



System Operator

Management of Strategic Capacity on the Network



Network Rail's Code of Practice



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Overview

What is Strategic Capacity?

Strategic Capacity is capacity for which there is no immediate requirement but is likely to be needed by any current or potential provider or funder of train services to meet future requirements and aspirations.

This capacity is identified in the form of Strategic Paths which are listed in the Strategic Capacity Statement (SCS). Those included in the WTT are referred to as Strategic Train Slots.

Purpose of this Code of Practice (CoP)

This CoP is intended to help meet Condition 1 of Part 3 of Network Rail's Licence Conditions, relating to how we manage the Network and allocate capacity. It sets out the principles and procedures that Network Rail will follow in managing Strategic Capacity on the Network.

The purpose of this document is to outline:

- how Network Rail will comply with its Strategic Capacity obligations
- the recommended means of engagement and communication between Network Rail and stakeholders regarding Strategic Capacity
- the criteria for schedules to be retained and managed as Strategic Train Slots
- the criteria and process for Strategic Capacity Train Slots to be utilised by Train Operators
- how the output of Event Steering Groups will impact Strategic Capacity on the Network

This CoP does not change the existing industry processes for the agreement and/or approval of Access Rights.

This Code of Practice is intended to help meet regulatory and contractual requirements relating to how we manage the Network and allocate capacity. The following documents are referenced throughout this CoP:

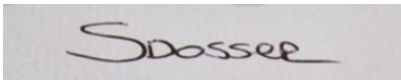

- The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016
- The Railways (Access, Management and Licensing of Railway Undertakings) (Amendment) Regulations 2019
- The Railways (Access, Management and Licensing of Railway Undertakings) (Amendment) (EU Exit) Regulations 2019
- Network Rail's Network Licence
- Network Rail's Network Statement
- Network Code



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Glossary	
Acronym	Meaning
ANTC	Advance Notification of Timetable Change
ATT	Advanced Timetable Team
CoP	Management of Strategic Capacity on the Network (Code of Practice)
CRE	Customer Relationship Executive
DfT	Department for Transport
DTT	Development Timetable
ESG	Event Steering Group
GBRTT	Great British Rail Transition Team
NWT	New Working Timetable
ORR	Office of Rail and Road
PDNS	Priority Date Notification Statement
PWT	Prior Working Timetable
RFGT	Rail Freight Growth Target
SC	Strategic Capacity
SCS	Strategic Capacity Statement
STC	Strategic Train Slot
TOVR	Train Operator Variation Request
TSS	Train Service Specification
WTT	Working Timetable



Part A: Administration of Strategic Capacity

A.01 Stakeholders

This CoP outlines the process which Network Rail uses to consider requests from stakeholders for Strategic Capacity.

In this context, the term 'stakeholder(s)' is taken to mean any current or potential provider or funder of train services, in accordance with the terminology of Condition 1.8 of Network Rail's Network Licence.

Stakeholders require Strategic Capacity for the following reasons:

- on certain routes, there is limited capacity that could enable the operation of additional services
- business growth and the requirement to operate additional services on the Network
- some Network Enhancements are funded to create additional capacity for a specific purpose and the funders require visibility that this additional capacity exists
- some National Infrastructure projects require visibility that capacity will exist for future rail traffic, to support the business case for the scheme

A.02 The Strategic Capacity Statement (SCS)

Network Rail has a legal obligation to provide information on 'spare' capacity to stakeholders between timetable change periods and to advertise publicly to its stakeholders which paths have been identified for this requirement. See Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016.

(Railway Regulations 2016): Click [HERE](#) for further information.

Network Rail meets this requirement through the Strategic Capacity Statement (SCS), which identifies Strategic Capacity in the current timetable in the form of Strategic Train Slots. It is published by Network Rail no later than D-45 for each Prior Working Timetable (PWT), from data taken from the current WTT.

Strategic Capacity is usually identified from paths or parts of paths previously used for specific purposes that are no longer required for that purpose but considered by Network Rail (in discussion with relevant Access Beneficiaries) to be of potential future use.

