

## **Rail Delivery Group**

Response to

**ORR's consultation on roles and  
responsibilities for enhancements in CP6**

**Date: 31 August 2018**

# Rail Delivery Group response to ORR's consultation on roles and responsibilities for enhancements in CP6

**Organisation:** Rail Delivery Group

**Address:** 200 Aldersgate Street, London EC1A 4HD

Business representative organisation

**Introduction:** The Rail Delivery Group (RDG) was established in May 2011. It brings together Network Rail and passenger and freight train operating companies to lead and enable improvements in the railway. The purpose of the RDG is to enable Network Rail and passenger and freight train operating companies to succeed by delivering better services for their customers. Ultimately this benefits taxpayers and the economy. We aim to meet the needs of:

- Our Members, by enabling them to deliver better outcomes for customers and the country;
- Government and regulators, by developing strategy, informing policy and confronting difficult decisions on choices, and
- Rail and non-rail users, by improving customer experience and building public trust

For enquiries regarding this consultation response, please contact:

**Tom Wood**

[thomas.wood@raildeliverygroup.com](mailto:thomas.wood@raildeliverygroup.com)

**Rail Delivery Group**

2nd Floor, 200 Aldersgate Street

London EC1A 4HD

## **Introduction**

1. This document outlines the key points from our members in response to the ORR's consultation on roles and responsibilities for enhancements in CP6. We are making separate responses to the consultation on the Draft Determination and the consultation on changes to the network licence.
2. The consultation document appears narrow in scope and focuses on the delivery of committed enhancements that governments have chosen to fund. However, the industry also believes it is important to consider the broader roles and responsibilities for developing the network. We have therefore divided this response into two sections; the first dealing with the specific issues raised in the consultation and the second to include broader matters related to enhancements.
3. RDG is content for this response to be published on the ORR website.

## **Comments on the respective roles of ORR and government at the delivery stage for enhancements once the funder has agreed the scope of a project**

4. The RDG agrees with the roles and responsibilities for the delivery of committed enhancements as described by the ORR and supports the response from Network Rail. The proposed roles and responsibilities were developed following extensive trilateral work between Network Rail, ORR and DfT over the last 6 months.
5. Further discussions are required to agree a suitable format for a CP6 Enhancements Delivery Plan.
6. We support the ORR role in relation to change control for enhancements. There is the potential for changes to the enhancements baseline in CP6 to affect the PR18 settlement and so it is important that the process for regulatory change control of that settlement is fully aligned with that for enhancements.
7. We support the continuing engagement with the ORR in its work to develop a wider competency framework which it would then propose using in CP6 to monitor Network Rail's capability with regard to enhancements.

## **Comments on wider roles and responsibilities for developing enhancements**

8. The ORR consultation covers roles related to the delivery of committed government funded enhancements. The RDG believes it is also important to consider the wider roles and responsibilities for developing enhancements, irrespective of funding source, and the rest of this response sets out the areas that industry members would like clarity on.
9. We would welcome clarity on how operators and passengers or end users and other stakeholders are consulted and engaged in the overall process for enhancements. This would help provide visibility on what schemes are under consideration before they become

committed, or before a decision is taken to pause development. It would therefore help prospective scheme promoters decide whether to invest time in developing ideas for enhancements or not.

10. The supply chain would also benefit from being involved at an early stage in the overall process for developing enhancements to assist in identifying the most efficient solution.
11. The ORR has an important role in approving applications for new access rights which additional capacity from enhancements make possible. This should be recognised in the overall process for developing enhancement schemes and delivering the required end outcomes.
12. The ORR also has an important role in potentially determining whether an enhancement is a 'reasonable customer requirement' given the funding available, even if it won't be determining the efficient cost of DfT funded schemes. It also needs to ensure that all operators' reasonable requirements are protected.
13. It is also very important that there is clarity on the ORR role in relation to third party promoted or funded schemes, as well as those enhancements that are not delivered by Network Rail.
14. Clarity on ring fenced enhancement funds (if there are to be any) in CP6 would also be welcomed.
15. The ORR has a role in assessing renewal efficiency and the industry considers it important that the way efficiency is assessed does not prevent Network Rail from doing the right thing in terms of small scale enhancements on the back of renewals. We described our views on this more fully in paragraphs 14-16 of our [response to the consultation on renewals efficiency last year](#).