

APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A PASSENGER TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT

Use this form to apply to the Office of Rail and Road (ORR) for a passenger track access contract, or an amendment to an existing contract by a supplemental agreement, under sections 17-22A or the Railways Act 1993.

It sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry [code of practice for track access application consultations](#) for more information.

This form should be completed up to section 9 and sent to consultees along with a copy of the proposed contract or supplemental agreement. Sections 9 and 10 should be filled in after the consultation and before applying to ORR.

We are happy to talk to you informally before you apply. Please contact us [here](#). You can download a copy of this form, and of our model track access contract, from our [website](#). Please ensure that you are using the latest version of this form as published on our website. We may ask for applications which have not used the latest version to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

1. Application Summary

1.1 Beneficiary company name:

XC Trains Ltd

1.2 Facility owner details:

Network Rail:	<input checked="" type="checkbox"/>				
Region:	Southern <input type="checkbox"/>	Eastern <input type="checkbox"/>	North West & Central <input type="checkbox"/>	Wales & Western <input type="checkbox"/>	Scotland's Railway <input type="checkbox"/>
Other Facility Owner:	<input type="checkbox"/>	Please state:			

1.3 Application under the Railways Act 1993 section:

17	<input checked="" type="checkbox"/>	18	<input type="checkbox"/>	22	<input type="checkbox"/>	22A	<input type="checkbox"/>
				Supplemental Number:			
				Current contract date:		08 th August 2017	
				Current contract expiry date:		PCD 2024	

1.4 Applicant status:

Public Service Operator	<input checked="" type="checkbox"/>	Public service contract start date:	15 th October 2023
		Public service contract end date:	October 2031
Open Access	<input type="checkbox"/>		
Charter Operator	<input type="checkbox"/>		

1.5 Executive summary of the proposed contract or amendment:

This Section 17 application is for a new Track Access Contract for XC Trains to operate services up to PCD 2027.

XC Trains has been unable to agree with Network Rail for an extension to its current TAC through the Section 22 process.

The proposed application includes rights for services reintroduced as part of our National Rail Contract and includes a dated rights table to align with the industry implementation of the East Coast Mainline ESG timetable.

Proposed commencement date:	PCD 2024
End date:	PCD 2027
Date approval or directions wanted by:	Following ORR Approval

1.6 Industry consultation:

Who carried out the consultation?	Network Rail		
Consultation start date:	TBC	Consultation end date:	TBC
Not carried out	<input type="checkbox"/>		

1.7 Applicant details

Facility Owner Company: Network Rail Infrastructure Ltd Contact name: Sophie Grieves Job title: Customer Manager Address: Baskerville House, Centenary Square, Broad St, Birmingham B1 2ND Phone: [REDACTED] E-mail: [REDACTED]	Beneficiary Company: XC Trains Ltd Contact name: Lee Tuttle Job title: Head of Planning Address: Cannon House, 18 The Priory Queensway, Birmingham B4 6BS Phone: [REDACTED] E-mail: [REDACTED]
--	--

1.7 Date of application to ORR:

12/01/2024

2. Licence and railway safety certificate

2.1 Please state whether:

- you intend to operate the services yourself; or
- have them operated on your behalf.
 - if so, please name the proposed operating company:

2.2 Does the proposed operator of the services:

- (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and**
- (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

3. The proposed contract or amendment

3.1 Application overview: Please detail the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

This Section 17 application is for a new Track Access Contract for XC Trains to continue to operate services up to PCD 2027. XC Trains has been unable to agree with Network Rail for an extension to its current TAC through the Section 22 process.

The application includes rights for services required to be reintroduced as part of our National Rail Contract and includes a dated rights table to align with the industry implementation of the East Coast Mainline ESG timetable.

On Tuesday 19th September 2023, XC Trains Ltd (XCTL) were awarded an eight-year National Rail Contract (NRC) to allow the continued operation and future development of CrossCountry services.