Network Rail is committed to working proactively with parties in each rail market to understand future capacity needs and identify quality paths, where possible and appropriate, to create capacity for the anticipated growth in traffic. The result will be proposed as Strategic Capacity in a form consistent with both:



- the Network Code Part D definition (“capacity for potential use by new services to be included in the New Working Timetable and Working Timetable by way of a Strategic Train Slot”); and
- the requirements of Regulation 24(4) of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (“The infrastructure manager must, including in the case of congested infrastructure, undertake an evaluation of the need for reserve capacity to be kept available within the final working timetable to enable it to respond rapidly to foreseeable ad hoc requests for infrastructure capacity.”).

This will be undertaken through the evaluation process in Section D.03 to form the Strategic Capacity Statement. This document forms an input into the timetable development process, by the means of an internal Access Proposal, alongside Access Proposals made by each train operator.

(Network Code D2.3.2): Click [HERE](#) for further information.

Each Strategic Capacity Statement will contain the following information for each Strategic Train Slot:

- intended purpose of the Strategic Train Slot
- headcode and UID
- origin and destination
- arrival and departure times
- days of operation
- timing load

A.03 Queries or Requests

Any guidance relating to Strategic Capacity, including any requests for flexing or utilisation outside of timetable change periods, should be directed to Network Rail using the following email address:

StrategicCapacity@networkrail.co.uk

The Strategic Capacity sub team will respond to all planning requests within five working days.

A.04 Further Information for Stakeholders

The SCS and Strategic Capacity CoP are published on the Network Rail website:

Industry & Commercial – Information for Operators – Operational Rules (EAS-TPR)
[Information for Operators - Network Rail](#)



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Train Operators who do not have access to TPS or require F3 train prints can access schedule information through this means. All current Strategic Capacity schedules will be published on the Network Rail Strategic Capacity SharePoint and updated periodically.

[Strategic Capacity - Home \(sharepoint.com\)](https://www.sharepoint.com)

For stakeholders that are yet to gain access, please click on the above link to request access. Network Rail will aim to respond to access requests within five working days.

A.05 Review of the CoP

Requests relating to the revision of the Strategic Capacity CoP must be directed to Network Rail using the following email address:

StrategicCapacity@networkrail.co.uk

Please include:

- contact name and details of the requestor
- reference to the specific part of the CoP to which the query or request relates
- specific details regarding the actual query or request itself
- proposed amendment or change that you wish to see implemented

Where an amendment to the Strategic Capacity CoP is sought, requests must be made to Network Rail via the email address previously stated. The requestor must provide specific wording suggested for the amendment and appropriate evidence to justify the change. Network Rail will investigate, decide on a course of action and, if it considers the change to be appropriate, will consult with industry via email.

Network Rail will aim to respond to all requests for change to this document by consulting with the industry over a period of 10 working days.

Outside of specific requests for amendments to this document, it will be internally reviewed at D-55, during the NWT Consultation Period.

Amendments outside of these timescales may be made if required post consultation.

All amendments to be consulted with industry will be via email. Any responses received within 20 working days will be considered and a final decision made by Network Rail.



Part B: Management of Strategic Capacity

B.01 Network Rail's Intention

Network Rail intends to meet its stakeholders' needs for Strategic Capacity in the WTT by:

- evaluating requests for Strategic Train Slots from stakeholders
- managing the relinquishment of unused Train Slots and retaining those with strategic value for inclusion into the SCS
- optimising Strategic Train Slots in line with their intended purpose
- providing access to a public list of Strategic Train Slots to all timetable participants
- maintaining a central point of contact for any related queries and requests

The Strategic Capacity sub team will work closely with CREs and Timetable Production Managers, as well as all Train Operators to establish non-utilised capacity and its relinquishment.

B.02 Priority Date Notification Status

The SCS published no later than D-45 forms an input to the preparation of the NWT as stated in section D2.3.2 of the Network Code. Network Rail treats the Strategic Paths in the SCS as it would an Access Proposal received at D-40. The Strategic Train Slots are included along with other Access Proposals in the analysis driven by D4.2 of the Network Code.

(Network Code D2.3.2): Click [HERE](#) for further information.

