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Network Rail Representations for the 11th Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract (TAC) between Network Rail Infrastructure Limited and South Yorkshire Future Trams Limited dated 4 May 2018.

1 Purpose

- 1.1 This letter provides Network Rail's final representation for the 11th Supplemental agreement submitted under Section (S) 22A of the Railways Act 1993 for the Track Access Application between Network Rail and South Yorkshire Future Trams Limited (SYFTL) submitted to ORR on 20 May 2024.
- 1.2 This representation builds upon the representations submitted by Network Rail for this application on the 28 June 2024.
- 1.3 The purpose of this final representation is to provide ORR with Network Rail's final position on this application (and the specific access rights within it) and will do so by providing facts, data, evidence to support our position.
- 1.4 Network Rail can confirm that based on the facts, data and evidence outlined in this representation it is supportive of this application, subject to any comments, specific issues highlighted in this representation or suggested amendments, specifically the quantum of services including the additional call and the reference to unused rights.
- 1.5 Where there are a number of applications seeking capacity at the locations referred to in this letter, and as detailed in Annex A, the basis of our support of applications either in total, or in part (as can be determined by reading the relevant representations), may have a connection to our position on all other applications at that location. You may wish to wait for final representations on related applications and the information provided therein prior to making your decision.

2 Background of the Application and Network Rail Representations

- 2.1 In line with ORR's letter of 24 April 2024 to the industry on 'Competing and/or complex track access applications for December 2024, May 2025, and December 2025 timetable changes', SYFTL submitted this application to the ORR on 19 May 2024 as a S22A application in line with ORR's deadline.
- 2.2 As requested by ORR, Network Rail submitted a High-Level Plan in June 2024, and a further detailed plan was published on Network Rail's website in August 2024 (and updated in January 2025). Network Rail made its initial Representations on this application on 28 June 2024 where an initial view of the application Form P and SA was provided.
- 2.3 In its initial representation on 28 June 2024, Network Rail highlighted a number of items in the "Network Rail Review of Form P and associated documents" section of the letter. All issues raised therein have been satisfactorily resolved in the period between Network Rail's initial representation and this one.

- 2.4 The access right sought in this application operates at Sheffield, which is one of the nine interacting locations listed in ORR's letter to industry dated 24 April 2024. However, at Sheffield the tram is separate from the rail network and operates on the roads.
- 2.5 In summary, the concerns highlighted in Network Rail's initial representation have been resolved.

3 Access Rights Sought in the Application

- 3.1 Annex B of this letter contains a table which provides details of all of the access rights characteristics requested in this application.
- Origin
 - Destination
 - Quantum by Day of Week (Peak or Off Peak)
 - If the access rights are currently held in the contract and proposed change is an amendment to those rights for e.g. calling pattern change, contingent to firm etc.
 - Which locations it interacts with from ORR's list of nine locations in their letter to the industry 24 April 2024.
- 3.2 Annex A lists those applications submitted in response to ORR's 24 April 2024 letter to industry which seek new or amended rights at the same interacting location(s). It should be noted though that SYFTL's services operate on the roads in Sheffield and does not interact with the Rail station.
- 3.3 Network Rail notes that this application seeks to add a station call to the Regular Calling Pattern of existing access rights. The proposed access rights, as stated in the Application, were requested to commence from the May 2025 Timetable.
- 3.4 In the application, SYFTL sought to add the new Magna station to the Regular Calling Pattern (as defined in the Track Access Contract) in Table 4.1 of Schedule 5 for existing firm rights between Tinsley North Junction and Parkgate. There is no change proposed in this application to the quantum of services run, and for clarity, SYFTL currently hold 54 slots in each direction Monday to Saturday and 51 slots on a Sunday also in each direction.
- 3.5 Whilst the change proposed in this application is not at Sheffield (as the interacting location), as stated in our 28 June representations and as highlighted in ORR's 24 April 2024 letter to industry, even if an amendment to an existing access right is not an interacting location (but the right itself operates at that interacting location) it could change the parameters of capacity (in this case at Sheffield by having an additional call at Magna). However, as these services operate on the roads in Sheffield and does not interact with the Rail station, Network Rail can conclude that this should not be considered a point of interaction.
- 3.6 At the time of SYFTL submitting this application, it was expected that the new infrastructure (i.e. the Magna station) would be completed around the time of the Subsidiary Change Date 2025, which is when SYFTL were seeking the for this application to apply from. Network Rail notes the infrastructure has not been delivered and is now expected to be completed in late November/early December 2025, and SYFTL at D-40 for the December 2025 Timetable bid with this expectation for the additional call at Magna. Therefore, if ORR makes any directions on this application, it would need to apply from December 2025 and not May 2025.
- 3.7 Network Rail would expect there to be a footnote in table 4.1 which reflects the dependency of the addition to the Regular Calling Pattern on the delivery of the infrastructure, unless the ORR directs that the station should be listed in the Additional Calling Pattern (as defined in Schedule 5 of the Track Access Contract) instead of the Regular Calling Pattern as sought for in this application.

