

Responses to the XC Trains Limited S17 application

Consultation opened 26 January 2024 and closed 26 February 2024

Respondent	Page
Chiltern Railways	2
East Midlands Railway	5
Freightliner	6
GB Railfreight	8
Grand Union Trains	10
Great Western Railway	12
London TravelWatch	13
Northern	14
Transport Focus	15
West Yorkshire Combined Authority	16

From:

Sent: Monday, February 26, 2024 4:57 PM

To:

Cc:

Subject: RE: Industry Consultation: CrossCountry Trains Ltd. Section 17 Application

Many thanks for letting Chiltern Railways respond to this consultation.

We note the increase in XC services on the Tyseley – Aynho Junction corridor as noted at the bottom of this email.

We would expect that the application for such an increase in services would be contain performance modelling. to allow empirical assessment of the impact of these additional services.

This has not been provided and we look to the EWR Modelling report that established a drop in performance on the approach to Leamington Spa with these additional services.

Chiltern have these concerns:

- The XC 1VXX and the Chiltern 1HXX are 7 minutes apart at Tyseley South Jn and there is a morning train 1V81 versus 2L21 is only 3 minutes apart. For any delay more than 4 minutes this will impact Chiltern's T3 score in the standard hour and even more so with 1V81.
- We need to understand what the impact and mitigation is for these services, including how the minimum reversals at New Street are being increased by up to 10 minutes.
- Furthermore, In May 23. there were a number of Cross Country services introduced on this corridor. Due to their problematic performance a regulation statement has been introduced from December 23 timetable to reduce their impact on Chiltern services.
- The impact of the current services via Tyseley has been dampened by Cross Country resource constraints, so doesn't provide a full picture.
- As stated above services at Birmingham New Street have challenging reversal, recrewing and boarding times, the five minutes allowed is the minimum in the Rules of Plan. This means that there is no fire break in the timetable to improve the opportunity for an on-time presentation leaving Birmingham towards Tyseley. An increase in timing at Birmingham New Street should not be achieved at the expense of dwell times, or amendments to the location of engineering allowances.

Thanks

SX

1E32 Reading-York (via Solihull and Doncaster)
1E36 Reading-Newcastle (via Solihull and Doncaster)
1E44 Reading-Newcastle (via Solihull and Doncaster)
1E68 Reading-Newcastle (via Solihull and Doncaster)
1E86 Southampton-Newcastle (via Reading, Solihull and Doncaster)
1V81 Derby-Reading (via Solihull)
1V82 York-Reading (via Doncaster and Solihull)
1V84 New St-Reading (via Solihull)
1V91 Newcastle-Reading (via Doncaster and Solihull)
1V90 York-Reading (via Doncaster and Solihull)
1V96 (1M10 extended) York-Reading instead of York-Birmingham (via Solihull)

[Thursday 1:43 PM] Anthony Hau

SO

1E32 Reading-York (via Solihull and Doncaster)
1E36 Reading-Newcastle (via Solihull and Doncaster)
1E44 Reading-Newcastle (via Solihull and Doncaster)
1E68 Reading-Newcastle (via Solihull and Doncaster)
1E86 Reading-Newcastle (via Solihull and Doncaster)
1M71 Reading-Birmingham New Street (via Solihull)
1V81 Derby-Reading (via Solihull)
1V82 York-Reading (via Doncaster and via Solihull)
1V84 New St-Reading (via Solihull)
1V90 York-Reading (via Doncaster and Solihull)
1V91 Newcastle-Reading (via Doncaster and Solihull)

SUN

1E40 Birmingham New Street-York (via Doncaster)
1E44 Reading-Newcastle (via Solihull and Doncaster)
1E48 Reading-York (via Coventry and Doncaster)
1E52 Reading-Newcastle (via Coventry and Doncaster)
1E56 Reading-York (via Coventry and Doncaster)
1E60 Reading-Newcastle (via Coventry and Doncaster)
1V32 Birmingham New Street-Reading (via Coventry)
1V81 Birmingham New Street-Reading (via Coventry)
1V83 Derby-Reading (via Coventry)
1V85 York-Reading (via Doncaster and Coventry)
1V87 York-Reading (via Doncaster and Coventry)

Head of Train
Planning Chiltern
Railways

East Midlands Railway response

26th February 2024

Re: XC Trains: Section 17 Industry Consultation – New Track Access Agreement to PCD 2027

Thank you for the opportunity to respond to this Section 17 Application by XC Trains Ltd for a new track access agreement to continue to operate services up to PCD 2027 including Union Connectivity in December 2024 and the uplift to services in May 2025. Having reviewed the information provided in the application, EMR has got some concerns regarding the validation of train services in May 2025. At this stage, we cannot support this application until the issues highlighted in this response have been resolved.

