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Network Rail Representations for the proposed 11th Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and South Yorkshire Future Trams Limited dated 4 May 2018.

As directed in your letter dated 30 May 2024, Network Rail is making its representations in respect of a Section 22A of the Railways Act 1993 for the 11th Supplemental Agreement (SA) of the Track Access Contract (TAC) dated 4 May 2018 between Network Rail Infrastructure Limited (Network Rail) and South Yorkshire Future Trams Limited (SYFTL).

In line with ORR's letter of April 24 2024 to the industry on 'Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes', South Yorkshire Future Trams Limited submitted this application to the ORR on the 20 May 2024 as a S.22A.

Your letter made clear to industry that "We expect applications received by 20 May 2024 to be of sufficient quality, completeness, and certainty to enable Network Rail, industry and ORR to assess them. A prerequisite for achieving this is that applicants will have discussed their plans with, and sourced information from Network Rail before submission (in line with our guidance)."

It further "...requested that Network Rail produces a high-level plan by 05 June 2024 for ORR and industry. This will set out when it will produce its robust assessment for the applications submitted by 20 May 2024."

Network Rail fulfilled this request on the 5th June 2024 outlining the plan for undertaking capacity and performance assessments to inform both Network Rail and the ORR on the applications received.

That response should be considered alongside this Representation.
In particular, it should be noted as indicated therein that:

- due to the unprecedented scale of 83 unsupported applications received at one point in time, Capacity Planning plan to phase its analysis,
- assessments will initially focus on applications and geography which do not overlap with the ongoing ECML ESG Development work to mitigate the risk of redundant analysis,
- all ECML ESG related applications will be considered following decisions as to the implementation of the ESG Timetable,

As we set out in the High-Level Plan; “Only those rights which potentially interact, contain the required level of information to inform assessments, were discussed with Network Rail and are intended for the next three timetable changes will be considered by Network Rail.” and that “Applications consisting of rights for geography not impacted or for later timetable changes should be considered separately.”

These factors have shaped the anticipated plan for submission of evidence related to this and other applications.

Whilst Network Rail was made aware by South Yorkshire Future Trams Limited that they would be applying for the proposed access rights as referenced in ORR’s letter, Network Rail has not yet had an opportunity to fully consider its position on this application and whether it can eventually support the proposed access rights.

ORR, in its invitation to NR to make written representations, expects that NR will:

- include all of the necessary information for ORR to take an informed decision; or
- to refer to all of the necessary analysis and the confirmed timelines Network Rail requires to reach its decision on the application. This should include the “5 June 2024 capacity analysis” and any other analysis Network Rail needs to complete;
- recognise which other applications within the published list of “20 May 2024 applications” could interact with each application.
- Confirm any interested persons name(s) or confirm there are no interested persons.

Network Rail can confirm that we will not be able to in this representation provide all the necessary information for ORR to make an informed decision at this point in time. However, in this representation we will address each of the points above as well as provide:

- provide an initial view of the application Form P and supplemental;
- where applicable, highlight if Network Rail believes that some of the access rights sought are outside the scope of the ORR’s letter dated 24th April 2024;
- an indication of how Network Rail will be able to provide its final representations and any intermediate representations so that ORR will then have all relevant information from Network Rail to assist ORR in making an informed decision.

Interested Person(s)

Network Rail is not aware of any persons who would fall within the definition of “Interested Person” in paragraph 1 of Schedule 4 of the Railways Act 1993 in relation to the application made by South Yorkshire Future Trams Limited.

Keeping you informed

As stated in the letter to the ORR on the 5th June, “The plan will need to be flexible and reviewed through the process to consider industry decisions in relation to the ECML ESG along with potentially other changing industry priorities and requirements. For example, recommendations from the East Coast Task Force may impact on industry resources, in particular timetabling resource. This could require changes to the remaining stages of the plan, including impacting when analysis can be completed.”