The new NRC with the DfT began on the 15th October 2023 and will operate for eight years. XC Trains Ltd currently has a Track Access Contract up until PCD 2024. There have been challenges experienced over the past six months in gaining an extension to the contract to cover the December 24 and May 25 timetables, which include uplifts to the timetable as per ECML ESG TT scope and which are required to operate in the NRC commitments with our client. Following feedback received during previous consultations, a dated rights table is included, clearly indicating the rights required from May 2025.

We have been working collaboratively with Network Rail since the signing of our NRC in September 2023 to secure access rights beyond December 24. Our 30th Supplemental Agreement has not gained approval by Network Rail, despite the collaborative work to close out issues raised during and after the formal internal consultation within NR during October 2023. The SoAR paper presented to an extraordinary SoAR on December 20th 2023 received sign off from all routes and regions ahead of the panel but did not gain approval by the SoAR panel.

We continue to work closely with Network Rail at bi-lateral sessions to work through validated train paths required for December 2024 and May 2025. The paths align with associated ESGs, including the ECML, West Anglia Main Line and East West Rail ESGs. A full table of access rights has been included in the attached Schedule 5 document.

3.2 Safety risks: Please explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate).

There are no perceived safety risks arising from this proposal.

3.3 Contract duration: For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the [Railways \(Access, Management and Licensing\) Regulations 2016](#).

This application is for a new Track Access Contract to begin at PCD 2024 and run until PCD 2027. These dates are beyond the current end date of the XC Trains Ltd Track Access Contract, which is end dated PCD 2024.

3.4 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): Please explain any areas of the application which have ***not*** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

Network Rail have been unable to support the extension of our Track Access Contract. At the extraordinary SoAR on the 20th December 2023, the following outstanding elements were raised:

- Performance modelling and analysis and operational/safety items concerns
 - i.e. splitting/joining at Birmingham New Street
 - safety assurance through TCRAAG
- ATT working group outputs and capacity in relation to quantum rights including calling patterns
- ECML decision and timings

Performance modelling has been carried out under the NRC negotiations and subsequent work on timetable paths and ESGs. An appendix is attached to this submission with further details, including around joining of trains at Birmingham New Street – a practice which occurs every day at this location.

We are confident that our paths comply with relevant ESGs, including the ECML and WAML and the work carried out in collaboration with Network Rail indicates that capacity does exist for our services.

3.5 Departures from ORR's model access contracts

Does the proposed contract include any departures from ORR's model access contract:

Yes No

If yes, please set out and explain any:

- areas where the drafting of the application changes ORR's published template access contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

Not applicable

- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model access contracts, including the financial implications (e.g. establishment of an access charge supplement or rebate).

Not applicable

- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

Not applicable

3.6 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our [website](#) fully up to date? If not, please explain why not.

Not applicable

4. The expression of access rights and the use of capacity

4.1 Benefits: please set out what specific benefits the proposal will achieve, including a justification for requiring the rights and their characteristics. Please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please also describe any significant changes in the pattern of services, their benefits to passengers and any impact on other operators, including freight operators. Please provide a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

Continuation of a Track Access Contract for XC Trains Ltd is sought to operate future timetables, including the December 2024 timetable which includes the Cardiff<->Edinburgh services and the May 2025 timetable which will see a further increase in services following the uplift in May 2023.

December 2024 Union Connectivity

From the December 2024 timetable we will introduce a daily through service in each direction between Cardiff and Edinburgh, promoting Union Connectivity. This will utilise existing train paths between Cardiff, Birmingham and Edinburgh by converting an existing Turbo-star operated Nottingham - Cardiff and a Cardiff – Birmingham service into a Voyager operated service, providing more capacity and more suitable rolling stock for a long distance service.

Sir Peter Hendy's 2021 Union Connectivity Review outlines the requirement to “develop a package of railway improvements to increase connectivity and reduce journey times between Cardiff, Birmingham and beyond, which could include better rolling stock, timetable changes and enhanced infrastructure”. The report highlighted that rail journey times between Cardiff and Birmingham are long and capacity limited, with Cardiff having the fewest direct rail connections compared to others. It therefore advocates improvements to the quality of rolling stock and offers a range of direct connections between Cardiff, Yorkshire and the North-East. This initiative contributes to the delivery of these recommendations by providing improved connectivity and more suitable rolling stock, for the benefit of rail customers, providing enhanced connections between Cardiff and Leeds (Yorkshire) as well as between Cardiff and Edinburgh.

