

Application to the Office of Rail Regulation for approval of a passenger framework agreement or an amendment to an existing framework agreement under The Railways Infrastructure (Access and Management) Regulations 2005

1. Introduction

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

- approval under The Railway Infrastructure (Access and Management Regulations) ("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 6.3 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](#).

2. The application

2.1 Title of proposed contract:

Second Supplemental to New Framework Track Access Agreement between HS1 Limited and London & South Eastern Railway Limited

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

<u>HS1 Limited</u>	<u>Applicant</u>
Contact individual: Geoff Jones	Company: London & South Eastern Railway Limited
Job title: Head of Regulation	Contact Individual: Suad Chowdhury
Address: 12 th Floor, One Euston Square	Job title: Contracts and Partnership Manager
40 Melton Street	Address: 3 rd Floor, Friars Bridge Court
London	41-45 Blackfriars Road
NW1 2FD	London
Telephone number: 0207 014 2724	SE1 8PG
	Telephone number: 0207 620 5623
E-mail address: Geoff.Jones@highspeed1.co.uk	E-mail address: Suad.Chowdhury@southeasternrailway.co.uk

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.

The Train Operator intends to operate the services itself.

London & South Eastern Railway Ltd (the “**Train Operator**”) holds a valid train operating licence under Section 8 of the Railways Act 1993 and the Train Operator has a valid safety certificate under 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. 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 (e.g. calling patterns, frequency, routes, rolling-stock, commercial terms etc); **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 [Railways Infrastructure \(Access and Management\) Regulations 2005](#) **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 para: 3.6-3.8**

The proposed Second Supplemental Agreement seeks to:

- provide London & South Eastern Railway Ltd (Southeastern), “the **Train Operator**”, quantum right changes to accommodate the new timetable due to commence on Sunday 11th January 2015.

The new timetable will go live on Sunday 11th January 2015. In the interim Southeastern propose to retain the current May 2014 timetable for operation between the Principal Change Date in December 2014 and Saturday 10th January 2015 to ensure one rollover of timetable change in its entirety. This will coincide with the commencement of the first phase of the Thameslink Programme works scheduled at London Bridge and the introduction of a new timetable in Kent.

The service changes to the High Speed timetable, commencing on the 11 January 2015, are as follows:

High Speed via Ashford AM Peak

0706 Ebbsfleet to St Pancras will start back from Sandwich at 0554

0548 Margate to St Pancras run as a 12 car throughout and no longer attach at Ashford.

0626 Ramsgate will start back from Margate and run as a 12 car throughout no longer attaching at Ashford

0736 Ebbsfleet to St Pancras will start back from Ramsgate at 0614 (via Dover)

0808 Ebbsfleet to St Pancras additional service calling Stratford

0652 Sandwich to St Pancras cease to call at Ebbsfleet.

0932 Ramsgate to St Pancras additional service calling Canterbury West, Ashford & Stratford

The above provides 698 additional seats from Ashford in the AM peak, 349 additional seats from Ebbsfleet, 2 additional trains from Margate & Broadstairs creating a half hourly service from these stations and an additional service from Ramsgate via Canterbury to St Pancras

High Speed via Ashford PM Peak

1640 St Pancras to Margate will start at 1650, will cease to call at Ebbsfleet and no longer detach at Ashford

1637 St Pancras to Ramsgate additional service will operate calling Stratford, Ebbsfleet, Ashford, Folkestone West, Folkestone Central, Dover, Martin Mill, Walmer, Deal & Sandwich

1712 St Pancras to Margate will start at 1720 and no longer detach at Ashford

1708 St Pancras to Ebbsfleet will start at 1707 and is extended to Dover calling at Ashford, Folkestone West & Folkestone Central

1742 St Pancras to Margate will start at 1750 and no longer detach at Ashford. Formed of 12 cars, offering 349 additional seats

1738 St Pancras to Ebbsfleet will start at 1737 is extended to Ramsgate calling at Ashford, Folkestone West, Folkestone Central, Dover, Martin Mill, Walmer, Deal & Sandwich

1812 St Pancras to Margate will start at 1820. Formed of 12 cars

1819 St Pancras to Dover will start at 1807. This will fill the gap between 1755 & 1816 from St Pancras to Ebbsfleet and relieve overcrowding on the 1816 St Pancras to Maidstone West

1842 St Pancras to Margate will start at 1850 and no longer detach at Ashford.

1838 St Pancras to Ebbsfleet will start at 1837 is extended to Sandwich, calling at Ashford, Folkestone West, Folkestone Central, Dover, Martin Mill, Walmer & Deal

1910 St Pancras to Margate will start at 1920, cease to call at Ebbsfleet and no longer detach at Ashford

1907 St Pancras to Dover additional service will operate calling Stratford, Ebbsfleet, Ashford, Folkestone West & Folkestone Central

This will offer 4 evenly spread trains an hour in the evening peak between St Pancras and Ashford and offer an additional 349 seats between St Pancras and Ashford

2242 St Pancras to Ramsgate via Canterbury will start at 2312 and is extended to Margate calling at Broadstairs

3.2 Departures from HS1's template framework agreement: please set out here, with reasons, any:

- areas where the drafting of the proposed contract or amendment omits, amends or adds to HS1's published template framework agreement (as appropriate, cross-referencing to the answers below). **C&Ps para: 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 which have been added. Please demonstrate how the process is robust, internally consistent and complete. **C&Ps para: 5.9**

There are no departures from HS1's template framework agreement.

