

15 June 2022

Track access issues arising from East West Rail Phase 2 (EWR-2)

1. Today we are setting out our conclusions on the approach we will take to track access issues arising from the introduction of East West Rail Phase 2 (EWR-2) services. Our approach is set out in the attached statement. We have not made any substantive changes to the letter we consulted on but have made some minor changes, reflecting some responses.
2. On 10 September 2021, we published our consultation in response to a letter from the Department for Transport (DfT). This set out its plans to deliver the East West Rail project and also asking us to set out our approach to East West Rail track access.
3. Our letter explained the background to the East West Rail project, our approach to access issues under the current regulatory framework, interactions with existing access rights on Network Rail Infrastructure, applications for new access rights on Network Rail infrastructure and applications for access rights on EWR-2 infrastructure.

Consultation responses

4. The consultation closed on 11 October 2021 and we received six responses from stakeholders. Four of these were from train operators, one was from Network Rail and one was from Transport Focus. We have published the responses [here](#). We feel that they covered two main themes:

Future industry discussion and collaboration

5. Network Rail, in their response, said that it fully supported the development and delivery of EWR-2 and would continue to work with EWR and the Secretary of State for Transport to further develop proposals for EWR-2 train services and to balance the demands on the conventional network. Network Rail also explained their role and how they would apply their process for managing access rights.
6. ORR has already had a number of constructive discussions with Network Rail regarding EWR track access issues and expects these to continue and develop, in collaboration with EWR, DfT and other stakeholders.
7. Greater Anglia noted that, as Station Facility Owner at Cambridge station and operator of a variety of different services to and from Cambridge it would expect to work with

EWK in the future. We have amended our letter to reflect this. Given the scope of the EWK project, now and in the future, there will be many interactions with other operators. Our reference to this in our statement is not exhaustive.

8. Great Western Railway said it continued to work well with EWK, DfT, Network Rail and other operators regarding EWK's plans and looked forward to early involvement in transparent timetable development.

9. Chiltern Railways said that it was pleased that ORR had set out the access rights process in our letter and commented on a number of matters including its own access rights, future collaboration and engagement with EWK.

10. Govia Thameslink Railway said that would be playing close attention to the allocation of access rights that interacted with it and said that it was reassured by what the letter said about the Train Service specification and impact on existing services.

11. We are pleased that the information set out by both DfT and ORR in the consultation appears to have been positively received and no concerns or potential issues were raised.

12. A number of consultation responses referenced their current and future collaboration with EWK and other industry partners regarding EWK access rights. We welcome this approach early in the project and ORR also considers that future industry engagement in a collaborative, transparent, constructive manner will be essential for the success of this project.

Continuation of existing access rights

13. Both Govia Thameslink Railway and Great Western Railway referred to what we had said in our letter about the continuation of existing access rights. We consider that our letter and guidance¹ on this approach are clear and have nothing further to add.

Conclusions

14. We are grateful for the comments made responding to this consultation. We consider that when making decisions on EWK track access issues, the existing regulatory framework regarding access and our statutory duties will enable and support us to make decisions that balance the interests of all users of new and existing networks and make the best use of capacity in the overall public interest.

Yours faithfully



Martin Jones

¹ [Duration of track access agreements \(framework agreements\) \(orr.gov.uk\)](https://www.orr.gov.uk/consultation/2017/09/27/duration-of-track-access-agreements-framework-agreements)