4 Key Points from the Original Representation

- 4.1 In our initial representation of 28 June 2024, we stated "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."
- 4.2 Network Rail has reviewed SYFTL's Timetable bid at D-40 for the December 2025 Timetable, and we can confirm that they have bid for only 50 slots in each direction for the Monday-Saturday service (instead of the 54 currently held in their TAC for each direction) and 26 and 25 on Sundays (instead of 51 in each direction held in their TAC).
- 4.3 Whilst SYFTL have informed Network Rail that the unused slots will be reinstated, if warranted by the expected uplift in passenger numbers to/from Magna, Network Rail would expect that if ORR did direct in support of this application that it would be on the following basis:
- The Operator would have to provide evidence of the intention that they will be exercising the access rights and (dependent on the intended date of service) to temporarily surrender those rights via Part J or for the appropriate footnote to be added to table 2.1 to date the rights;

- If the Operator cannot provide evidence of the intention to exercise those rights, then they would need to permanently surrender under Part J of the Network Code; and
- As the Operator has not exercised all of their rights for these services that any relinquishment or temporary surrender is completed before ORR directing Magna as a Regular Calling Pattern.

- 4.4 In addition, in our initial representation, we also stated “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;” and, “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 SYFTL 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.”
- 4.5 Further, our initial representation noted that “Network Rail is not currently supportive of the application based on the understanding that while SYFTL 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.”
- 4.6 The risks we have highlighted here have now been mitigated and this is further explained in the Assurance section below.

5 Assurance / Assessments / Updates

- 5.1 The following section will address specific areas of consideration, opportunity and risk relevant to the application or where applicable to specific access rights in the application. Where the outputs relate to specific access rights instead of the application as a whole this will be highlighted in the relevant section.

5.2 Capacity and performance

- 5.2.1 Network Rail can confirm that the rights sought in this Application do not exceed the quantum of rights already held by SYFTL and that there is capacity to incorporate the Magna Station call within their existing quantum across all days.
- 5.2.2 The Station call at Magna is not present in the current timetable and, if the rights approved, would be a new call from December 2025, dependent on the infrastructure being completed.
- 5.2.3 The North and East Route Performance Team have confirmed that they are supportive of the proposed quantum of calls at Magna.
- 5.2.4 These services do not interact with the ECML, and in general, SYFTL’s interaction with the rail network is limited. In terms of performance, SYFTL’s percentage of trips not late has been better than target in each of the last six years

5.3 Infrastructure

- 5.3.1 The additional call is dependent on the completion of Magna station, which is anticipated in late November/early December 2025.

5.4 Network Change

- 5.4.1 Network Rail notes that the Network Change proposal for the construction of Magna station has been established without receiving objections from train operators. CrossCountry Trains Limited raised an objection to this 11th Supplemental Agreement during industry consultation on the grounds of potential conflict with their own services after it was demonstrated they were not impacted.

5.5 Any other risks or cross-route concerns

- 5.5.1 There are no other risks or cross-route concerns.

6 Conclusion

- 6.1 Network Rail stated in its initial representations on June 28, 2024 that it was unable to support the application at that time on the grounds that the number of timetable slots that could be accommodated following the introduction of Magna had not been validated, and that "The Route Performance team requires a clearer understanding... 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 SYFTL or by the South Yorkshire Mayoral Combined Authority."
- 6.2 Network Rail has confirmed that there is capacity to accommodate Magna station as a station call, which was the key concern expressed over the application in its initial representation.
- 6.3 While Network Rail has identified capacity for SYFTL's proposed calls at Magna station, the issue of their unused quantum has yet to be resolved. Whilst Network Rail supports the Regular Calling Pattern to Magna Station (with the inclusion of a footnote for when the infrastructure is available), as stated in this representation under paragraph 4.3, there are a number of requirements Network Rail expects to be met if the ORR direct the access rights in this application.
- 6.4 As this application has certain requirements we would be more than happy to elaborate on any points raised if it would help you in your decision making.

Yours sincerely,



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List of Annexes

Annex A – Interacting Locations Matrix – Applications Interacting With This Application

Annex B – Table of Access Rights