(Network Code D4.2.1 & D4.2.2): Click [HERE](#) for further information.

During the timetable development process, Network Rail is entitled to flex Strategic Paths without limitation to facilitate other Access Proposals. However, this should be avoiding changes as far as possible, other than changes which are consistent with the intended purpose to which the Strategic Train Slot relates, in accordance with the Network Code D4.6.2k.

(Network Code Part D - Flexing Rights): Click [HERE](#) for further information.

B.03 Timetable Offers at D-26

Network Rail will notify ORR and Timetable Participants if it has not been possible to include the Strategic Paths shown in the SCS in the NWT and set out the reasons why this is the case.



B.04 Post D-26 Timetable Offer

Beyond D-26 other changes can be made by Network Rail to Strategic Train Slots to:

- relinquish Strategic Train Slot capacity to a Train Operator following a request to utilise it
- add Train Slots to the list of available paths, following relinquishment by a Train Operator or requests for additional Strategic Capacity being approved
- optimise Train Slots in line with their intended purpose
- remove Strategic Train Slots where these are deemed to be no longer required

Network Rail will maintain and make available a list of the Strategic Train Slots available in each timetable, which will include updated changes to schedules published periodically.

B.05 Removal of Strategic Train Slots

A review of all existing Strategic Train Slots will be made by Network Rail ahead of each NWT.

Removal of Strategic Train Slots that are deemed to no longer have strategic value as documented in Section D.04 of this document, will only take place following a period of industry consultation.

Any responses received within 20 working days will be considered and a final decision made by Network Rail.



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Part C: Strategic Capacity Utilisation

C.01 Utilisation at PDNS

The SCS serves as a catalogue of Strategic Paths available to Train Operators in the coming timetable development period.

During the timetable development process, should a Train Operator wish to utilise a path listed in the SCS they should indicate whether they propose to use all or part of a Strategic Path using their submission for the Priority Date Notification Statement (PDNS).

Requests for utilisation of Strategic Train Slots for the NWT should be consistent with the intended purpose of the Strategic Train Slot and be emailed to:

StrategicCapacity@networkrail.co.uk

If the request is not consistent with the intended purpose of the Strategic Train Slot, the Strategic Capacity sub team will work with the relevant Production teams to try to include the Access Proposal and the Strategic Train Slot in the NWT through flexing of both schedules in accordance with the Network Code Part D Condition 2 – Bi-Annual Timetable Revision Process.

(Network Code Part D Section 2): Click [HERE](#) for further information.

C.02 Utilisation in the WTT

Timetable Participants can request to utilise Strategic Capacity between Timetable Change Dates.

Consent for utilisation of a Strategic Train Slot should be requested from the Strategic Capacity sub team alongside the submission of a TOVR to the relevant planning team. Network Rail will aim to respond to all requests within five working days.

Utilisation requests will be processed in the order that emails are received by the Strategic Capacity sub team and should include details of the schedule planned to utilise the Strategic Train Slot, so that the Decision Criteria and Criteria for Utilisation can be applied.

If a Strategic Train Slot has already been utilised at amended schedule timescales, a WTT request for utilisation may be varied subject to the exclusion of dates already utilised, regardless of the Strategic Capacity consent for utilisation.

The TOVR offer will advise of any dates that are not inclusive of the Strategic Train Slot.



Capacity will be allocated in accordance with:

- Network Code Part D Condition 3 – Variations to the Working Timetable
- the 'Criteria for Utilisation' in this document (C.04)

Any requests should be requested through the following email:

StrategicCapacity@networkrail.co.uk

(Network Code Part D Section 3): Click [HERE](#) for further information.

C.03 Strategic Capacity Conflicts in TOVRs

The expectation is that Train Operators request changes to, or utilise Strategic Capacity, in-line with the intended purpose of the Strategic Train Slot, as documented in the SCS.

Whilst an Access Proposal will not be rejected due to a conflict in the timetable with a Strategic Train Slot, there may be a delay to your TOVR being processed, due to compliance with the Timetable Planning Rules and Engineering Access Statement (The Rules) whilst any conflicts are resolved accordingly.

