

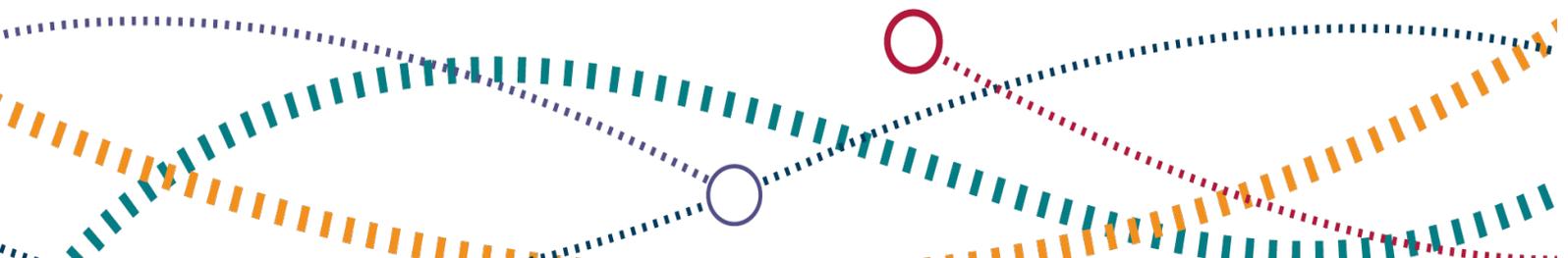


Access rights planning and use

10 December 2023 timetable change

02 May 2024

03 May 2024 Revised application data



1. Key Messages

- Passenger train operators made 24 applications for additional or different capacity use (track access) for the timetable change date on 10 December 2023 which required ORR's specific approval. 13 of the applications were submitted after the industry deadline for publishing the timetable, which introduces risk of timetabled services for passengers not having the right to use the network.
- Although this was a significant proportion, it represented an improvement over the May 2023 timetable change, where 21 out of 28 applications requiring ORR's specific approval were approved after the industry timetable should have been published.
- Based on operators contracted rights to use the network, as of 10 December 2023, the industry planned to use 84 per cent of the total capacity allocated.
- Operators ran train services which actually used 80 per cent of the total capacity allocated in terms of rights.
- Use of rights for most operators is impacted by planned engineering access. However, industrial action and short notice engineering work as well as decisions by operators and funders on when services run impact the use of rights.

2. Context

The regulatory access dashboard provides management information on access rights planning and use. It provides information on:

- track access applications made by freight and passenger operators of rail services in Great Britain;
- the submission and approval timescales for passenger track applications against the timetable production milestones of the Network Code; and
- information on the use of access rights by passenger operators.

ORR approves (or directs) the granting of access rights and monitors the timing of Network Rail and train operators' applications. Comparing when an application is made against the Network Code timescales is important because:

- Passengers can have greater confidence that timetabled services will run because they are supported by a contract;
- an operator has a contractual priority giving greater certainty its related services will run as planned in the timetable;
- the greater certainty supports better operational planning for trains and crew.

Network Rail is responsible for producing the timetables for passenger and freight services to run. The main timetable changes are made twice a year, in May (however in 2024 this will take place in June) and December. New timetables must be published 12 weeks in advance, this milestone is referred to as D12.

Train operators must have contractual access rights to use the network to run their trains. They apply for these access rights to secure capacity and priority for inclusion in the timetable. The [Network Code](#) sets out the process and contractual timescales for producing the main timetable changes. These timescales underpin the [Network Rail licence](#) requirement to produce a timetable “not less than 12 weeks” before services run, and also enable train operators to meet [their commitment](#) to make tickets available for sale 12 weeks in advance of travel.

ORR is required to publish the information contained in access contracts on the [public register](#). This factsheet presentation of that data provides a holistic overview of the contracted capacity across the network and how it is used in the timetable.

Data tables and an interactive dashboard associated with this factsheet are published on the access page of the [ORR website](#). Key definitions are contained within a glossary on that same webpage.

All the access rights in this dashboard were approved by ORR for the 10 December 2023 timetable change. It is valid to compare it against the 10 December 2023 to 1 June 2024

timetable period (inclusive). However, the rights data is most accurate at the beginning of the timetable period because some rights applications have been submitted since 10 December and will be approved before the June timetable change.

