# Application to the Office of Rail and Road for approval of a freight framework agreement or an amendment to an existing framework agreement under The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016

# 1. Introduction

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

* approval under The Railway (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (“the Regulations”) for a new framework agreement; and
* approval under the Regulations for amendments to an existing framework agreement.

The Regulations provide for ORR to approve framework agreements between an applicant, and the infrastructure manager, which in the case of the HS1 network (“HS1”) is HS1 Limited. This form should be completed up to section 6.4 before carrying out a pre‑application consultation to inform potentially affected parties of the proposed contract. Following this consultation, the remainder should be completed before applying to ORR under the Regulations.

This form sets out ORR’s standard information requirements for considering applications. It cross-refers throughout to our HS1 criteria and procedures (“C&Ps”), which applicants are strongly advised to read and take advice on if necessary. The C&Ps explain the process and timing for our consideration of access applications and discuss the issues we will need to consider. Applicants should use the published template framework agreement as their starting point when drafting the contract they would like.

ORR is happy to discuss prospective applications. Please contact us here.

A copy of this form, and of HS1 Limited's template framework agreement, can be accessed electronically and downloaded via the [ORR website](http://www.rail-reg.gov.uk/server/show/nav.2251).

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| 2. The application2.1 Title of proposed contract: |  |
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| 2.2 Contact details (*Company and named individual for queries*): |  |
| HS1 Limited Applicant Company:Contact individual: Contact Individual:Job title: Job title:Address: Address:Telephone number: Telephone number:Fax number: Fax number:E-mail address: E-mail address: |  |
| 2.3 Licence and railway safety certificate: please state whether the applicant intends to operate the services itself or have them operated on its behalf.Does the proposed operator of the services (a) hold a valid European Licence and Statement of National Regulatory Provisions for operating the proposed services in Great Britain under the Railway (Licensing of Railway Undertakings) Regulations 2005, and (b) have 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 which the proposed operator has reached in obtaining a licence, exemption and/or safety certificate. |  |
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| 3. The proposed contract**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. The summary in this section should also explain (here or by cross-reference to the answers in the sections below):* where there is an existing agreement in respect of the services in question, any differences between the existing agreement and the proposed contract; ***C&Ps para: 3.10***
* 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, where contracts would be for longer than five years, with reference to the Regulations ***C&Ps para: 3.40***; and
* any material safety risks that have been identified arising from the proposed contract or amendment and how these will be controlled (by reference to the provisions of the relevant safety authorisation and the train operator’s safety certificate). ***C&Ps paras: 3.6-3.8***
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| **3.2 Departures from HS1’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 5.2***
* 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 the template framework agreement, including the financial implications. ***C&Ps chapter 4***
* 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 5.9***
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| 4. The expression of access rights and the use of capacity4.1 Benefits: please set out what specific benefits the proposed contract or amendment will achieve, including a justification for requiring the rights and their characteristics. In particular, please describe any new rights sought or significant changes in the pattern of services, their benefits to freight customers and their impact on existing operators. Please fully describe any new rights required, as compared to the previous contract (in the case of an amendment). Where appropriate, 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 para: 3.11-3.18* |  |
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| **4.2 Adequacy:** please set out how the applicants have satisfied themselves 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 HS1 Limited’s maintenance and renewal activities. ***C&Ps paras 3.11*** |  |
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| 4.3 Access rights: please state to what extent the firm access rights in the proposed contract or amendment are required to service freight haulage contracts currently held by the applicant and how the length of these contracts compare with the length of the proposed contract or amendment. For rights which will not be used fully, please explain why ORR should approve them as requested. *C&Ps paras: 3.33* |  |
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| 5. Incentives**5.1 Charges and performance:** please set out, and explain the reasons for, any instances where the proposed contract departs from the charging and/or performance regimes established by ORR’s periodic review of charges as reflected in HS1’s template framework agreement, including the financial implications (e.g. establishment of an access charge supplement or rebate). ***C&Ps chapter 4*** |  |
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| **5.2 Train operator performance:** please describe any planned initiatives associated with the operation of the services in the proposed contract aimed at improving the train operator’s own performance. |  |
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| **5.3 HS1 Limited performance:** please describe any planned initiatives associated with the operation of the services in the proposed agreement aimed at improving HS1 Limited’s own performance. |  |
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| 5. 4 Performance regime changes: where applicable, please provide justification for any changes to Schedule 8 of the framework agreement in the proposed amendment. If necessary, please provide any relevant information in support of the changes proposed.

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6. Other**6.1 Associated applications to ORR:** please state whether this application is being made in parallel with, or relates to, any other current or proposed applications to ORR (i.e. in respect of other track access contracts or agreements). |  |
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| **6.2 Unregulated access:** please comment on the extent to which any contracts are being negotiated for access to a facility adjoining HS1’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](http://www.legislation.gov.uk/uksi/1994/606/contents/made)). |  |
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| **6.3 Supporting information, side letters and collateral agreements:** please:* state here any relevant information in support of the application, including a list and explanation of any other material being submitted (and supply copies with the application). ***C&Ps para: 5.17***
* confirm here that the whole of the proposed contract between the parties has been submitted with this application and that there are no side letters or other documents which purport to qualify or otherwise affect the proposed access contract. ***C&Ps para: 5.17***
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| **6.4** **Confidentiality exclusions:** please list any parts of your application which you have excluded on the grounds of confidentiality, from the version of the proposed contract 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 and proposed contract you want us to exclude from publication. ***C&Ps paras: 2.26-2.30*** |  |
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| **Note: The remainder of this application should not be completed until after a pre-application consultation has been carried out in line with the Code of Practice****7. Pre-application consultation**7.1 Please confirm here that a pre-application consultation been carried out in line with the C&Ps. Please:* state who conducted the consultation, and the period allowed for it (if less than 28 days, explain the reasons for this); and
* list all parties who were consulted, stating which parties, if any, made representations (other than nil returns) in response, and attach their responses and any associated documentation to this form.

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: 2.35-2.80*** |  |
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| **7.2 Resolved issues and changes to the application:** 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 to the application which have occurred as a result of the consultation ***C&Ps paras: 2.69*** |  |
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| **7.3 Unresolved issues:** please set out any issues raised by consultees that 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 do not think these issues should not stop ORR approving the application. ***C&Ps paras: 2.69*** |  |
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| 8. Certification*Warning: Under Regulation 37 of the Regulations, any person who, in giving any information or making any application under or for the purposes of any provision of the Regulations, makes any statement which they know 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: 5.18*** |  |
| I certify that the information provided in this form is true and complete to the best of my knowledge and that the facility owner and the beneficiary are willing to enter into the attached contract as submitted. |  |
| HS1 Limited Train Operator Signed: …………………………………………… Signed: ………………………………………………. Date: ……………………………………………… Date: ………………………………………………….Name (in caps): …………………………………. Name (in caps): …………………………………….. Job title: ………………………………………….. Job title: ……………………………………………… For (company): ……………………………………… |   |
| 9. Submission9.1 What to sendPlease supply hard copies of: the signed application form; the proposed contract; any documents incorporated by reference (other than established standard industry codes or other documents) and any other attachments, supporting documents or information. ***C&Ps paras: 2.31-2.34***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 paras: 2.31-2.34*** |  |
| 9.2 Where to send itManager, Track Access TeamOffice of Rail and Road25 Cabot SquareLondon E14 4QZORR HS1 Freight Form F June 2020 |  |