further develop the business, by offering the opportunity to compete for new long-term freight contracts. A 10-year track access agreement is key to providing the industry stability required for a significant programme of investment which will allow Colas Rail to compete more intensively for intermodal freight traffic, which would have a beneficial reduction on road congestion.

In addition to the proposed loco investment, Colas Rail also plan to continue the current investment in staff and depots to meet the needs of the growing business.

Further information on our commercial justifications for the proposed extension is available in Appendix A.

**4.2 Adequacy:** please set out how you have satisfied yourself that there is enough network capacity for the services in the proposal. Please also set out whether there are any implications for overall network performance and the facility owner's maintenance and renewal activities. **C&Ps paras 4.12-4.45**

The rights applied for in this application largely reflect the current Colas Rail operation. As such we are satisfied that sufficient Network capacity exists to accommodate these services without the requirement for any Network enhancements. We are also confident that sufficient associated Off Network capacity exists to ensure these services are successfully able to run as demonstrated by the current daily and weekly successful operation of Colas Rails commercial freight services.

Further to this, the attached Rights Table reflects the paths offered to Colas Rail in the 2015 December Working Time Table. By definition, this ensures that Network Rail has satisfied itself that there is sufficient Network capacity to accommodate our services. Colas Rail also works closely with its customers to ensure that suitable Off Network capacity exists to facilitate our train plan.

**4.3 Level 1 rights:** please set out to what extent the level 1 rights in the proposal are required to service freight haulage contracts which you currently hold, and how the length of these contracts compares with the length of the (proposed) track access contract. For rights which will not be used fully, please explain why we should approve them. **C&Ps paras 4.46-4.54, 4.61-4.63**

The agreed changes to the Schedule 5 Rights Table have been detailed in Section 3.3 of this application.

The length of our commercial contracts reflects the request for a 10 year Track Access Contract. Our request for a 10 year contract also reflects the ongoing growth of our business and potential future traffic. The 10 year term represents confidence in the wider industry that we can accommodate growth to existing traffic in addition to taking on new traffic too.

We maintain that the provision of a 60 minute window at both origin and destination provides suitable flexibility to Network Rail whilst ensuring our services and customers retain the confidence in rail as a key logistics solution.

Velocity is an increasingly important factor in growing rail freight both with existing customers and potential new ones too. As such, the ability for FOCs such as Colas Rail to offer a fast, efficient and reliable service is essential to growing rail freight and attracting new customers to the industry. The proposition that some of our services, both current and potential, could have their total flow time (terminal time and Network time) significantly increased jeopardises our ability to offer a service that is deemed fast and efficient.

Furthermore, the potential significant increase in flow time could potentially increase the required resource needed to facilitate the service, be it rolling stock or personnel such as drivers and ground staff. This potential increase in resource naturally results in increased costs and reduced efficiency which in turn affects our ability to offer a competitive price to our customers. This ultimately affects our ability to retain traffic and compete for new customers particularly against alternative modes of transport such as road haulage. A significant increase in flow time could also render FOCs at a disadvantage compared with other Freight Operators if the flexibility wasn't consistently applied.

Colas Rail services a number of key industries such as aviation fuel and construction which require consistent and robust arrival/departure times that align with often complex terminal slot/occupation plans. In addition to this, Colas Rail also transports other key temperature sensitive products such as bitumen which has a limited usable shelf life once loaded and as such requires a definitive path on the Network and specific arrival time at its unloading destination.

Further to this, whilst much consideration has been given to the increased usage of Network Rail infrastructure, the associated impact on 'Off Network' capacity has often been ignored. The link between On and Off Network capacity is of critical importance when considering the viability of a rail service.