EMR is supportive of the Union Connectivity changes in December 2024. We have assessed the uplift to services in May 2025, as detailed in the application. Whilst EMR is fully supportive of the re-instatement of services that grow industry demand, there is a small number of validation issues that need to be worked through. These are detailed below.

North Staffordshire Junction

In the Down direction, the time which Reading – York/Newcastle services passing North Staffordshire Junction varies between xx/51:30 and xx/52:30. As the EMR service from Newark Castle – Crewe passes at xx/53:30, the XC service needs to pass at xx/51:30 for compliance with Timetable Planning Rules. Flexing the EMR service is not a viable option because it will impact on services at Stoke-on-Trent, and subsequently Slade Lane Junction. Please could you confirm that all new services can pass at xx/51:30.

Freight Conflicts Derby – Sheffield

We cannot see any reference to validation issues on the Midland Main Line, or when this work will be undertaken. Whilst not directly affecting EMR services, our concern is that these could consequently impact on the delivery of our services and extend journey times. We would be grateful if you would confirm whether the following significant issues have been addressed:

Weekday

- 1E44 12:45 Reading to Newcastle – runs through 4H96 (10:35 Small Heath LaFarge to Tunstead Sidings) between Ambergate Jn and Dore South Jn.
- 1E86 07:56 Southampton to Newcastle - runs through 6H80FA (10:28 Ratcliffe Heavy Hau1 to Tunstead Sidings) between Tapton Junction and Dore South Jn.
- 1V90 14:33 York to Reading - runs through 6V78 (14:28 Tunstead Siding to Acton Yard) between Dore South Jn and Chesterfield South Jn.

Saturday

- 1E36 10:45 Reading to Newcastle - runs through 4H62FA (08:19 Small LaFarge to Hindlow) between Ambergate Jn and Dore South Jn.

In the meantime, EMR is happy to work collaboratively with XC alongside Network Rail and other operators to find solutions.

Yours sincerely,

Network Access Manager
East Midlands Railway

From:

Sent: Monday, February 26, 2024 5:24 PM

To:

Cc:

Subject: RE: Industry Consultation: CrossCountry Trains Ltd. Section 17 Application

OFFICIAL

At present Freightliner Ltd and Freightliner Heavy Haul Ltd ('Freightliner') are unable to support this Section 17 application from CrossCountry Trains.

Freightliner are supportive of the changes proposed under General Updates, Full Audit of Rights Table and Cardiff to Edinburgh and Return within the Commentary of Changes document. However, Freightliner cannot support the suite of additional Rights proposed for May 2025, for the following reasons:

-These paths have not yet been included in a validated Working Timetable, and as such Freightliner are unable to understand whether capacity exists for these paths alongside existing paths already operating today.

-Freightliner have seen many of these paths included in the December 2024 'Prior Working Timetable' and there are numerous significant, fundamental conflicts with existing freight services which have not been worked through or assessed. It is therefore unclear whether existing Firm Rights, as well as TOVRs running in expectation of Rights, can still be accommodated within the required operating windows.

-Although CrossCountry have approached Freightliner with some minor flexes to make additional paths compliant, there have been no requests on the scale apparent from the Prior Working Timetable, which leads to questions around the quality of the data validation completed by Network Rail and CrossCountry to support this application, if indeed this has been completed.

- Freightliner also have aspirations for improvements to schedules in the May 2025 working timetable which should be treated equally with any other new access proposals submitted, the inclusion of the paths in this Section 17 Application would give CrossCountry a higher level of priority for inclusion in the WTT, which Freightliner would not enjoy as the information will not be available to support a freight rights application at the same timescales.

-Freightliner are not aware of any performance assessments being completed on the impact to our own services created by the inclusion of these additional CrossCountry services in the Working Timetable, and would seek to understand the impact this will have both in terms of delay, and also Route Control policy when it comes to managing disruption, given typically freight schedules are side lined in these circumstances....

Freightliner would seek assurance that additional passenger services on these lines of route would not have an impact on the quantum of freight allowed to run during disruption.