To deliver this service, there is one additional attachment in Birmingham New Street to form a through service with a Plymouth to Edinburgh. The return service currently splits at Gloucester and will

continue to, with the front portion working through to Cardiff rather than running empty to Central Rivers. We have reflected this in our Performance Model and will take steps to mitigate these risks, maintaining staff competence and availability.

May 2025 Uplift

The May 2025 timetable builds on the uplift in the May 2023 timetable by enhancing the journey opportunities and connectivity for our long-distance customers. The uplift in the Reading-Newcastle service group satisfies an increased level of passenger demand which will benefit XCTL and the industry, reducing crowding and associated performance issues with long station dwell times. Under the proposed May 2025 timetable, we will deliver 15 additional weekday services, 12 of which are within the Reading-Newcastle service group. We will also add 14 Saturday and 12 Sunday services to the long-distance ESG network primarily on the Reading-Newcastle corridor. These services are aligned with the ECML ESG.

These services form a key element of the ECML and EWR ESG timetable scopes and provide long distance connectivity across the geographical scope of these proposed timetable changes. Our assessment is that a better industry business case is delivered by increasing the frequency of services on the Birmingham to Reading and Birmingham to the North-East corridors than by operating a single service per hour with a greater number of seats. The increase in seating capacity across all routes has direct linkages to the comfort requirements of our Customer Proposition, with more choice of seats and luggage storage for customer journeys. It also provides greater journey choice through frequency and connection opportunities across this route which supports the convenience element of our Customer Proposition.

We are expanding the size of our fleet with the acquisition of additional Class 221 Voyagers with the first sets entering service from the commencement of the June 2024 timetable. These will improve our total passenger capacity provided by our timetable in phases, with the largest increase aligning with the May 2025 timetable change. This enables some strengthening of existing services and sufficient rolling stock for the proposed additional services, improving industry revenue.

A breakdown of service levels at Birmingham New Street in the May 2025 uplift is included below for reference purposes:

- Increase in the quantum of services at Birmingham New Street on an average weekday, but still not to December 2019 levels.
- Total movements are up ~17% from May 23 and 14% from May 22.
- At a service group level
 - Service quantum on Cambridge/Stansted and Leicester flows are **static compared against May 22/May 23**
 - Cardiff/Nottingham flows are **static against Dec 23**
 - Manchester/Bristol/Bournemouth is **similar to May 23**.
 - Newcastle/Reading is **increased against May 23**
 - South Coast/NE flows via Leeds are **slightly decreased against May 23**

Schedule 5 Rights Table

A full audit of the Schedule 5 rights tables has been undertaken, please see attached rights tables and the associated commentary. Spotting the changes in the rights table can be challenging so a detailed commentary has been compiled as part of this work. There are several changes to the rights table, a full revamp to make it easier to read and some adjustments to rights driven by historic inaccuracies, that bring it in line with what is currently operating and will operate in December 2024 and May 2025. A full list of headcodes is supplied to make crosschecking simpler.

4.2 Adequacy: How have you satisfied yourself that there is enough network capacity for the services in the proposal? Are there any implications for overall network performance and the facility owner's maintenance and renewal activities?

We have carried out extensive work with Network Rail over the past 12 months to ensure our May 25 timetable is compliant with relevant ESGs, such as the ECML and West Anglia. Our paths have been

included by Network Rail in relevant workstreams and form part of the latest database for the ECML ESG. An attached copy of the current ECML ESG Dec 24 SX Train Service Specification is available for viewing, demonstrating that our services have been included.

Please see attached document "ECML ESG Dec 24 SX TSS 1.0."

4.3 Flexing rights: Please explain any limitations on the facility owner's flexing rights in the proposal and the rationale for such limitations.