Increasingly, Off Network locations, be they Ports, Inland Terminals, Aggregate Sites, Oil Loading/Discharge Facilities and so forth, require detailed and often complex slot or occupation plans. This not only ensures that all services can be handled within sufficient time but also ensures efficient use of resources such as ground staff and equipment. At many locations, multiple FOCs interact with each other which furthers the need for an accurate and workable plan. These plans are also essential to the customer in determining Off Network capacity which is a key driver of future growth. A flex of more than 60 minutes at such locations could make the difference between a workable and unworkable plan. This imports significant performance risk to the Network in the form of potential delayed arrivals and late departures. In turn, the flexing of one service's arrival or departure time may necessitate the need to re-time a number of other services using the Off Network facility in order to ensure the plan is workable. Finally, reduced Off Network capacity through the increasing of operational windows could frustrate and ultimately limit future rail freight growth which would result in a significant loss to the industry and drive increased quantities of freight traffic on to the roads.

Finally, it is our view, in common with those of the wider FOC community, that there are existing mechanisms, be they processes or forums that enable Network Rail and the FOCs to actively discuss the best use of Network capacity. These are the Capacity Management Review Group, attended by Network Rail and the FOCs which aims to identify redundant or unused freight paths which are then either removed from the timetable or retained as strategic paths, or the Rights Review Meeting held between Network Rail and each FOC. As referenced in Section 3.2, we believe that these mechanisms for improving Network capacity coupled with greater work on identifying base planning issues should provide ample opportunity to improve Network capacity without necessitating the need to increase the flexibility within FOCs Track Access Rights.

**4.4 Level 2 rights:** please set out to what extent the level 2 rights in the proposal are required to service freight haulage contracts which you currently hold, and how the length of these contracts compares with the length of the (proposed) track access contract. For rights which will not be used fully, please explain why we should approve them. **C&Ps paras 4.46-4.54, 4.61-4.63**

Not applicable to this application.

**4.5 Level 3 rights:** please set out the extent to which you expect to use the level 3 rights in the application. In particular, please state whether the proposed rights are seasonal (i.e. for 3 months each year) or occasional (i.e. Monday, Wednesday, Friday only). **C&Ps paras 4.60-4.69**

Not applicable to this application.

**4.6 Cordon caps:** please explain any changes to existing cordon caps and/or whether any new cordon caps are proposed. **C&Ps paras 4.55-4.58**

Not applicable; see section 4.3.

**4.7 Flexing rights:** please set out the reasons for any changes to the default +/- 30 minutes flex provision. **C&Ps paras 2.27-2.33, 4.68-4.69, 7.36, 9.40**

Not applicable; see section 4.3.

**4.8 Route utilisation strategies (RUSs):** please state which RUSs are relevant to the proposal and whether the proposed rights are consistent with that RUS and the freight RUS. If the proposed rights are not consistent, please explain the reasons for this. **C&Ps paras 4.5-4.8**

Colas Rail's application is consistent with Network Rail's Route Utilisation Strategies and other associated documents such as the 2013 published *Freight Market Study* which again confirmed the industry held view that freight is expected to grow nationally in the short, medium and long term future.

Colas Rail works with Network Rail to aid and inform these studies with the aim of ensuring current market conditions and future market predictions are reflected in Network Rail's ongoing and future strategy.

Colas Rail also participates in wider industry and related body consultations with the aim of informing and influencing policy. This has been most recently demonstrated by our involvement in Transport Scotland's '*Freight Consultation*'.

## 5. Incentives

**5.1 Train operator performance:** please describe any planned projects associated with the operation of the proposed services aimed at improving your performance. **C&Ps paras 4.26-4.36, 5.38, 5.64-5.69**

Colas Rail has a number of performance related Key Performance Indicators (KPIs) with each of its customers which range from the delivery of the agreed train plan through the arrival and departure performance of services. Colas Rail is in regular dialogue with customers around these KPIs and constantly strive to work with them to achieve and improve on the agreed targets. A brief summary of this initiative is included in Appendix C.

Aligned to this, Colas Rail has also embarked on a programme of further increasing internal wider company awareness of current performance, both On and Off Network. The aim of this initiative is to further improve performance whilst also providing a mechanism for engaging all staff on the importance of performance.