The TOVR may subsequently be rejected through the application of the Network Code Condition D4.6.2 (The Decision Criteria) and application of this CoP, including the Criteria for Utilisation, as outlined below.

(Network Code D4.6.2): Click [HERE](#) for further information.

If there is an attached agreement from Strategic Capacity for the appropriate utilisation, or consequential flexing above 20 minutes, then the TOVR will be processed as being received compliantly, subject to being compliant with The Rules.

(Network Code D4.3.1): Click [HERE](#) for further information.

Network Rail may request further information through Network Code D2.5.2, including proposed consequential amendments or details of the schedule intended to utilise the capacity, to appropriately apply the Decision Criteria and CoP Criteria for Utilisation.

(Network Code D2.5.2): Click [HERE](#) for further information.



C.04 Criteria for Utilisation

Consideration on utilisation of a Strategic Train Slot will take into account whether:

- a consequential flex is available that would accommodate both schedules
- an agreement has already been given for the utilisation of the Strategic Train Slot to another operator in the WTT
- the order in which utilisation requests are received
- the request is consistent with the intended purpose of the Strategic Train Slot

Utilisation of a Strategic Train Slot will be considered as being 50% or more of the service characteristics of the requested Strategic Train Slot. These service characteristics include:

- days
- departure / arrival time
- origin / destination
- routing / intermediate points
- timing load

Where the Criteria for Utilisation is not fully met, a consequential amendment should be considered in the first instance. Any flexes to a Strategic Train Slot that are less than 20 minutes will be deemed accepted without consent from the Strategic Capacity sub team being required.

Requests for utilisation of Strategic Train Slots for the NWT and WTT should be emailed to: StrategicCapacity@networkrail.co.uk

Requests will be processed in the order which they are received by the Strategic Capacity sub team via email.

C.05 Utilisation at Amended Timescales

To enable a TOVR at amended timescales to be compliantly offered to a Timetable Participant, pre-agreed consent for utilisation of Strategic Train Slots is given if the capacity is still available at the time the Access Proposal is processed and the request has similarities with the intended purpose of the Strategic Train Slot.

Capacity will be allocated in accordance with the Network Code Part D Condition 3 – Variations to the Working Timetable and The Decision Criteria.

Strategic Capacity utilisation at amended schedule timescales will be managed by cancelling relevant dates from the WTT Strategic Train Slot.

(Network Code Part D Section 3): Click [HERE](#) for further information.



Part D: Strategic Train Slots – Addition & Retention Criteria

D.01 Sources of Strategic Data Considered

The Long-Term Planning Process referred to in the Licence Conditions, enables industry to develop potential infrastructure interventions and explore important strategic issues. There are several inputs which inform Strategic Capacity decisions:

- market studies, which identify the strategic goals for each market sector of the rail industry over the next 30 years
- local studies, which bring together the suggested outputs for all the market sectors for a particular part of the Network
- Network Studies, which identify strategic choices and appraise solutions to network-wide issues, including the benefits and challenges of technological change across the Network
- Network and Route Specifications (10-year and 30-year views) to devolve Network Capability requirements to Strategic Route Sections for the whole country
- Delivery of DfT targets, ORR milestones and Rail Freight Growth Targets (RFGT)

The Strategic Capacity sub team will consider all available data as documented above (also including capacity studies and other project conclusions) when considering additional Train Slots to be added to the SCS.

D.02 Requests for New Strategic Train Slots

Network Rail will evaluate all requests from current or potential providers or funders of train services for Strategic Train Slots received prior to D-55, in accordance with Network Rail's Timeline for Timetable Development Process.

Any requests received after this date will be evaluated for the following SCS, although Train Slots may still be added on an ad hoc basis to any offered timetable.