The access rights data dashboard will be updated in July for the timetable beginning in June 2024. Currently, the data focuses primarily on passenger train service data, however later in the year the dashboard will be expanded to include more freight train operator rights data. The rights and timetable data contained in the dashboard is provided by train operators and Network Rail. The time of submission to ORR and approval is ORR management information data.

For further information on the content of this factsheet or the regulatory access dashboard, please contact Head of Passenger Track Access: track.access@orr.gov.uk.

3. Passenger applications for track access (capacity) from December 2023 (PCD 2023)

When Network Rail and operators finalise capacity use, through approved applications, is important because it indicates the industry level of preparedness and transparency of capacity use, which supports industry and passenger certainty.

Passenger train operators made 24 applications for new or amended capacity use (track access) ahead of the timetable change date that took place on 10 December 2023. ORR ensured all the submitted applications requiring its specific approval were complete before the timetable started. However, just over half (13) of the applications requiring ORR specific approval were submitted after the timetable publication deadline for passengers on 15 September 2023 (12 weeks in advance of 10 December).

Submitting applications for ORR to approve less than 12 weeks before the timetable starts, and services run, means that those services are at risk of not having contractual rights in place. This could negatively impact on operator train or crew planning and negatively impact on passenger's who have bought tickets in advance, reducing confidence in the timetable.

For the December 2023 timetable, only one part of Network Rail did not have an application submitted after the 12 week milestone.

- The Network Rail Freight and National Passenger Operator (FNPO) team handled 1 application by CrossCountry trains which was submitted more than 12 weeks before the timetable started (the D12 milestone).
- Eastern region submitted 1 application by C2C after the 12 week milestone (D12). LNER submitted 1 application more than 26 weeks before the timetable change. Eastern region submitted 3 applications for this timetable change.
- Scotland's Railway submitted both of its 2 applications (for ScotRail) after D12, one of which was within 10 working days of the timetable change.
- Southern submitted 4 of its 5 applications after D12. Southeastern trains had 2 applications in the 5, with Govia Thameslink and South Western Railways accounting for the other two.
- Wales & Western submitted 4 applications out of 7 after D12. TfW submitted two applications, less than 12 weeks before the timetable, with GWR and the Elizabeth Line accounting for one each.
- North West & Central submitted 2 applications out of 6 after D12. One of these was a TransPennine application which was within 10 working days of the timetable change. WMT and Chiltern both improved their timeliness (submitting before 12

weeks) following an ORR review into their late applications for the May 2023 timetable change.

The regulatory access dashboard provides detail on submitted applications by Network Rail region and operators for users to analyse themselves <https://www.orr.gov.uk/access-rights-planning-use-10-december-2023-timetable-change>.

Total Access applications for May and December 2023

Table 1.1 ORR specific approval applications for May and December 2023 timetables by Network Code milestone

Timetable period	After D12	Before D12	Before D26	Before D40	Total
May 2023	21	3	2	2	28
December 2023	13	8	2	1	24
Total	34	11	4	3	52

The 10 December 2023 timetable change had a similar number of applications to the May 2023 timetable change. In 2023 there were 52 applications in total for the two timetable changes. This was comparable to 2022, where there were 44 applications.

Although just over half of the applications were later than D12 in December 2023, it was an improvement over the May 2023 timetable change, where there were 21 applications out of 28 after the 12 week milestone.

Our monitoring has also identified an increase in applications to put rights in place for services that were already running. This indicates that industry has not followed the planning processes set out to ensure all parties are contractually protected as well as passengers having confidence in the timetable.

4. Use of passenger access rights

Comparing the approved (and published) access rights by ORR with the planned timetable and the services which actually operated allows ORR, Network Rail, funders, industry and passengers to understand the use of the railway network.

We have compared the contracted access rights for each passenger operator by service group (how an operator groups different train services to related destinations) to the published timetable. This data, for planned timetables and services which actually operated, provide metrics on contractual compliance as well as the use of allocated capacity on the network. These metrics and usage data can be analysed through the online regulatory access dashboard (<https://www.orr.gov.uk/access-rights-planning-use-10-december-2023-timetable-change>).

- As of 10 December 2023, industry planned to use 84% of the access rights held within their contracts by operators in the timetable initially planned to operate until June 2024.
- Between December and April, 80% of the access rights held by operators resulted in services in operation for passengers.