Not applicable

4.4 Specified equipment: Please explain any changes to specified equipment (rolling stock). Has the vehicle and route acceptance procedure in the Network Code (Part F) has been completed? Please explain whether you have, or will have, the rolling stock necessary to exercise the rights.

The rolling stock XCTL will continue to run are Class 220 / Class 221s / Class 170s on the services proposed.

4.5 Contractual obligations: Are the proposed services necessary to fulfil obligations under a public service contract? For publicly contracted operators seeking additional access rights, we will expect to see evidence of funder support for the specific rights and of operators' intent and ability to operate the new services.

Our client has confirmed the requirement to operate uplifted services in May 2025 as part of the National Rail Contract awarded to XC Trains Ltd.

A summary of the key interventions that are scheduled for May 2025:

- Reintroduction of a near-hourly service on the Reading-York/Newcastle corridor.
- Reintroduction of missing Cambridge-Stansted and Birmingham-Stansted services.
- Significant uplift of seating capacity on the long-distance network.
- May 25 is established as a project and is being tracked through internal PMO governance.
- Recent joint workshops with NR have developed the timetable further and enabled the next traincrew modelling run to start in early 2024.
- Our Planning team have commenced collaborative work with other impacted operators to further develop solutions to deliver a robust (not just "compliant") timetable.
- Initial Cambridge-Stansted feedback is also positive with solutions identified for all services.

4.6 Public funding: Other than the DfT, Welsh Government or Transport Scotland, are the proposed services subject to financial support from central or local government including PTEs. If so, please give details.

Not applicable.

4.7 Long Term Planning Process: Is the Long Term Planning Process relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

The extension is consistent with the Long-Term Planning Process, in particular the ECML ESG and the aspirations of Stansted Airport to support multi-modal travel.

5. Competing passenger services:

We would expect to apply the 'not primarily abstractive' test to:

- (i) a new open access service which would compete with franchised services and so impact on the public sector funder's budget;
- (ii) a new franchised service which would compete with an existing franchised service, where we would expect to focus the test on areas where the competing franchised services are operated on behalf of different funders or where for some other reason there are particular concerns over the impact on a funder's budget; and
- (iii) a new service, which might be open access or franchised, which would compete with an existing open access service and which, if it caused the existing open access operator to withdraw from the market, could reduce overall competition on the network.

5.1 Please state if your application is for a competing passenger service, and if so please describe the nature of the competition:

Not applicable.

5.2 For competing services, please also confirm that you have attached as part of your submission to ORR the following:

- Business plan, including details of:
 - forecasts of passenger traffic and revenues, including forecast methodology;
 - pricing strategies;
 - ticketing arrangements;
 - rolling stock specifications (e.g. load factor, number of seats, wagon configuration);
 - marketing strategy;
 - estimated elasticities of the services (e.g. price elasticity, elasticity with respect to quality characteristics of the services).
- Demand forecasting (including associated spreadsheet models) demonstrating modelled generation : abstraction ratio.
- Indicative timetables, including associated .spg files

6. Incentives

6.1 Train operator performance: please describe any planned projects associated with the operation of the proposed services aimed at improving your performance.

As part of the National Rail Contract negotiations with Network Rail and the DfT, XC Trains undertook some comprehensive performance modelling. A full presentation is available in the attached appendices.

An extract is included for reference:

- From an overarching performance perspective, acknowledging that this is a table top exercise on an unvalidated timetable, **the plan is heading in the right direction to ensure operational performance is factored in.** With additional work and collaborative exercises, identified risks (and those that emerge) can be mitigated. Most changes do not raise significant performance concerns, but we would suggest further development to resolve risks across all routes, not just those with a quantum increase.
- Some key risks and recommendations are as follows:
 - **RISK** – full Hydra leads to an increase in running on minimums through Proof House Junction and therefore increases performance risk.
 - **OBSERVATION** and **RECOMMENDATION** – Bristol/Paignton to Manchester Services are sometimes running on DEL rather than the WL lines in the Birmingham

area. This simplifies and removes a risky crossing move, but is not compliant with the Newcastle/Reading path. This type of structural change would be undoubtable resolved in a validated timetable, but we'd recommend further performance work on another iteration.

