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**Louise Beilby**  
**Senior Access Executive**  
**Office of Rail and Road**

**By Email**

22 July 2024

**TransPennine Trains Limited (TPT) – Section 22A Application – 58th Supplemental Response to NR Representations**

Dear Louise,

We refer to Sam Wheelan's letter of 28 June 2024 setting out Network Rail's (NR's) Representations in respect of our proposed 58th Supplemental Agreement.

Having reviewed this representation, we make the following high-level comments:

1. **Corrections:** NR have identified in their response a small number of minor errors to the footnotes within the marked-up version of table 2.2 showing the amendments to contingent rights, these have now been corrected and provided back to NR.
2. **Provision of Information:** NR suggest that we have not provided relevant information. This is not the case. Information has been provided to Capacity Planning and is available to NR to undertake the requested analysis, noting that this information is more accurate than the information available to TPT. We would be pleased to provide the correspondence provided to NR if that would be of assistance.
3. **Spurious references:** References are made in NR's representations to power supply on the North West and Central Route without explanation of the relevance of these limitations for access rights which support existing services.
4. **TPE base service provision:** There is no justification given for NR's refusal to support the provision of firm access right for TPE services that have run for many years or recognition of the risks, including to customers, should these services be withdrawn.
5. **Impacts on Transpennine Route Upgrade (TRU) delivery and outputs:** - No reference is made in NR's response of the central role continuing and improving TPT services have for its investment programmes, notably TRU, or the diversionary strategies which much be in place to support engineering works.
6. **Process for issuing rights for Open Access Operators:** - We have noted concerned at the way open access capacity is being provided for which have also not been addressed by NR.

To substantiate our position in respect of points 4-6 we offer further detail below.

### **TPE base service provision**

From December 2024, TPE plans to operate four even interval services between Manchester Victoria and Leeds across its North Route. This will continue to offer fast direct links between Newcastle – Liverpool and Redcar/ Middlesbrough – Manchester Airport for which additional firm Access Rights have now been withheld since 2016. These services have run for many decades and forms the backbone the rail service which play such a vital role in the North of England's economy delivering £166m of Economic Value each year (considering only routes north of York on the East Coast Mainline (ECML)). These services also generate the revenue needed to fund TPT services, without them we estimate that an additional £54m of subsidy would be required annually to support TPT's operation given commitments to lease rolling stock until 2031 have already been made.

As a result, we strongly consider that protecting these services with firm rights for the duration of the TPT access contract is essential to safeguard economic benefits for the North of England and protect the UK Government against increasing subsidy requirements. Providing these firm rights should be prioritised by NR and ORR.

The TPT base service position forms a key component of the transport network across several Combined Authorities in the North of England. Losing these services will have a determinantal effect on those networks and the policies being implemented by elected Mayors.

### **Impact on TRU Delivery and Outputs**

TPT's existing services form the bedrock for the service improvements expected to be delivered by the TransPennine Route Upgrade (TRU).

The UK Government is currently undertaking a multi-billion-pound investment in the railways of the North of England. This includes the TRU, the core benefits is six fast trains per hour between Manchester and Leeds which, together with enhancements to the ECML line under the Integrated Rail Plan and in Manchester under the Manchester North-West Transformation Programme will offer an hourly direct Manchester Airport – Newcastle services.

Ensuring the benefits of these investments can be delivered as planned, from a stable base, must be a central consideration of any future decision to award track access rights. The outputs of the ESG ECML timetable process has clearly establish the stakeholder urgency for two TPT trains per hour between Manchester and Newcastle.

In relation to the outputs of TRU, capacity required for the end state of TRU is currently being assessed under the sponsorship of the North of England Integration Board. The assessment, known as Concept Timetable 3 (CTT3), is showing the route to be at capacity with the additional passenger and freight services planned to be introduced.

TPT are currently progressing a track access option based on the specification of CTT3 with the Department for Transport that will allow TPT to secure the access for services to be introduced on the completion of the TRU. This has been a vital component for TPT in allowing us it to continue investing into the project including bringing in additional resourcing and to allow planning for future investment such as the procurement of new trains to deliver the benefits of the project and should be noted as a required consideration for capacity provided on the ECML and other routes. A briefing has been provided to ORR and DfT setting out our approach.

Similarly, we are concerned around the potential for additional services over the Calder Valley and other diversionary routes, access to which needs to be preserved due to the high levels of disruption needed to deliver TRU. The longer-term engineering access plan would also need to accommodate all operators, reflecting the impact of ECDP, Tri-Link and NPR.

### **Process for issuing rights for Open Access Operators**

TPT recognise open access offers a valued service in some circumstances. However, our recent experience indicates that the policy of offering quantum only rights which then see service run

inconsistently across the day is making inefficient use of railway capacity. This is evidenced by the recent challenges in developing the ESG recast which has continually suffered from the absence of a repeating hourly pattern. With multiple different requirements each hour meaning the capacity available is limited to the lowest common denominator constraining delivery for customers. This issue with the number of permutations in different hours that led the ESG ECML recast and with-it considerable benefits to the taxpayer, to be deferred and continues to create considerable challenges in developing a robust timetable.

The following provides a specific case study for TPT's Middlesbrough-Northallerton-York service.

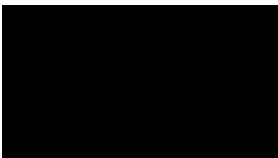
This regular repeating hourly train calls at all stations between Middlesbrough and York except Eaglescliffe. During the development of the timetable, numerous slots were attempted. This piece of railway is congested and there is a key pinch-point at Northallerton. Although a slot is identifiable, there are between two-four clashes per day with irregular trains from Sunderland to London Kings Cross. As a result, the TPT train was forced into an inappropriate slot which ultimately led to a seven-minute turnaround at Manchester Victoria. This is because the open access Grand Central train was using the identified slot between two to four times per day, but thereby prevented an every hour train from using it at all, even in the hours when the open access trains do not operate. There is every reason that there should be a Sunderland and/ or Middlesbrough to London train, and there is every reason that there should be a Northallerton to London train. However, these trains should use the same path every hour. Because they are all planning to use different paths (because of the open access resource base and commercial objectives) they are in effect using two paths per hour, even though in most hours of the day neither train operates. This directly contributes to the congestion experienced on this stretch of line. It directly leads to freight trains operating in different paths throughout the day which indirectly leads to other trains being forced off-pattern on other parts of the route. These trains which are forced off pattern then lead directly to other clashes at platforms and ultimately can increase the level of resource and infrastructure which is required to provide the repeating hourly pattern.

We believe, the difficulties of delivering the ESG ECML recast are beginning to suggest that the current approach to open access presents a wider set of challenges than first thought, these will need to be given careful consideration if the current challenge being seen on the ECML are not to be repeated on the West Coast Mainline (WCML).

### **Next steps**

While we are committed to working collaboratively with Network Rail and the wider industry to ensure the issues set out above are properly addressed, we are becoming concerned with the assurance timescales of the process and the risk this implies for continuity of existing services. We would welcome a meeting with you to further discuss these issues and understand what further information we can provide to speed your deliberations.

Yours sincerely,



**George Thomas,  
Strategic Development and Stakeholder Director,  
TransPennine Express**