

Network Rail Infrastructure Limited (NR)

Reference Number: 20044102

NR's comments on The Applicant's Response to the Examining Authority's Written Questions – Traffic and Transport (Application Document Ref: 10.16)

Below we set out NR's comments on the applicant's response to specific written questions on Traffic and Transport.

<p>Question</p> <p>ExQ1 TT.1.14</p>	<p>Paragraph 9.1.1 explains that Chapter 9 of the TA provides an assessment of the rail network in terms of crowding in the future baseline and with Project scenarios.</p> <p>Is all the modelling undertaken based on timetabled services? Has any account been taken of cancellations and actual performance against timetabled services?</p>
<p>Applicant's response</p>	<p>All of the rail modelling is based on timetabled services or where new services are proposed and not within the timetable, the anticipated hourly frequency, following TAG Guidance in Unit M3.2 Public Transport Assignment. No account has been taken of cancellations and actual performance against timetabled services on the basis the timetable reflects the operators' anticipated operating plans. We are continuing to discuss rail crowding analysis and assumptions with Network Rail and are seeking engagement with GTR and will update the ExA accordingly within the SoCG due at Deadline 5.</p>
<p>NR's comments</p>	<p>It is not standard practice to take account of unreliability or performance issues when forecasting demand into the future, but Network Rail wishes to reiterate that:</p> <ul style="list-style-type: none"> • The issue of strategic rail network reliability was flagged in our PADSS (3.3). • The timetable assumed by Gatwick in their transport modelling is not that which operates today. Whilst the assumed timetable is credible, there will be an impact on overall rail network performance due to operating higher frequencies than today, which will need to be evaluated and managed closer to the time. • The additional passenger demand driven by Gatwick's expansion will also place further pressure on the reliability of the overall system. <p>Network Rail also notes that it is not credible or resilient to plan for a network that relies on 100% use of capacity, or consistently high average occupancy levels. A reduction of service or demand between busier times is required to provide a buffer to recover from delays.</p>

<p>Question</p> <p>ExQ1 TT.1.31</p>	<p>Paragraph 12.5.15 states that it is assumed that air passengers place their luggage in overhead luggage racks. Is it realistic on trains serving an airport that all luggage will fit in overhead racks or luggage storage areas and not on the floor. Has this assumption been checked against actual surveys?</p>
<p>Applicant's response</p>	<p>Paragraph 12.5.15 of ES Chapter 12: Traffic and Transport [AS-076] states that "It is assumed that all seats are available for passenger use, and that air passengers place their luggage in overhead luggage racks, under the seats, in the luggage compartments provided throughout the train, or on the floor, but not on the seats." The assumption is therefore not limited to luggage being in overhead racks or storage areas and does include the potential for luggage to be placed on the floor.</p>

	<p>Further information around the assumptions relating to luggage and its potential implications with regard to the rail crowding analysis has been presented in The Applicant's Response to Actions - ISHs 2-5 [REP2-005] in Appendix C. Paragraphs 4.1.1 and 4.1.2 of that Appendix reiterate the approach noted above, stating that "The seated and standing train capacities used in the assessments of rail passenger modelling are taken from DfT's Green Book (2019). It is not clear from this source what specific assumptions are made in the calculation of standing capacity. The working assumption relating to luggage in the assessment of rail crowding is that it is placed in overhead racks, under seats, in luggage compartments or placed on the floor."</p> <p>No surveys of how luggage is located in trains have been obtained - the assessment has focused on considering the proportion of available standing space (as defined in the DfT Green Book) that would be occupied by the passenger volumes that are forecast. Clearly if the Green Book standing capacities do not assume any luggage placed where passengers might otherwise stand, the presence of such luggage would reduce the available standing capacity although any reduction is likely to represent a small proportion of available standing capacity</p>
<p>NR's comments</p>	<p>Network Rail provided a reply to this question at Deadline 3. Specifically in regard to the applicant's response, Network Rail notes the conclusion drawn by Gatwick that "the presence of such luggage would reduce the available standing capacity although any reduction is likely to represent a small proportion of available standing capacity". NR notes in particular that:</p> <ul style="list-style-type: none"> • Without evidence – such as surveys - this is unproven. • The issue will be more problematic on busier trains. Gatwick's proposals make more trains busier for more of the time, so Airport passenger's luggage will have an increasingly material impact on passenger capacity over time. • Where trains are already full and standing and in excess of industry standing acceptability, the impact of luggage will be material.

<p>Question</p> <p>ExQ1 TT.1.29</p>	<p>Transport Mitigation Fund</p> <p>How would the Transport Mitigation Fund be secured in the dDCO? Also explain:</p> <p>a) The scope of the Transport Mitigation Fund;</p> <p>b) The level of commitment within the Transport Mitigation Fund;</p> <p>c) The relevant thresholds which would trigger the activation of the Transport Mitigation Fund;</p> <p>d) The parties to be consulted during the development of any Transport Mitigation Fund proposals; and</p> <p>e) The parties and makeup of the decision body that would act as the approval body for the Transport Mitigation Fund.</p>
<p>Applicant's response</p>	<p>The Transport Mitigation Fund (TMF) is secured in the Surface Access Commitments (Doc Ref. 5.3 v2) and the draft DCO s106 agreement [REP2-004]. The following responses address each of the questions in turn:</p> <p>a) The general scope of the TMF is described at Commitment 14 of the Surface Access Commitments (Doc Ref. 5.3 v2) and paragraph 10 of Schedule 3 of the draft DCO Section 106 Agreement [REP2-004]. By way of brief summary,</p>