Please note although this application does not directly interact on the ECML, any decisions relating to the ECML could have consequential impacts on capacity and performance in relation to this application. This is particularly relevant for locations used by services which cross NR Route boundaries.

In the letter we also stated “We propose establishing a change control mechanism to track changes in the plan, when and where required, to retain transparency and clarity. This may also lead to consequential changes to anticipated dates of any resulting representations planned by our customer teams.” Where such changes in timeline occur, we will notify you of any impacts on expected content, volume or timing of forthcoming information.

Summary of Rights Sought

In their application and as a high-level summary South Yorkshire Future Trams Ltd are seeking the following access rights to commence from May 2025 Timetable until 1 April 2028:

- The Supplemental Agreement seeks to add a call at the proposed new tram train station at Templeborough, Rotherham, adjacent to the Magna Science and Adventure Park, into the existing calling pattern. There is no change to the quantum of services run; this is an additional call on the existing route. Entry into service of the proposed station is not expected until mid-2025 at the earliest.

Industry Consultation for this application commenced on 21 May 2024, and concluded on 21 June 2024. Objections have been received from operators.

The high-level plan and dependencies

The High-Level Plan submitted on June 5, and our additional engagement with Capacity Planning indicates that the following phases may be relevant outputs for this application:

- Phase 1: Collation and scoping
- Phase 2: Risk identification May 2025 Phase
- 3: May 2025 Production development period
- Phase 4a: (ECML confirmed for December 2025)
- Phase 4b: (ECML confirmed for May 2025)
- Phase 5: December 2025 Production period

This along with the interacting applications matrix in Annex B, should support Network Rail in considering the application and interacting location dependencies. In particular, the Magna station project, at the behest of the Route Performance team, is conducting a timetable study to determine the most feasible number of calls per hour that can be accommodated alongside the firm rights of other operators in the area. Both the informal Network Change consultation for the new station, and

the industry consultation of this application, have drawn objections from operators.

We are mindful that the High-Level Plan and its analysis, or other issues indicated, may identify dependencies, risks or changes in risk profiles that could require revision or further review of individual responses. We also note the 5th June plan does not guarantee that analysis will not have to continue beyond the timetable development process. Where this is the case, we will communicate with the Operator and ORR.

As stated later in this letter, if interactions occur at different points in time, i.e. different Timetable Change Dates then this could have an impact on when Network Rail will be able to submit its position with regards to the application.

Common route / regional identified considerations / constraints

This request for rights covers a point in the network where it has been identified at a regional level that more than one application should be considered by ORR at the same time as any one decision would restrict the ability to accommodate other requests due to potentially interacting aspirations and timetabling constraints in the Sheffield area. The other affected operators' applications are listed in the matrix set out in Annex B.

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Network Rail Review of Form P and associated documents

Network Rail has performed an initial assessment of the Form P and associated documents submitted with this application.

Network Rail would like to highlight the following:

The current access agreement provides SYFTL rights to operate three tram trains per hour on the heavy rail network. This totals 54 slots Monday to Saturday and 51 slots on a Sunday. Although SYFTL are currently not using the full number of slots due to running a reduced timetable, Network Rail is able to provide slots that satisfy the rights as described within the access agreement.

With the introduction of Sheffield Magna to the timetable, it has not yet been validated that train slots can be provided in a manner that satisfies the rights within the access agreement. Instead, based on the request by the South Yorkshire Mayoral Combined Authority (SYMCA), a draft timetable has been devised that allows for two trams every 70 minutes. This results in c. 34 tram trains on the heavy rail network per day. In this scenario, the introduction of stops at Sheffield Magna renders Network Rail unable to provide the quantum of train slots in the timetable that satisfies the access agreement. Due to this, Network Rail would require a change to the access agreement to reflect a viable number of slots when Sheffield Magna is introduced.