- **OBSERVATION and RECOMMENDATION** – Changes in New Street have been made and these will become clearer with further validation. The reintroduced Newcastle / Reading services in May 2023 will likely increase performance risk in the area, and learning from their operation should be built into further Hydra thinking as Reading paths often creating a flight of 2 services running on minimums.
- **OBSERVATION and RECOMMENDATION** – Paths in ESG PIF around York are more robust and P&ST would recommend the Hydra plan adopts some of the performance thinking that has gone into the ESG work (now actioned).
- **OBSERVATION** – All Hydra services are included in EWR performance modelling work being undertaken by P&ST. We are not aware of any issues found with XC services so far, but any found would be raised through the ESG process.
- **OBSERVATION and RECOMMENDATION** - Full Hydra services at Oxford, to Reading are not compliant with GWR services to Didcot that start from a shunting move. Flexing XC will reduce recovery from the extended dwell as following a service starting from a shunt is a risk. Need to monitor how the Oxford plan develops alongside the EWR work and performance assess accordingly once compliant.
- **RECOMMENDATION** – timetablers to work with P&ST to understand May 23 TT hotspots for congestion and turnarounds and build intelligence into an evolving Hydra plan.
- **RECOMMENDATION** – timetablers to work with P&ST to understand May 23 TT punctuality and build intelligence into an evolving Hydra plan (*i.e. does the 1120 and 1V61 need to white space maintaining?*)
- **RECOMMENDATION** – when attaching and detaching moves are available, these are assessed and compared to existing performance data from such moves.

Train Crew Position

The main impacts on Driver resilience over the past few years have been a loss of core and diversionary route and traction knowledge caused by Covid-19 cab access restrictions, emergency timetables and the loss of the Driver Rest Day Working Agreement. We reintroduced the Driver Rest Day Working agreement in July 2023 specifically for training purposes, noting this is a dated agreement which is standard practice and in line with many other TOCs. Extension to the dated agreement requires sanction from the Driver's Trade Union (ASLEF) to allow the practice to continue. Our mitigation strategy is to continue to engage with ASLEF proactively to deal with any issues or concerns arising which has been successful to date.

A recovery plan was initiated in Autumn 2022 and will be ongoing until mid-2024 to improve Driver route and traction knowledge. The recovery plan sees a risk-based targeted approach to addressing the route knowledge gaps. We have implemented Business Intelligence led solutions to spot competence gaps and quantify the level of risk these pose to operational resilience. The recovery plan is delivering results in line with expectations with a 6% improvement across the business in terms of Drivers signing the routes and traction required to support operation of the LTP timetable.

We have identified the required number of traincrew to deliver the May 2025 timetable and we have plans in place to deliver this ready for the timetable change,

In parallel we are carrying out work to ensure that the timetable better supports the route portfolio that we hold. This involves more creative use of ECS and Q-paths to provide route learning and retention trains over routes where XCTL trains do not normally operate or where cab access has historically been difficult. We have reviewed and will continue to review the route portfolio to ensure that we retain diversionary routes which are pivotal to STP and the diversion of services in disruption while