	<p>the TMF is a contingency fund available to address potential future unforeseen or unintended impacts of the Project.</p> <p>b) The financial investment in the TMF is defined in the draft DCO Section 106 Agreement [REP2-004] (paragraph 10, Schedule 3) as the sum of £10 million.</p> <p>c) The TMF has been established to address unknown future impacts and so rather than setting thresholds which would trigger the activation of the Transport Mitigation Fund, the Applicant has established a decision making group (further details set out below) together with a set of detailed criteria against which a proposal for funds would be assessed which is included in the draft DCO Section 106 Agreement [REP2-004] (paragraph 10, Schedule 3) to enable the TMF to achieve its intended purpose.</p> <p>d) and e) The draft DCO Section 106 Agreement [REP2-004] (paragraph 9, Schedule 3) establishes a decision group for the TMF (the Transport Mitigation Fund Decision Group).</p>
<p>NR's comments</p>	<p>As stated in its Written Representations Network Rail expects rail mitigation measures and funding to be secured via a ring-fenced rail-specific fund, or similar, to ensure that the necessary interventions are delivered at the point they are required.</p> <p>Network Rail does not consider that the TMF in the form currently proposed is an appropriate mechanism to fund rail interventions for the following reasons:</p> <p>1. The purpose of the fund</p> <p>Commitment 14 of the Surface Access Commitments (APP-090) states that "<i>the intention of this fund is to give assurance that resource will be available for <u>additional interventions</u> in support of the commitments set out in the [Surface Access Commitments], or to provide mitigation of an <u>unforeseen or unintended impact</u> from the Project</i>" (emphasis added).</p> <p>Similarly, the applicant's response to TT.1.29 states that "<i>the TMF has been established to address unknown future impacts</i>". For this reason, the applicant is not proposing thresholds which would trigger the activation of the fund and is instead proposing a decision-making group to allocate funding.</p> <p>Network Rail is continuing to review the applicant's rail modelling. Network Rail's conclusions are not yet settled but the emerging position shows that:</p> <ul style="list-style-type: none"> - There are trains with increased standing volumes to and from Gatwick in the baseline/ business as usual rail forecasts in the early 2030s i.e. without the Northern Runway proposals. - With instances of excessive standing forecast in the baseline, it is clear that the Northern Runway proposals will exacerbate the level and extent of standing in the future. <p>Mitigation will be needed to address the capacity issues arising from the applicant's proposals. The nature and scale of that mitigation is not yet known pending the full review of the applicant's modelling but there is an identified need for mitigation. This is not a case of mitigation being needed for unforeseen or unintended impacts, which is the intended purpose of the TMF.</p>

2. Uncertainty that funds will be made available

In order to obtain funding Network Rail would need to submit an application to the Transport Mitigation Fund Decision Group (TMFDG) for funding from the TMF. That application must include:

- evidence of an impact on the railway network;
- proposed mitigation measures and evidence that such measures would be effective in addressing the identified impact;
- the sum requested; and
- details of the proposed reporting to the TMFDG on the use of funds and the effectiveness of the proposed mitigation in the event the funding was given.

Under the terms of the section 106 agreement the TMFDG shall only approve the use of a requested sum where it is demonstrated to the unanimous satisfaction of the TMFDG, acting reasonably, that the impact which has been identified in the application has arisen as a result of the increased capacity of Gatwick Airport.

Given that Network Rail knows now that mitigation measures will be needed to address the impact on rail capacity, it is not appropriate for the funding of mitigation to be at the discretion of such a decision-making body. The decision-making body is made up of representatives of the various surface transport modes. There is a risk that the other representatives (which are local authorities, the applicant and National Highways) have no, or very limited, rail experience and so funding decisions are tilted towards highway-related matters. Whilst the decision makers are required to act reasonably, given decisions must be made unanimously it would nonetheless be possible for one transport body to strategically veto any allocations to any other transport modes.

3. Timing of delivery of mitigation

Under the terms of the draft section 106 agreement, any application for funding must be determined by the TMFDG within one year of receipt of the application. This is problematic because:

- The proposed arrangements require a request to be supported by evidence of an impact;
- Some interventions on the rail network would take time to implement; and
- The impact could materially worsen during the decision-making period, and the time following that during which the proposed mitigation is implemented.

Mitigation measures need to be delivered in a timely fashion to address the impact – the timeframes proposed as a part of the TMF do not do that.

4. The amount of the fund

The draft section 106 agreement proposes a total fund amount of £10 million, which is to cover all surface transport modes. The rationale for the figure of

	<p>£10m has not been explained. As detailed above, rail investment will be needed, to accommodate the additional demand arising as a result of these proposals. Whilst the scope of that mitigation remains to be confirmed, NR is aware from experience that capacity improvements are unlikely to be delivered for £10m. For context, the improvements to Gatwick Station costs £249 million¹ and delivery of a new platform at Redhill Station costs £50 million². £10million spread across all surface transport modes is considered inadequate.</p> <p>5. The time limit on the availability of the funds</p> <p>This fund will be available from the commencement of Dual Runway Operations (as that term is defined in the draft s106) until the ninth anniversary of that date. Network Rail cannot, at this stage, confirm the mitigation measures which may be required to mitigate the rail impact, but rail mitigation measures may be needed in advance of Dual Runway Operations (to ensure that measures are in place to deliver a reliable service at the point those increased passenger numbers first occur). Similarly, measures may need to be delivered more than 10 years after Dual Runway Operations commence. Network Rail is concerned that the time limited availability of funds will prejudice the delivery of rail mitigation measures at the time required.</p>
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¹ Gatwick Airport: Revamped railway station opens to customers - BBC News

² [REDACTED]