Requests for adding Strategic Train Slots to the timetable should include the following information:

- purpose and intent of the Strategic Train Slot
- the timetable and dates which the Train Slots are requested for
- place of origin and destination, with arrival and departure times
- path characteristics including: routing, calling points, dwell times, any crew stops, sectional running times, timing load, length, weight, terminals times and platforming requirements
- if the request is linked to a date specific customer / funder requirement or delivery date
- if the request is dependent on an infrastructure change and, if so, the expected date of delivery



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Network Rail will evaluate each request and respond directly to the requestor. Requests must be directed to Network Rail using the following email address:

StrategicCapacity@networkrail.co.uk

D.03 Criteria for “Strategic Value” and Adding Strategic Train Slots

Regardless of who makes the application for a new Strategic Train Slot, or how the application is made, the assessment criteria will remain the same.

In making any decisions to include requests for Train Slots in the SCS, Network Rail will consider whether a Train Slot would hold strategic value. The criteria considered is as follows:

- a Rules compliant Strategic Train Slot can be found
- the path has restrictive terminal access or known capacity constraints for the documented timing loads (e.g. Congested Infrastructure)
- the path covers strategic route(s) as defined by a Capacity or Route Analysis
- the path is required through the output of a Great British Rail Transition Team (GBRTT) strategic study or required to meet RFGT
- the path is required to secure private or infrastructure investment decisions.
- any safety concerns have been identified by the relevant Routes regarding capacity
- the request is compatible with the existing and emerging maintenance strategy
- any existing Strategic Capacity paths could be used to meet the request
- the requirements of the Decision Criteria in the Network Code, Part D 4.6.

Whether or not a request is accepted, Network Rail will provide feedback to the requestor in advance of the publication of the SCS at D-45. In the event of a rejection, such feedback will include, if relevant, how the Decision Criteria has been applied.

D.04 Retention of Existing Strategic Train Slots

When the SCS is reviewed in advance of each Timetable Change Date, the following criteria will be considered:

- whether the path has restrictive terminal access or known capacity constraints for the documented timing loads (e.g. Congested Infrastructure)
- whether the path covers strategic route(s) as defined by a Capacity or Route Analysis, or Freight Network Study
- whether there is an update to a date specific customer contract or delivery date
- whether there is an update to a date of planned infrastructure change which limits capacity
- whether the path has been curtailed but could be of strategic value if optimised



If strategic value is dependent on optimisation of the schedule and this is not possible in the current timetable, then attempts to optimise the Train Slot in the NWT will take place.

If no optimisation can be achieved which will result in strategic value, then the process for 'Removal of Strategic Capacity Train Slots' will be followed (Section B.05).

D.05 Transfer of Operator Paths to Strategic Capacity

This will occur when non-utilised capacity with strategic value is identified from schedules due to be relinquished by Timetable Participants.

Network Rail will assess the existing value of the paths due for relinquishment, through the Criteria for New Strategic Train Slots (Section D.03). Network Rail will consult with Timetable Participants as to whether optimisation of these schedules would be required, or if the schedule should be returned to white space.

If optimisation to gain strategic value is required, then a work package will be created by Network Rail to action this once the schedule is relinquished. Optimisation / curtailment will be required for any schedules that are 'Y' paths with other schedules in Timetable Participant ownership, as all Train Operators should be able to request utilisation of the SCS paths.

The Timetable Participants will be asked to submit appropriate Train Operator Variation Requests, to relinquish or transfer the capacity and optimise the schedules as agreed with Network Rail.

D.06 Advanced Timetable Project Work

Any advance timetabling project work that is requested by current or potential providers or funders of train services, that produces outputs relating to potential new Strategic Train Slots, should be consulted with industry ahead of the timetable that the work is proposed to be implemented in.

The requestor of the newly identified Strategic Train Slot is responsible for proposing that this be added to the SCS through the process outlined in Section D.02.

If upon industry consultation, no objections are received to the requested Strategic Train Slots, ATT will hand over the identified capacity to Strategic Capacity.

The Strategic Capacity sub team will add the Train Slots to the SCS if received prior to D-55, in accordance with Network Rail's Timeline for Timetable Development Process. Any requests received after this date will be evaluated for the following SCS.



Part E: Event Steering Groups

E.01 New Identified 'Spare' Capacity

During the consultation of Event Steering Groups (ESGs), there may be new 'spare' capacity identified. There may also be the need to retain some 'spare' capacity in the Working Timetable for developing infrastructure, ahead of this being commissioned for use.