The Route Performance team requires a clearer understanding (assessment currently being undertaken) of the number of timetable slots that can be most feasibly accommodated, and thereby confirm that under the track access agreement Network Rail can provide the number of slots if requested by either South Yorkshire Future Trams Limited or by the South Yorkshire Mayoral Combined Authority. SYMCA have formally accepted this approach and understand that their service provision may be reduced in the track access agreement if that is the conclusion of the wider study.

Network Rail's Initial Position on the Access Rights Sought prior to necessary assessments being completed in line with the plan

Network Rail has made every attempt in their initial assessment of the Application received to be able to inform the ORR of any early positions it might have on the access rights sought. Whilst, as outlined in this letter, Network Rail has a number of assessments and analysis that needs to be undertaken to inform a position whether Network Rail supports or not the Application that has been submitted by South Yorkshire Future Trams Limited (detailed later in the letter), we do have an initial view on the access rights sought.

Network Rail is not currently supportive of the application based on the understanding that while South Yorkshire Future Trams Limited already have sufficient paths in their Track Access Agreement to accommodate the quantum of services currently running, the Route Performance Team does not believe that the timetable will support the proposed quantum of calls at Magna commensurate with SYFTL's existing rights. This decision may be affected by the study mentioned above.

Other Eastern Region considerations

Eastern will be utilising all relevant intelligence gathered as part of the ECML ESG workstream to assist with its ongoing assessment and assurance activities.

Where an application has any additional rolling stock requirements, these will need to be fully assessed as part of the Eastern Region power modelling workstream and align with cross-route power modelling in other Network Rail regions.

As previously highlighted through this representations letter and the 05 June letter to the ORR, we may as we progress, identify dependencies, risks or changes that could result in a change to the plans or activities identified.

Possible Interactions with Other Applications from 20 May 2024

As requested in ORR's invitation for NR to make written representations to this application, Annex B to this letter shows where this application could interact with each of the "20 May 2024 Applications" at the previously identified locations.

Please note if the interactions occur at different points in time, i.e. different Timetable Change Dates, then this will have an impact on the dates that Network Rail will be able to submit its position with regards to the application. I.e. if the application submitted for Operator A is to commence December 2024 and there are no concerns or conflicts that does not mean that when Operator B's aspirations are considered which start in May 2025 that both will be able to be accommodated and therefore Network Rail will have to see the outputs of the capacity assessments for the May 2025 Timetable for Operator B before they can give a final position on Operator A's application.

Allowing business continuity while preserving freedom of action for ORR in taking its decision

Our letter of 5th June stated that in this interim period Network Rail will have to balance the need for business continuity, so that current services may continue to operate and timetable changes can be made when there is low risk of negative outcomes for passengers and freight users, with the need to avoid prejudicial decisions that could unduly favour one party where aspirations interact.

We note that some operators have split their applications across different timetable periods, which already provides ORR with the ability to deal specifically with the nearer-term applications now, whereas others have combined different timetable periods in a single application.

Should ORR wish to make a single decision on each application it has received, without breaking that application into parts, then, where a single application has been made relating to multiple timetable periods, there is a risk that rights might not be available in time for an operator to commence services as early as it would like, given the need for all of the information set out in our plans to be available in order for decisions to be made relating to those future timetables.

Where paths associated with some of the quantum rights in this application are included in a New Working Timetable issued under the Network Code Part D process, then Network Rail proposes to work with the applicant on these elements of the application. Our aim, subject to normal governance processes, would be to potentially agree a new s22 application for contingent, time-limited rights for that timetable period with no presumption of continuity – in line with the approach that ORR has supported for applications on the East Coast Main Line in recent years.

This would enable you to reserve your position on future capacity choices, allowing decisions that relate to a later timetable period to be made simultaneously, while making effective use of the railway network in the earlier timetable periods.

Conclusion

Network Rail is aware that this representation letter does not contain all the information needed for this application for the ORR to make a decision.