The dashboard reflects the rights that were in place as of 10 December 2023. If contracts have been updated since then, these edits will not be reflected within the dashboard.

The use of access rights in the timetable can be reduced by various factors including: whether Network Rail could accommodate the rights in the timetable; engineering works by Network Rail, industrial action; funder decisions on service provision; and train operator service decisions. These factors mean it is most useful to compare operators in similar geographical areas and/or time periods which are not affected by industrial action/engineering work to understand these factors.

It is important to remember that access rights grant the right to **a** slot in the timetable, **not** a specific time slot. Also, some operators may hold contingent rights which receive lower priority when Network Rail produces the timetable and are therefore more likely to not be accommodated where there are conflicts.

The contracted access rights in place from the December 2023 timetable change onwards are appropriate for comparison against the planned 2024 working timetable (the period from 10 December 2023 to 1 June 2024). Timetable data for this factsheet is available up to 29 April 2024.

- Grand Central and Lumo planned to use a high proportion of their access rights (see Figure 3.1) and also had a high proportion of the rights which were actually used by train services (see Figure 3.2). These are operators which hold a smaller number of rights compared to most other operators. Therefore, we might expect factors which influence the use of access to have a disproportionate impact.
- West Midlands Trains planned and actual usage of rights in the December 2023 timetable period was influenced by unused rights. It plans to reintroduce services on the Shrewsbury route and Liverpool route in June 2024 and December 2024 respectively. West Midlands Trains also confirmed that engineering access impacted operated services during the period, around Wellington.
- In contributing to this dashboard, LNER and MerseyRail identified areas where action could be taken to update their contracted rights which may improve the percent of rights used.
- TfW and Network Rail still need to provide the necessary information to confirm the accuracy of rights use, therefore TfW data should be analysed with caution.

Figure 3.1 Planned percentage of rights usage, per operator, 10 December 2023 to 1 June 2024 (inclusive).