Colas Rail has invested heavily in recent years on upgrades to our locomotive fleet including a joint initiative with Network Rail to improve the performance of our Class 56 locomotives. This initiative involved the modification and overhaul of the traction motors and modules which resulted in a significant improvement to their casualties per mile figure.

Colas Rail has also made significant investment in the purchasing of additional locomotives to the fleet which include the purchase of 10 Class 'Super 60's' in addition to 10 Class 70's. In addition to improved haulage capabilities these locomotives have also improved reliability and performance figures.

In addition to locomotives, Colas Rail has also invested in HaCon's Train Planning System (TPS). The system which integrates with Network Rail's own Train Planning System, enables Colas to gain access to the latest timetable and infrastructure data. This enables Colas to be more flexible in their response to customers supply chain needs with a level of speed and accuracy not possible without the use of TPS.

Colas Rail has also recruited additional personnel to accommodate our growing business. This has ranged from the recruitment of additional drivers and ground staff through to additional office based staff such as resource planners.

In addition to the above, Colas Rail has actively increased attendance at industry performance groups and forums such as the 'Freight Performance Improvement Steering Group, which Colas Rail are due to chair during 2016. Colas Rail will also actively take part in upcoming industry performance working groups focussed around Network Rail's 'Strategic Corridor' concept to which a number of



key forums, such as once focussing on the West Coast Mainline are due to start up imminently. These working groups collectively provide a useful forum to raise, identify and discuss performance issues and ultimately provide a mechanism for implementing performance improvement solutions. These forums also provide a crucial opportunity to share industry best practice.

Colas Rail will also be involved in Network Rail's upcoming 'Freight Autumn Review' scheduled for February 2016 and any subsequent actions or requirements that may result from the review.

Colas Rail has also been involved in the 'Digital Railway' initiative, taking part in a number of forums aimed at developing tools for use by freight and the wider rail industry. This has led to the development of tools such as the Freight Critical Decision Making Tool (FCDM), which once fully developed will provide greater visibility to operators and their customers of real time train performance. This will ensure that any late running on the day has the potential to be mitigated by actions triggered through the greater visibility of real time performance.

**5.2 Facility owner performance:** please describe any planned projects associated with the operation of the proposed services aimed at improving the facility owner's performance. **C&Ps paras 4.26-4.36, 5.38-5.40, 5.64-5.69**

As detailed in Section 5.1, Colas Rail takes pride in its internal and external promotion of performance awareness and works with our customers and wider rail industry colleagues to continually seek to improve our performance across the different metrics.

In addition to the forums we attend outlined in Section 5.1, we also plan to initiate a regular performance review with Network Rail to enable a clear dialogue between both parties on potential performance issues. Through this review, we intend to create a joint performance action plan with Network Rail where required which will also feed into Network Rail's wider 'performance initiative warehouse' which aims to compile all joint freight initiatives covering the action owner, details of the action, associated timelines and expected/achieved benefit.

Appendix C highlights Colas Rail's planned Off Network performance initiative with regards to working with customers to improve KPI's such as Right Time Arrivals and Departures from key facilities.

**5.4 Performance regime changes (for applications under sections 22 or 22A only):** where applicable, please provide justification for any changes to Schedule 8 of the track access contract in the proposal. If necessary, please provide any relevant information in support of the changes proposed. **C&Ps para 5.38-5.40, 5.64-5.69**

Not applicable to this application.

**5.5 Restrictions of use:** please set out and explain the reasons for any changes from the restrictions of use regime in the model freight track access contract. **C&Ps paras 5.70, 5.79-5.81**

Not applicable to this application.

## 6. Enhancement

**6.1 Enhancement details:** where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework). **C&Ps paras 4.80**

All rights applied for in this application are supported by corresponding slots within the Working Time Table. As such, none of the rights applied for are reliant on Network enhancement.

**6.2 Enhancement charges:** please confirm that the arrangements for the funding of any network enhancements are consistent with ORR's Policy Framework for Investments, and summarise the level and duration of payments, and the assumed rate of return (see chapter 3 of the Conclusions document). **C&Ps paras 5.6, 5.12-5.14**

Not applicable to this application.