As explained in our letter of 5 June, these representations letters were mostly expected to reserve our position pending the outcome of the capacity and performance assessments. We are also mindful that the plan and its analysis may identify dependencies, risks or changes in risk profiles that could require revision or further review of this response. However, we hope that the plans we provided give you the reassurance that we will assess this application to inform Network Rail's position in a later representation in line with the plan and letter. In addition, Network Rail wants to give the ORR the confidence that we have made every effort in this letter to give any initial views where we can.

Network Rail asks that while we carry out our assessments, ORR progresses with its own assessments wherever possible to assist in making early decisions/ descoping the scale of applications requiring assessment from Network Rail. Additionally, where we have deemed an application for December 2024 or May 2025 to be unready in the initial representations in this letter, we ask that this be descoped from the analysis requirements as quickly as possible.

Network Rail will continue to keep ORR sighted on the progress of the plan for this application.

Yours sincerely

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Customer Manager, Network Rail

Annex A – Plan for Information / Analysis / Assessment

Details of Information / Analysis / Assessment	NOTES
<i>High Level Phases from 5th June Plan</i>	
Phase 1 Collation & Scoping	Please refer to our letter of June 5th
Phase 2 Risk Identification for May 2025	Please refer to our letter of June 5th
Phase 3 May 2025 Production Development Period	Please refer to our letter of June 5th
Phase 4a - (ECML confirmed for December 2025) – focusing on December 2025	Please refer to our letter of June 5th
Phase 4b - (ECML confirmed for May 2025) – focussing on December 2025	Please refer to our letter of June 5th
Phase 5 – December 2025 Production Period	Please refer to our letter of June 5th
<i>Further Route / Function Analysis / Assessments / Information</i>	
Route Performance assessment	Ongoing

Annex B – Interacting Applications Matrix

Operator/Application/Type				A - WCML south	B - Birmingham	C - BHM-Derby	D - Derby-Sheffield	E - Sheffield	F - ECML&Leeds	G - Oxford	H - Gloucester	I - Cardiff
	Dec-24	May-25	Dec-25									
Colas 10th SA 22a	X	X	X			X	X	X	X			X
DBC 72nd SA 22a	X	X	X				X	X	X			
DBC 73rd SA 22a	X	X	X					X	X			
DBC 81st SA 22a	X	X	X		X	X	X	X	X	X	X	X
DBC 86th SA 22a	X	X	X					X	X			
DBC 87th SA 22a	X	X	X		X	X	X	X	X		X	X
DBC 88th SA 22a	X	X	X				X	X	X			
DBC 70th SA 22	X	X	X		X	X	X	X	X	X		
GBRf 25th SA 22a	X	X	X	X	X	X	X	X	X	X		
CrossCountry UC, Hydra, Stansted 17	X	X	X		X	X	X	X	X	X	X	X
FLIM 25th SA 22A	X	X	X	X	X	X		X	X	X		
DRS 17th SA 22A	X	X	X	X	X	X	X	X	X		X	X
EMR 21st SA 22A	X	X	X				X	X	X			
FLHH 25th SA 22A	X	X	X	X	X	X	X	X	X	X	X	
FLHH 26th SA 22A	X	X	X				X	X	X			
FLHH 27th SA 22A	X	X	X		X	X	X	X	X	X	X	X
FLHH 28th SA 22A	X	X	X	X	X	X	X	X	X		X	X
FLIM 21st SA 22A	X	X	X		X	X	X	X		X		
FLIM 26th SA 22A	X	X	X	X			X	X	X	X		
Northern 57th SA 22	X	X	X					X	X			
TPT 58th SA 22a	X	X	X					X	X			
Hull Trains 27th SA 22A		X	X					X	X			
Northern 59th SA 22a		X	X					X	X			
Northern 60th SA 22a		X	X					X	X			
Supertram 11th SA 22a		X	X					X				
Alliance Rail Cardiff - Edinburgh 17			X		X	X	X	X	X		X	X
EMR 20th SA 22A			X				X	X				
TPT 64th SA 22a			X					X	X			