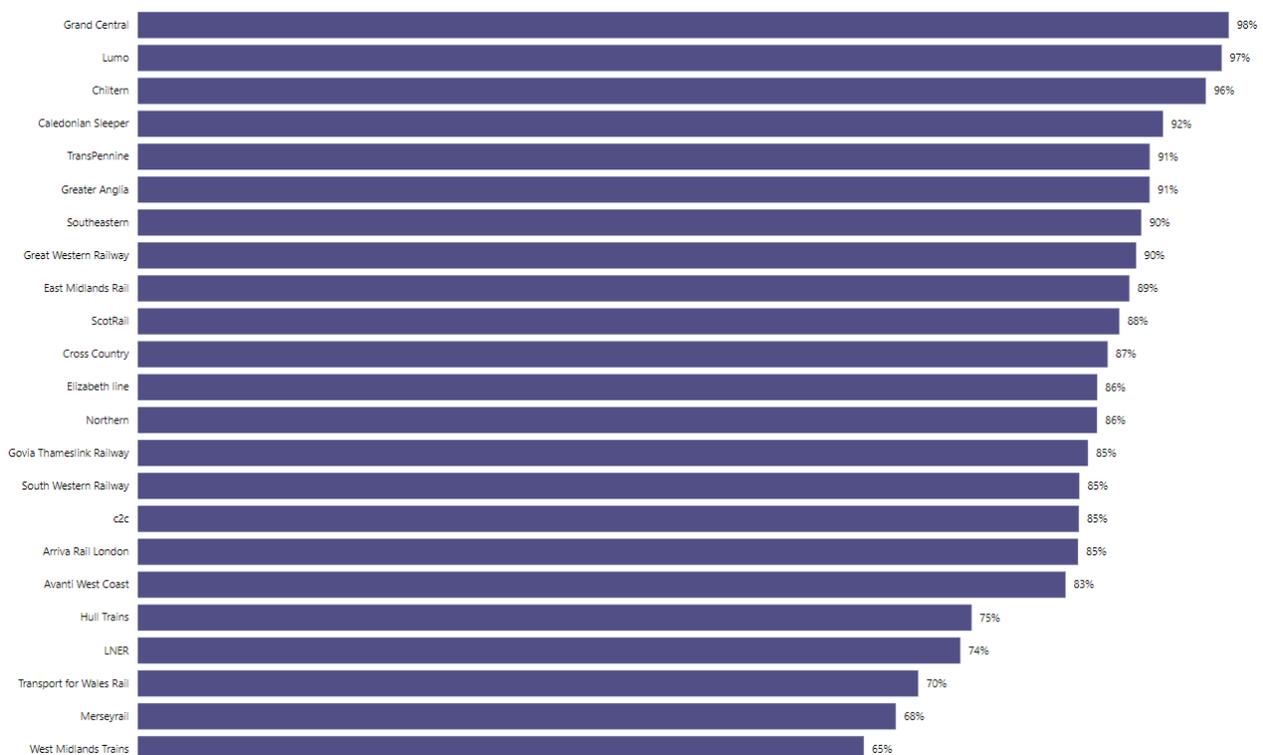
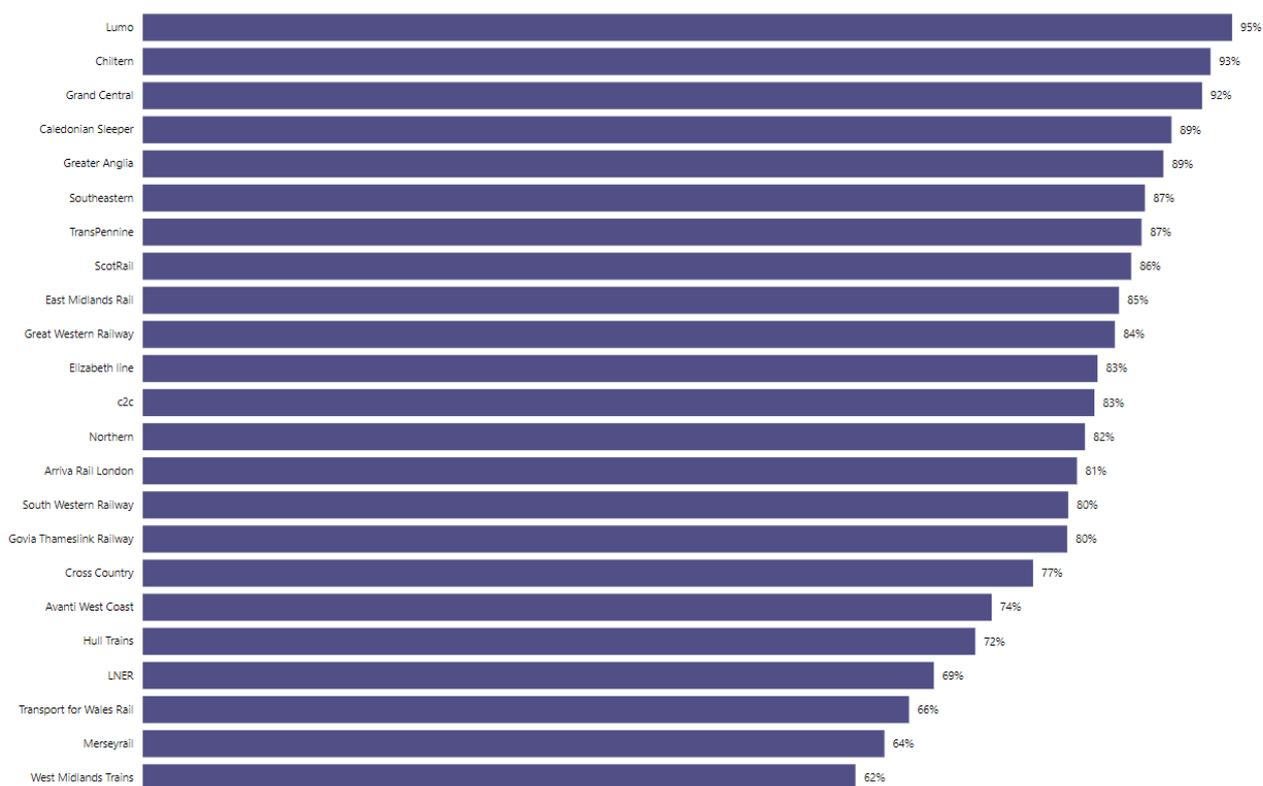


Figure 3.2 Rights used as a percentage of services ran.



The same reasons as listed above, will impact the percentage of services ran. However, this data set is also useful to compare against the planned use of rights to assess factors which materialised after the planned timetable was established.