4. The expression of access rights and the consumption 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 fully describe any new rights required, as compared to the existing contract (in the case of an amendment). Please also describe any significant changes in the pattern of services, their benefits to passengers and any impact on other operators, including freight operators. 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**

The proposed changes will permit the provision, by London & South Eastern Railway Limited, of the passenger services which it proposes to operate and support the on-going fulfilment of its obligations under the Direct Award Contract with the DfT. Therefore providing a significant number of performance benefits to High Speed, which include (but are not limited to):

- The introduction of a High Speed 'Rounder' service. The High Speed service will run from St Pancras to Faversham, Ramsgate, Deal, Dover, Ashford and to St Pancras providing a through service from North to East Kent and vice versa.
- Removing splitting and attaching of services to accommodate the High Speed rounder 'loop' services, which gives passengers greater options for travel.
- Fewer crew changes at London Terminals.
- Simplified High Speed workings on the NRIL network to ensure a smooth transition from the Network Rail Infrastructure to High Speed Infrastructure.
- Extension of High Speed from Faversham to Ramsgate that will serve Whitstable, Herne Bay & Birchington-on-Sea with an hourly all day High Speed service.
- Extension of High Speed from Dover to Ramsgate that will serve Martin Mill, Walmer, Deal & Sandwich with an hourly all day High Speed service.
- Reduction of splitting and joining at Faversham & Ashford to make it simpler for passengers, improve performance & reduce journey times.
- Extension of an hourly service from the Maidstone East line to Canterbury West.
- Introduction of skip stop pattern on Maidstone East line in order to offer a more even spread of trains between Ashford & Maidstone and a faster journey time to London from stations between Maidstone & Ashford.
- Capacity enhancements on peak time services from Ashford to St Pancras and elimination of splitting and joining of trains at Ashford in peak times providing additional capacity and journey time improvements.
- Introduction of High Speed services to Snodland.

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 para: 3.11**

The Passenger Train Slots have been bid in accordance with Part D of the Network Code.
NRHS has undertaken a validation process and has established that there is sufficient network capacity to accommodate the Schedule 5 changes alongside any core maintenance.

4.3 Specified equipment: please give full details of any changes to specified equipment (rolling stock), including timescales, and how much of the vehicle and route acceptance procedure in the HS1 Network Code (Part F) has been completed. Please explain whether you have, or will have, the rolling stock necessary to exercise the rights being sought.

LSER have the rolling stock necessary to exercise the rights that are being sought.

4.4 Franchise obligations: please explain the extent to which the services in the proposed amendment are necessary to fulfil obligations under a franchise or concession agreement. **C&Ps para: 3.34**

The Department for Transport (DfT) has awarded London & South Eastern Railway Ltd a Direct Award Contract; therefore it is necessary for London & South Eastern Railway Ltd to bid for these capacity rights during their current franchise. All quantum rights sought are consistent with London & South Eastern Railway Ltd's Franchise Agreement and Service Level Commitments.

4.5 Public funding: please state whether (and if so to what extent) the services in the proposed amendment are subject to financial support from central or local government (other than the Department for Transport or Transport Scotland), and provide a point of contact at that body. **NB: this applies to GB operators only.**

Not applicable to this application.

4.6 Consumer organisations: please state whether (and if so to what extent) the services in the proposed contract have been discussed with Passenger Focus and London TravelWatch, and any other relevant consumer body, whether domestic or international, and provide copies of any relevant correspondence.

The timetable rewrite, in its entirety for Kent, has been consulted with various stakeholders including Passenger Focus and London TravelWatch. A courtesy email was sent to both parties informing them of this pending consultation from London & South Eastern Railway Limited's Communications department.

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*

No departures proposed.

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.

As stated in 4.1:

The new timetable has reduced splitting and attaching of train workings at key locations on Highspeed, namely St Pancras and Ashford, with fewer crew changes. There are also simplified High Speed workings on the Network Rail Infrastructure which results in a smoother transition onto the High Speed Infrastructure.

5.3 HS1 Limited performance: please describe any planned initiatives associated with the operation of the services in the proposed amendment aimed at improving HS1 Limited's own performance.

No specific initiatives planned as a result of this change. As set out elsewhere, HS1 Ltd has a continuous improvement programme to optimise HS1 performance to make sure it continues to be world-class.

5.4 Performance regime issues: 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.

Not applicable.

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 future applications to ORR (i.e. in respect of other track framework agreements).

The Fourth Supplemental has been submitted to ORR for approval.

6.2 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**

Not applicable for this application.

6.3 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**

Not applicable for this application.

Note: The remainder of this application should not be completed until after a pre-application

consultation has been carried out.

7. Details of the 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 which 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**

The draft supplemental, along with Form P documentation and details of the January 2015 timetable changes were released for consultation on 30 September 2014. The consultation closed on 29 October 2014.

No consultation responses were received, and no objections were raised. The documentation is now submitted to ORR for approval to give effect to improved services to Southeastern customers from January 2015.

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**

As no responses / objections have been received, no amendments have been made to the documents released for consultation.

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**

There are no unresolved issues.

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 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 paras 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. Submission

9.1 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 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 it:

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

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