Towards the end of the project, any remaining Rules compliant 'spare' paths will be consulted on being transferred to the Strategic Capacity Operator Code. This consultation will be done in accordance with the criteria for new Strategic Capacity Train Slots.

If the ESG recommends the 'spare' paths are to be retained and they meet the criteria, the recommended paths will be handed over to Strategic Capacity.

The Strategic Capacity sub team will add the Train Slots to the SCS if received prior to D-55, in accordance with Network Rail's Timeline for Timetable Development Process. Any requests received after this date will be evaluated for the following SCS.

E.02 Strategic Capacity Input to the Train Service Specification (TSS)

A Strategic Capacity sub team representative will be invited to attend ESGs and appropriate sub-groups, similar to a Timetable Participant.

The latest available SCS, along with the intended purpose of the Train Slots, should be an initial input into the agreed Train Service Specification (TSS), and a representative of the Strategic Capacity sub team should be party to agreeing the TSS.

The TSS should make some provision for 'spare' capacity within the geographic scope of the ESG, to meet our obligations in the Railways Regulations and to help to deliver the RFGT.

E.03 Data Refresh

The SCS will be updated at quarterly intervals and sent by the Strategic Capacity sub team to the Advanced Timetable team for consideration.

The Development Timetable (DTT) assumptions can be refreshed, when necessary, where agreed by the ESG. These changes could be due to Strategic Train Slots being 'utilised' in the previous timetable, paths being relinquished by Train Operators, or other alterations to the SCS.



E.04 Considerations

'Spare' capacity paths are validated in each DTT in a similar manner to any other Train Operator paths, so they can be 'utilised' in future timetables.

Where a Strategic Train Slot cannot be accommodated in the DTT due to capacity constraints, this will be communicated with the Strategic Capacity sub team through the ESG changes log, along with details in a report as to why the path will not be recommended for inclusion. Where possible the intended purpose of these Strategic Train Slots should be retained.

Timetable Participants cannot request to 'utilise' Strategic Train Slots on the SCS prior to timetable production timescales. This is because the capacity could be 'utilised' by another Timetable Participant in the intervening period between the current WTT and the target timetable of the ESG. Strategic Capacity is allocated in the date order of requests which meet the 'utilisation' criteria within the WTT.

E.05 Outputs

Through written communications, the Strategic Capacity sub team representative will be aware of any issues surrounding accommodation of Strategic Train Slots ahead of the handover to Timetable Production.

Any 'spare' paths will be consulted on being transferred to the Strategic Capacity Operator Code. This consultation will be done in accordance with the criteria for new Strategic Capacity Train Slots and will occur before D-55, which is when Strategic Capacity must inform Capacity Planning of any significant changes, to the SCS in accordance with Network Rail's Timeline for Timetable Development Process.

Strategic Capacity may choose to optimise any paths transferred from ATT to alternative departure or arrival points that sit outside of the geographic scope of the ESG, prior to these forming the Strategic Capacity Access Proposal at D-45 for the relevant Timetable Change Date.

Whilst the entirety of the SCS will form the Strategic Capacity timetable change Access Proposal, the expectation will be that the output of the ESG will be followed, as consultation with all Timetable Participants will have occurred through this process.



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Appendices

Appendix A: Regulatory & Contractual References

The Railway Regulations

The Railway Regulations 2016 (Access, Management and Licencing of Railway Undertakings)

The Railways Regulations 2019 (Amendment)

The Railways Regulations 2019 (Amendment) (EU Exit)

The need to identify 'spare' capacity for short term needs, stems from Regulation 24 of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016.

Allocation of Infrastructure Capacity - Ad hoc requests - Regulation 24

- (1) In addition to making an application for capacity in accordance with the annual timetable process described in Regulation 22, an applicant may submit ad hoc requests for individual train paths to the infrastructure manager.
- (2) The infrastructure manager must respond to a request described in paragraph (1) as quickly as possible and, in any event, no later than five working days from receipt of the request.
- (3) The infrastructure manager must make available to all potential applicants for such individual train paths, information about available spare capacity on the network for which it is responsible.
- (4) The infrastructure manager must, including in the case of congested infrastructure, undertake an evaluation of the need for reserve capacity to be kept available within the final working timetable to enable it to respond rapidly to foreseeable ad hoc requests for infrastructure capacity.