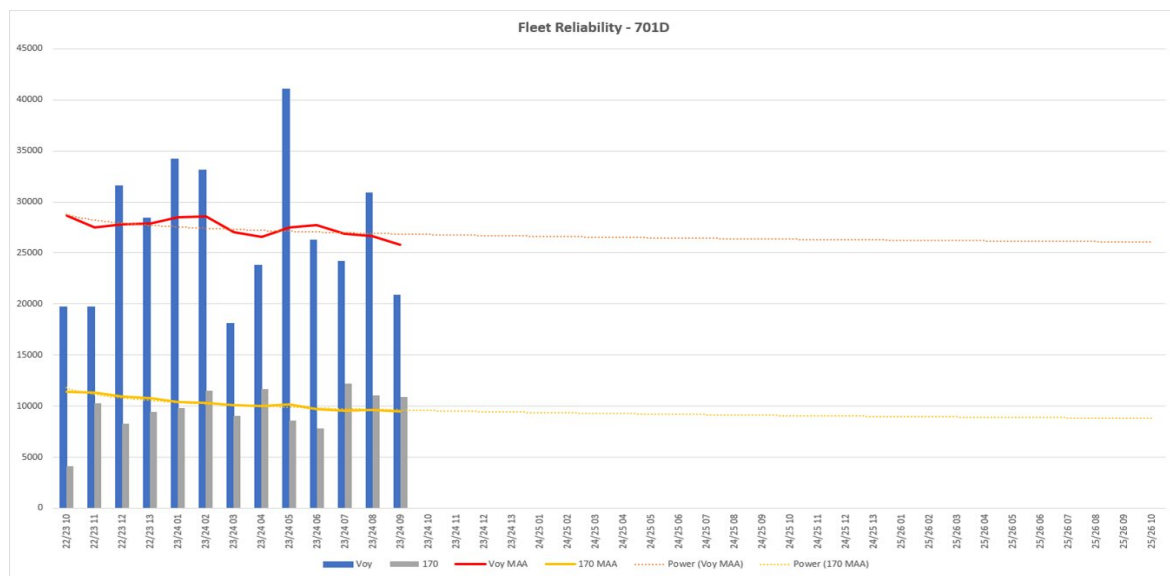
not wasting resource retaining routes that are no longer required due to timetable or infrastructure change.

We continue to generate actions to reduce the cancellation impact caused by industrial action, whilst ensuring we have a large enough pool of contingent managers trained and available to work on days of industrial action to mitigate the effects of the short notice cancellations within the onboard grades. We have continued our efforts to reduce anti-social behaviour onboard our services via the deployment of new body worn badge cameras and improving the availability and reliability of our rolling stock via a number of reliability workstreams.

Fleet Position

XCTL has informed the DfT that Fleet Reliability will reduce over time, noting the aging profile of our rolling stock. We have looked to mitigate this by installing Performance Regimes in our Contracts to incentivise our fleet maintainers.

The last 13 Periods have shown a gradual decline in Fleet Reliability using the now industry recognised Mp701D measure (Miles per 701D Incident). Using the data from the last 13 Periods and extrapolating this with a smoothed curve produced the below graph:



We anticipate the Voyager Mp701D MAA will range between 26,000 and 27,000, and the Turbostar Mp701D MAA will range between 8,000 and 9,000. We will continue to look to improve these with Fleet Initiatives including refresh and refurbishment programs with heavy maintenance where appropriate.

6.2 Facility owner performance: please describe any planned projects associated with the operation of the proposed services aimed at improving the facility owner's own performance.

The timetable change in May 2023 introduced a notable increase in services within our long distance service group. This increase was the most significant to occur since the COVID pandemic and re-introduced more direct services between Manchester and Bristol/Bournemouth and between Newcastle and Reading.

The service increase contributed to a positive improvement in punctuality, in particular services arriving within 3 minutes at all station calls. A comparison between the May 2023 timetable period and the equivalent period for May 2019 has seen a 4% uplift in punctuality on our Manchester to Bournemouth services and a 1.1% uplift to our Newcastle to Reading services. These improvements have been achieved against the backdrop of a performance year where a forecasted increase in Network Rail delay minutes and lateness had been projected within our Joint Performance Strategy.

To improve the reliability of our services, CrossCountry successfully negotiated and agreed a new Driver rest day working agreement for training with members of the ASLEF Driver union. This

agreement came into effect towards the end of July 2023 and has played a vital role in helping us reduce the outstanding level of training days across most Driver depots, primarily Birmingham New Street. Following its introduction and during periods of where a reduced level of industrial action has been evident, we have seen a subsequent reduction in the level of all cancellations. A period on period reduction in the percentage of all cancellations followed the reintroduction of rest day working in rail period 2404, with a continued level of improvement through to the end of rail period 2407. Recent periods have demonstrated how more aggressive weather events and prolonged periods of industrial action can have a detrimental impact on train service delivery and resilience.