Thanks

Timetable Strategy and Rail Industry Manager
Freightliner Limited

From:

Sent: Monday, February 26, 2024 3:06 PM

To:

Cc:

Subject: RE: GBRf response to Industry Consultation: CrossCountry Trains Ltd. Section 17 Application

OFFICIAL

Thank you for the opportunity to respond to this Section 17 application for a new Cross-Country Trains Ltd. track access contract from December 2024 to December 2027.

GB Railfreight notes the increase in firm access rights being requested, not only over the East Coast Main Line (and its associated branches) but also critical neighbouring routes such as through Sheffield station and along the Sheffield-Birmingham axis, as well as the Cross-Country route across to Peterborough and through Ely for its additional Stansted Airport services. However, it is not clear which firm access rights are required from the start of the Dec '24 Timetable and then which are required for the start of the May '25 Timetable. I'd be grateful if you provide a little more clarity on this specific point please.

This application, for the granting of these new firm rights, would lead to a significant increase of additional XC train slots across the UK compared to now. With the timetabling work carried out to date, GBRf believes that many of these new rights would unlikely be able to support train slots that work alongside existing freight services, as outlined by the ECML Event Steering Group, for the Dec '24 TT. As part of that workstream, there is also no solution in sight for making all the desired passenger and freight services in the ESG Concept Train Plan work, to date.

With what GBRf knows of how the unfinished ECML development timetable is looking as it feeds into the December 2024 production cycle, GBRf has some serious concerns with this new application. There is currently quite some unfinished detailed work on freight services across all the areas described, above, with at least 55 missing GBRf freight services from the December 2024 Prior Working Timetable and many clashes showing up between passenger and the freight trains that are there. This may well affect the current lesser levels of Cross-Country Trains' services, let alone the recast services from May 2025.

In Section 4.1 of the Form P of this application, there is a clear requirement to describe "*any impact on other operators, including freight operators*". With this very much in mind, this section does not describe what the impact of this step-change of services might be on freight services for the December 2024 Timetable. Given this is a Section 17 application brought about by Cross-Country Trains Ltd., GBRf would be keen to hear of the perceived impact if, indeed, it is yet known.

With regard to the May 2025 Timetable, as the development for this has not yet commenced, there is no real understanding of capacity and whether or not additional services would be able to be accommodated into that timetable.

Given that the start of the December 2024 Timetable production cycle is based on a Prior Working Timetable that has very many freight services missing, completely, and quite a number of direct clashes between existing services, GB Railfreight cannot support this supplemental. There are too many unknowns, at present, and known aspired passenger services clashing with existing freight services.

Regards,

| Head of Strategic Access Planning

Grand Union Trains response

21 February 2024

Cross Country (XC) 30th Supplemental

Thank you for sight of the XC 30th Supplemental agreement and Form P application recently submitted for consultation. Please note this response is a joint response from Grand Union Trains and Alliance Rail (Alliance).

XC's previous application, the 29th Supplemental, attempted to protect a number of unused rights that should previously have been surrendered, and as such the ORR rejected the 29th Supplemental application on 17 November 2023 and made comment on Network Rail's position.

While the 30th Supplemental application seeks to extend XC's current contract until PCD 2027, it is also attempting to introduce the surrendered services that were only recently rejected by the ORR as part of the 29th Supplemental.

Alliance has submitted an application to operate 5 return trains per day between Cardiff and Edinburgh, which properly reflects the desire for improved Union connectivity as opposed to one extended XC service which currently terminates at Gloucester. An important benefit of open access has been its ability in delivering reasonably regular intercity services to places long forgotten by the franchised/concession railway and the economic benefits that comes with it. Hull, Sunderland, Hartlepool, Middlesbrough, Bradford, Halifax and others previously had only one (or sometimes none) direct services to London, but the open access operators have increased those numbers significantly, which in turn, in some areas, has also seen an increase in franchise/concession services. In reality, one daily extended train can hardly claim to deliver on the Union connectivity front.

While it is noted that XC state that its client is content for it to introduce a number of new services, it should be pointed out that the DfT, via consultation, is also supportive in principle of the application from Alliance. Discussions between the parties have been ongoing since May 2023.

While Alliance believes that there is sufficient capacity to accommodate a number of additional services into the timetable, it is concerning that there is a distinct difference in how Network Rail is working closely with XC and the difficulties Alliance is having in any meaningful engagement with Network Rail. The issue is a matter of ongoing debate and remains unresolved.

