

Martin Jones
Deputy Director, Access, Licensing & International



Lawrence Bowman
System Operator
Network Rail Infrastructure Limited

By email only – [redacted version for publication]

8 December 2023

Dear Lawrence

Network Rail's Representations on Grand Union Trains Limited's London-Stirling Section 17 Track Access Application

I am writing because the representations submitted on 1 December 2023 by Network Rail on the Grand Union Trains Limited's (Grand Union's) Section 17 application (London to Stirling) again fall short of ORR's expectations of Network Rail in an area where we have previously needed to take regulatory action to secure improvements. It is very disappointing that Network Rail was not able to provide substantive representations on time, and particularly concerning that Network Rail waited until the submission deadline to let us know it would be unable to do so. This letter details our concerns and seeks your explanation of how this significant backwards step has happened, and of what you plan to do to put it right.

ORR has previously requested Network Rail take action to address late, incomplete, and poor-quality representations for access applications. More importantly, some of those actions have been in relation to Grand Union's previous London-Stirling application, which had been under consideration since 2019 (i.e. for nearly four years).

The only change in Grand Union's recent application is to the planned rolling stock. Network Rail has been formally aware of the change to Grand Union's application since 1 September 2023. However, Grand Union Trains had informed ORR and Network Rail of it considering alternative rolling stock over the summer.

We reminded Network Rail on 14 September 2023 that we expected to receive comprehensive and accurate representations within the timeframe of the Statutory Consultation. Given the analysis already undertaken by all parties we informed Network Rail that the Statutory Consultation would likely have a standard 21 working day response deadline.



Grand Union submitted the necessary forms for the industry consultation on 5 September and Network Rail launched the consultation on 11 September. Following the completion of the industry consultation and submission of information to ORR on 2 November, ORR began the Statutory Consultation on 3 November. ORR set a deadline for statutory representations of 1 December 2023 (28 days), as Network Rail had not provided an indication that this would be an issue.

ORR has repeatedly highlighted to Network Rail the need to provide timely and complete representations at the first time of asking. As a minimum we expect plans and timely communication on the necessary work for Network Rail to provide representations.

It is extremely disappointing that Network Rail waited until the deadline of 1 December to advise ORR that it would need until 26 January 2024 to provide its final position. It runs contrary to the recommendations and positive work being undertaken by our respective teams following the independent reporter capacity allocation review as well as the working practices agreement between our access teams. From the commercial point of view, this level of uncertainty and delay is likely to further undermine potential open access operators' confidence in Network Rail's process.

I would welcome your explanation of why Network Rail was not able to comply with the requirements of the Statutory Consultation for this application, and why it only communicated this on the deadline. I would also like you to set out when Network Rail began its analysis on Grand Union's amended application and explain why you consider this application is sufficiently complex so as to require lengthier analysis than the standard timescales allow. Finally, I also expect you to consider what steps you can now take to expedite provision of the required response.

A version of this letter will be published on our website shortly.

Yours sincerely

A handwritten signature in blue ink that reads 'Martin Jones'. The signature is written in a cursive style with a long horizontal stroke extending from the end of the name.

Martin Jones