The full Railways Regulations 2016 can be found on the Government website [here](#):



Network Code Part D

The Network Code is a set of Rules incorporated into each Track Access Contract between Network Rail and Timetable Participants. It covers areas where all parties are obliged to work together to the set processes and timescales. Part D of the Network Code is relevant to the timetabling of train services on the network and includes the processes and timescales for the creation and administration of Strategic Capacity. Specific conditions that are applicable to Strategic Capacity are:

- **D1.1.11 Strategic Capacity** - Capacity for potential use by new services to be included in the New Working Timetable and Working Timetable by way of a Strategic Train Slot.
- **D1.1.11 Strategic Train Slot** - A Train Slot included in the New Working Timetable and Working Timetable to represent Strategic Capacity.
- **D1.1.11 Strategic Capacity Statement** - The statement published in accordance with the Management of Strategic Capacity on the Network (Network Rail's Code of Practice) setting out Strategic Capacity.
- **D1.1.11 Management of Strategic Capacity on the Network (Network Rail's Code of Practice)** - The document which sets out the principles and procedures that Network Rail will follow to manage Strategic Capacity across the Network.
- **D1.1.11 Flexing Right** - A right, exercisable by Network Rail in allocating a Train Slot in the New Working Timetable or relevant Working Timetable, to vary a Train Slot... where the Train Slot which is being varied is a Strategic Train Slot, in any way without limitation.
- **D2.1.1 Preliminary** - The Working Timetable shall show every train movement on the Network, including: (c) every Strategic Train Slot.
- **D2.3.2** - Not later than D-45, Network Rail shall publish the Strategic Capacity Statement which is relevant to the preparation of the New Working Timetable. The Strategic Capacity Statement published no later than D-45 shall be deemed to be an Access Proposal, submitted to Network Rail in accordance with Conditions D2.4 and D2.5, in relation to the Strategic Paths contained in it.
- **D4.2.1** - In compiling a New Working Timetable in accordance with Condition D2.6, Network Rail shall apply the Decision Criteria in accordance with Condition D4.6 and conduct itself as set out in this Condition D4.2.
- **D4.2.2** - Network Rail shall endeavour wherever possible to comply with all Access Proposals submitted to it in accordance with Conditions D2.4 and D2.5 and accommodate all Rolled Over Access Proposals, subject to the following principles:



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(d) where the principles in paragraphs (a), (b) and (c) above have been applied but Network Rail is unable to include all requested Train Slots in the New Working Timetable, the Train Slots shall be allocated in the following order of priority:

(iv) fourth to any:

(B) Strategic Capacity contained in the Strategic Capacity Statement.

- **D4.3.1** - In responding to a Train Operator Variation Request, Network Rail shall conduct itself as follows:

(a) it is entitled to exercise its Flexing Right.

(b) when exercising its power set out in Condition D3.3.3 Network Rail shall apply the Decision Criteria in accordance with Condition D4.6 except that it shall not accept a Train Operator Variation Request if to do so would give rise to any conflict with any Train Slot already scheduled in:

(i) the New Working Timetable after it is published at D-26 or the relevant Working Timetable, unless it is a Strategic Train Slot... which has not already been allocated to a Timetable Participant; or

(ii) the Rules;

- **D4.3.2** - Where a Train Operator Variation Request:

(a) pertains to a Train Slot to be used for the carriage of passengers in connection with any sporting or other public event; and

(b) would, if accepted, conflict with any Train Slot already scheduled in the New Working Timetable or Working Timetable, unless it is a Strategic Train Slot;

- **D4.6** - The Decision Criteria

- **4.6.1** - Where Network Rail is required to decide any matter in this Part D its objective shall be to share capacity on the Network for the safe carriage of passengers and goods in the most efficient and economical manner in the overall interest of current and prospective users and providers of railway services ("the Objective").

- **D4.6.2** - In achieving the Objective, Network Rail shall apply any or all of the considerations in paragraphs (a)-(l) below...