Together, the two data comparisons should support operators in identifying the impact of different factors on capacity use. It should also provide a starting point for discussion between infrastructure manager and operator on unused access or better use of capacity. Where an operator does not intend to use access rights in the future it could be a potential opportunity for other operators to use capacity differently. It is important that operators ensure that all their current operations have the correct contractual framework in place to provide transparency to realise these opportunities.

Most access rights are represented in the timetable by one train service. The following operators have train services which correspond to more than one access right: Cross Country; LNER; Merseyrail; Scotrail; and Caledonian Sleeper. For these services we have adjusted the number of rights held to accurately reflect their use in the planned timetable and the services which operated. For example, one CrossCountry service has 7 access rights, so for an accurate reflection of rights usage we mapped this service to one access right. The other adjustments are contained in annex 2 below.

The accuracy adjustments mean it is only the level of contingent rights, engineering access, industrial action or non-use of rights which impact on the rights usage reported.

The ORR approved access rights held by each operator are available to download via <https://www.orr.gov.uk/access-rights-planning-use-10-december-2023-timetable-change>.

Operator and Network Rail engagement with the production of this factsheet has identified where greater transparency will be achieved by industry regular monitoring and updating rights tables. The factsheet and data will be updated following the June 2024 timetable change, so we will identify further Network Rail and operator improvements then.

Annex 1: Quality and Methodology

Data source

Data sources include applications submitted by train operators and Network Rail, performance data supplied solely by Network Rail and data collated by ORR.

Methodology

As part of track access applications Network Rail and operators submit documentation that ORR Access Executives process through the lifecycle of a case. This forms our casework data.

ORR has collated data from schedule 5 of the Track Access Contract between an operator and Network Rail. This schedule sets out the firm and contingent access rights agreed between the parties. We have collated this onto a workbook and displayed the day and service group to determine how many trains have access rights on the network.

We receive data from Network Rail on how many services were planned to run in the timetable and how many services did run. We have compared the service group data to our schedule 5 access rights data. We work with stakeholders across industry to quality assure this data.

Revisions

On 03 May 2024, ORR identified three miscategorised application dates for passenger applications for the 10 December 2023 timetable. This correction did not change the underlying application trends.

Recent changes to train operators

On 28 May 2023, the government brought TransPennine Express under public control with the Operator of Last Resort.

Further information on individual operators, including route maps, can be found via the [Rail Delivery Group](#) website.

Annex 2: Methodology

Most track access rights held in contracts across industry correspond to one train service, known as a head code in the timetable. This underpins the methodology we have used to create our planned use and actual use reporting within our regulatory information tool.

There are a small number of operators where this is not the case and there are multiple access rights all tied to a single head code. In some cases, these head codes have an access right for different portions of the journey. Currently we are unable to compare multiple rights on head codes to actual train running data.

In order to present a more accurate reflection of how these operators are exercising their contracted access rights we have accounted for this in the data that feeds our model. We have done this by subtracting the excess rights and matching the rights figure to the head code figure.

The data refers to the working timetable period of 10 December 2023 to 1 June 2024 timetable period (inclusive).

Operator	Service Group	Base Weekday	Adjusted Weekday	Base Saturday	Adjusted Saturday	Base Sunday	Adjusted Sunday	Revised Total
Cross Country	EH01	335	135	334	134	270	112	381
Caledonian Sleeper	ES01	10	7	2	2	9	6	15
ScotRail	HA01	323	314	320	311	127	126	751
	HA02	252	250	260	259	145	144	653
	HA03	72	70	69	67	20	20	157
	HA04	140	133	136	129	50	50	312
	HA06	448	446	418	416	216	216	1078
	HA07	185	184	185	184	77	75	443
MerseyRail	HE02	1191	596	1070	535	646	323	1454
LNER	HB02	92	81	82	68	66	53	202

Annex 3: List of data tables associated with this factsheet

Data tables

<https://www.orr.gov.uk/access-rights-planning-use-10-december-2023-timetable-change>

Other related documents

[Network Code - Network Rail](#)

<https://www.orr.gov.uk/rail-guidance-compliance/network-access/guidance-policies/track-access-guidance>

<https://www.orr.gov.uk/rail-guidance-compliance/network-access/regulated-networks/network-rail>



© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [orr.gov.uk](https://www.orr.gov.uk)

Any enquiries regarding this publication should be sent to us at [orr.gov.uk/contact-us](https://www.orr.gov.uk/contact-us)