## 7. Other

**7.1 Associated applications to ORR:** please state whether this proposal is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts). **C&Ps paras 3.18-3.19**

No other applications are being made in parallel or in relation to this.

**7.2 Unregulated access:** please comment on whether any contracts are being negotiated for access to a facility adjoining Network Rail's network (e.g. to a freight light maintenance depot) where ORR's approval is not required (for more information, please see The Railways (Class and Miscellaneous Exemptions) Order 1994). **C&Ps paras 2.58-2.61, 3.19**

Not applicable to this application.

**7.3 Supporting information, side letters and collateral agreements:** please:

- state here any relevant information in support of the proposal, including a list and explanation of any other material being submitted (and supply copies with the application). **C&Ps para 4.33**
- confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it. **C&Ps paras 6.12-6.16, 6.21**

Appendix A – supporting document outlining details of Colas Rail's commercial contracts and investments.

Appendix B – Full version of Schedule 5 Rights Table.

Appendix C – Off Network Performance Initiative Summary

Appendix D – Model Freight Track Access Contract.

**7.4 Confidentiality exclusions:** please list any parts of your application which you have excluded on the grounds of confidentiality, from the version of the application sent to consultees for any pre-application consultation process, and provide reasons. If there has been no pre-application consultation, you should state any parts of the application you want us to exclude from publication. **C&Ps paras 3.29-3.34**

Appendix A – supporting document outlining details of Colas Rail's commercial contracts and investments.

Appendix C – Off Network Performance Initiative Summary

This information is commercially sensitive due to the financial and statistical data contained and as such should not be circulated in the public forum.

**Note: Where a pre-application consultation is to be undertaken in line with the Code of Practice, the remainder of this application should not be completed until after that consultation has been completed**

## 8. Pre-application consultation

**8.1 The consultation:** has a pre-application consultation been carried out in line with the Code of Practice? If yes, please:

- state who conducted the consultation;
- list all train operators and any other parties that were consulted, stating which parties responded and attach their responses and any associated documentation to this form; and
- state the period allowed for the consultation. If this was less than 28 days, please explain the reasons for this.

If a pre-application consultation has not been carried out, please explain the reasons and whether any informal discussions have been held with any third parties who might be affected by this application and the nature of any concerns which they raised. **C&Ps paras: 3.62**

Not applicable at this stage.

**8.2 Resolved issues:** please set out any issues raised by consultees which have been satisfactorily resolved. You may wish to refer to responses attached to this form. Please explain any changes as a result of the consultation. **C&Ps paras:**

Not applicable at this stage.

**8.3 Unresolved issues:** please set out any issues raised by consultees which have **not** been satisfactorily resolved, including any correspondence with that consultee. You may wish to refer to responses attached to this form. Please explain why you think these issues should not stop ORR approving the application.

Not applicable at this stage.

## 9. Certification

*Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution* **C&Ps para 3.40**

**In the case of agreed applications under section 18 or 22, Network Rail should fill in the required information in the box below. For disputed applications under section 17 or 22A, the applicant should fill in the required information.**

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed ..... Date .....

Name (in caps) ..... Job title .....

For (company) .....

## 10. Submission

**10.1 What to send:** please supply, in hard copy, the signed application form, one copy of the proposed contract or amendment, with copies of any documents incorporated by reference (other than established standard industry codes or other documents) and any other attachments, supporting documents or information. **C&Ps para 3.39**

Please also supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form, by e-mail or on disc, **in plain Microsoft Word format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting). **C&Ps para 3.37-3.38**

### 10.2 Where to send it:

Manager, Track Access Team  
Directorate of Railway Markets and Economics  
Office of Rail and Road  
One Kemble Street  
London  
WC2B 4AN

Email: [track.access@orr.gsi.gov.uk](mailto:track.access@orr.gsi.gov.uk)