(a) maintaining, developing and improving the capability of the Network;

(b) that the spread of services reflects demand;

(c) maintaining and improving train service performance;

(d) that journey times are as short as reasonably possible;



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- (e) maintaining and improving an integrated system of transport for passengers and goods;
- (f) the commercial interests of Network Rail (apart from the terms of any maintenance contract entered into or proposed by Network Rail) or any Timetable Participant of which Network Rail is aware;
- (g) the content of any relevant Long-Term Plan and any relevant Development Timetable produced by an Event Steering Group;
- (h) that, as far as possible, International Paths included in the New Working Timetable at D-48 are not subsequently changed;
- (i) mitigating the effect on the environment;
- (j) enabling operators of trains to utilise their assets efficiently;
- (k) avoiding changes, as far as possible, to a Strategic Train Slot other than changes which are consistent with the intended purpose of the Strategic Capacity to which the Strategic Train Slot relates; and
- (l) no International Freight Train Slot included in Section A of an International Freight Capacity Notice shall be changed.

The full Network Code Part D can be found on Network Rail's website [here](#).

Network Statement

Chapter 4.5.4 - We have published a Strategic Capacity Code of Practice. This sets out how we will produce the Strategic Capacity Statement, which details the strategic paths that are identified for potential future use on key routes on our infrastructure.

The full Network Statement can be found on Network Rail's website [here](#).



Network Licence - Part A

Network Rail's Network Licence Condition 1 also refers to planning for future capacity and allocating capacity. The need to plan into the future for demand stems from the Planning and Long-Term Planning Process Section of the Network Licence. The text is shown below.

Planning

1.4 The licence holder shall plan the means by which it will comply with the general duty in condition 1.2 over the short, medium and long term to meet reasonably foreseeable future demand for railway services.

1.5 In complying with condition 1.4, the licence holder shall consult, and take into account the views of, persons providing services relating to railways and funders so as to facilitate effective industry-wide planning.

1.6 In complying with condition 1.4, the licence holder shall prepare and provide to ORR plans, strategies or other documents demonstrating its compliance and proposed compliance with the general duty in condition 1.2, including:

- (a) the delivery plan referred to in condition 1.10.
- (b) those associated with or arising from the long-term plans (including route utilisation strategies) referred to in condition 1.14.
- (c) other plans, strategies, or documents that ORR may reasonably require from time to time; and
- (d) revisions of the plans, strategies and other documents referred to in condition 1.6 (a) to (c) that ORR may reasonably require from time to time.

1.7 Each of the plans, strategies and other documents referred to in condition 1.6 shall demonstrate the position, as appropriate, on a network-wide basis and at a suitably disaggregated level of detail.

1.8 Each of the plans, strategies and other documents prepared in compliance with condition 1.6 shall be provided to ORR in respect of such period, in such format and structure, to such standard and level of detail and in accordance with such requirements (including any requirements as to publication) as ORR may, from time to time, specify by notice or in guidelines to the licence holder.

1.9 Any notice or guidelines to the licence holder issued under condition 1.8 may include a procedure under which ORR may object to the contents of a plan, strategy or other document on grounds specified in the notice or guidelines.



Long-term planning process

1.14 In complying with condition 1.4, the licence holder shall establish and maintain long term plans to promote the long-term planning objective in accordance with guidelines issued by ORR under condition 1.8.

1.15 The long-term planning objective referred to at 1.14 means the effective and efficient use and development of the capacity available on the network, consistent with the funding that is, or may become, available during the period of the long-term plans and with the licence.

1.16 The licence holder shall have due regard to the long-term plans when carrying out its licensed activities.

1.17 The licence holder shall from time to time and when so directed by ORR review and, if necessary, amend each long-term plan to ensure that it continues to promote the long-term planning objective.

Capacity allocation

1.8 In complying with the general duty in Condition 1.2, the licence holder shall co-operate with any potential provider or potential funder as to identify ways in which its reasonable requirements in respect of the allocation of capacity on the network could be satisfied.

The full Network Licence can be found on the ORR website [here](#).



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