From the 1st of April 2024, a new 5 year control period begins and through Network Rail's own admission is likely to be challenging in respect of funding and improving train service punctuality. At the time of writing this paper the Network Rail regions are still finalising the delivery plans. It is expected that there will be minimal infrastructure renewals and increased focus on intelligent infrastructure and response. An anticipated and targeted increase in freight traffic is expected annually throughout the control period and whilst a 30% reduction in freight delay impact on CrossCountry has been achieved since 2019, increased collaboration and joint working with freight colleagues will form part of our focus during 2024.

Internally, an area of focus during 2024 will be reducing the number of Traincrew cancellations. To expedite this a designated Senior Manager has been put in charge of managing and reducing Traincrew cancellations. This role went live on Monday 18th December 2023 and will support the out based traincrew teams and undertake deep dives into issues we are experiencing at Traincrew depots. We will continue to reduce the level of outstanding driver training days, an area which has already seen a 33% reduction since August 2023. Our commitment to reduce cancellations will unlock improvements in punctuality through improved dwell time adherence and short formations.

Given the anticipated challenges around the new control period, CrossCountry is committed to exploring joint opportunities with Network Rail and industry partners to improve operational performance through tactical forums and service recovery interventions.

6.3 Monitoring of services: Will all proposed services be monitored for performance throughout their journey? If not, please explain.

The services will continue to be monitored in the same way as they currently are.

6.4 Performance regime changes (for applications under sections 17 or 22A only): where applicable, please provide justification for any changes to Schedule 8 of the track access contract in the proposal. If necessary, please provide any relevant information in support of the changes proposed.

There are no changes proposed to the current performance regime.

7. Enhancement

7.1 Enhancement details: where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework).

Not applicable

7.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with the [investment framework](#), and summarise the level and duration of payments, and the assumed rate of return.

Not applicable

8. Other

8.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide evidence that this process has been completed.

XCTL continues its negotiations with Network Rail around the 30th Supplemental Agreement (to extend the TAC from Dec 24 to Dec 27). Details can be found in Section 3.4

8.2 Side letters and collateral agreements: please confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it.

Not applicable

8.3 Confidential redactions: please list any information that you have redacted from any documentation sent to consultees. If there has been no pre-application consultation, please list any information you want us to exclude from publication. Please provide full reasons for any redactions.

Redacted from Draft TAC as per ORR Guidance

The figures in the column headed "Total Train Cost per Mile (Pence)" in Annex C to Part 3 of Schedule 4 (Payment Rate per train mile);

The figures in the column headed "Defined Service Group Revenue" in Annex D to Part 3 of Schedule 4;

The Performance Points, Payment Rates and Monitoring Point Weightings in Appendix 1 of Schedule 8; and

The Sustained Poor Performance Thresholds in Appendix 3 of Schedule 8.

9. Pre-application consultation

9.1 The consultation:

If consultation has not been carried out, explain why not. If it has, please list the consultees.

Who conducted the consultation?

List all consultees who responded and include their responses and any associated documentation or correspondence between the parties.

9.2 Resolved issues: please explain any issues raised by consultees which have been resolved.

9.3 Unresolved issues: Please explain any issues raised by consultees which have ***not*** been satisfactorily resolved and why you think these issues should not stop ORR approving the application.

9.4 Have any changes been made to the proposal following consultation?

10. Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.

For agreed applications under section 18 or 22, Network Rail should complete the information below. For disputed applications under section 17 or 22A, the beneficiary should complete it.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed Date

Name (in caps) Job title

For (company)

11. Submission

11.1 What to send: please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, **in plain Microsoft Word or Open Document Text format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

11.2 Where to send it:

Email: track.access@orr.gov.uk

Annex: Checklist of documents attached to the application form:

- Proposed new contract or supplemental agreement
- Marked up Schedule 5 (where applicable)
- Marked up comparison to model contract (where applicable)
- Consultation responses
- Replies to consultation responses
- Supporting documentation required for competing services (see section 5.2)
- Other supporting documents, side letters or collateral agreements (please list):