During a recent Western Route Capacity Planning TOC Liaison meeting, in an update, XC stated that despite it being 'off process', an agreement had been reached with Network Rail in protecting the proposed new paths requested by XC in its 30th Supplemental, and that they would be included in the December 2024 timetable. Following that meeting a formal complaint was made by Alliance to Network Rail about its discriminatory behaviour. Alliance would point to the decision made by the ORR only recently where it noted that Network Rail had failed to act decisively on XC's unused access rights where Network Rail is seemingly using the supplemental agreement process and ignoring the Network Code. Alliance would also contend that there are serious issues with Network Rail in respect of the Access and Management Regulations.

In view of Alliance's very real concerns about how this process is being undertaken by Network Rail, notwithstanding that Network Rail itself does not support the application, Alliance does not support the part of the application that seeks to introduce new services but has no issue with the extension to PCD 2027 of its current contract.

Yours sincerely

From:
Sent: Monday, February 26, 2024 5:23 PM
To:
Subject: Re: Industry Consultation: CrossCountry Trains Ltd. Section 17 Application

OFFICIAL

thank you for this.

We have no objection to the Reading rights if they match the quantum of previously held rights in this area.

We have no objection to a contract length that is consistent with the ORR's guidance which we understand covers until the second change date after any split point in the DfT contract.

We have no objection to the Cardiff - Edinburgh service.

Many thanks.

| Network Access Manager | Great Western Railway

From: Consultations
Sent: Monday, February 12, 2024 1:23 PM
To:
Subject: RE: Industry Consultation: CrossCountry Trains Ltd. Section 17 Application

OFFICIAL

Thank you for your e-mail.

For this consultation, the geographic remit of London TravelWatch only covers Stansted Airport and so our comments only relate to Cross Country's services to that station.

From the documentation, we understand that it is proposed that from May 2025 the missing Cambridge-Stansted and Birmingham-Stansted services will be reintroduced on Monday to Saturday, with no change on Sunday. This will mean that the total number of trains to/from Cambridge and Stansted will increase from 13 to 19 per day Monday to Saturday. Presuming that this is correct (and please do advise if we have misunderstood), then London TravelWatch would support the restoration of those services.

Many thanks

Kind regards

Policy and Advocacy Officer

From: SMB - Track AccessConsultations
Sent: Monday, February 26, 2024 2:28 PM
To:
Cc: SMB - Track AccessConsultations
Subject: RE: Industry Consultation: CrossCountry Trains Ltd. Section 17 Application

OFFICIAL

Northern are generally supportive of this application. We have a couple of questions that we would appreciate a response to either from XC or Network Rail.

We cannot see the additional Cardiff – Edinburgh in Dec 24 development data, has that been validated with the ESG timetable?

There are still a number of capacity/validation issues still to resolve in the Dec 24 ESG timetable, Therefore have NWR confirmed that the capacity exists within the ESG timetable in May 25 to reinstate these paths?

Thanks,

Track Access Manager

From:

Sent: Friday, February 2, 2024 10:20 AM

To:

Subject: Re: Industry Consultation: CrossCountry Trains Ltd. Section 17 Application

OFFICIAL

Thanks, happy to accept.

Cheers

From:
Sent: Monday, February 5, 2024 2:57 PM
To:
Cc:
Subject: RE: Industry Consultation: CrossCountry Trains Ltd. Section 17 Application

Thank you for including WYCA in this Section 17 application.

We have no objection to the reinstatement of these long-distance services and note that these have been factored into the Dec 2024 ECML ESG timetable to minimise and mitigate risk. Increasing services calling at Doncaster could also have a positive impact on the quality of service that can be offered on the York <> Leeds <> Birmingham route, in that they could reduce crowding pressures.

We do however have some queries that we would like to raise, especially around transferring delay on the network.

- How confident are you that a quality service can be maintained as it appears that headways are being reduced. This is cited on the ECML with operators like LNER and at Proof House Junction between Bristol to Manchester services and the Newcastle/Reading Path. If you are confident this can be mitigated against then this shouldn't be an issue and is a result to increases in capacity. Can Freight operators be flexed to avoid delays?
- Lack of agreement regarding the splitting/joining of services at Birmingham New Street. It appears that this is a one per day event, are you confident this can be safely managed without significant delays being knocked on, even if the service coming into Birmingham New Street is already delayed with less build in time?

We would welcome your comments on the specific queries that have been raise.

Best,

Rail Policy Officer
West Yorkshire Combined Authority