



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

ORR ensures that train operating companies have fair access to the rail network and that best use is made of capacity. If a train operator wants to access the national railway network, it will need a track access agreement with Network Rail which requires ORR's approval under the Railways Act 1993. When determining access to the network, we must have regard to our [statutory duties](#), most of which are set out in section 4 of the Act. We must exercise our functions (which include the approval of access contracts) in a way that we consider best achieves those duties.

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](#) (and our [making an application](#) guidance in particular) 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 10 and sent to consultees along with a copy of the proposed contract or supplemental agreement. Sections 10 and 11 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:

Scotrail Trains Limited

### 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 checked="" type="checkbox"/>
Other Facility Owner:		<input type="checkbox"/>	Please state:		

### 1.3 Application under the Railways Act 1993 section:

17	<input type="checkbox"/>	18	<input type="checkbox"/>	22	<input type="checkbox"/>	22A	<input checked="" type="checkbox"/>
Supplemental Number:						51 <sup>st</sup>	
Current contract date:						03 March 2016	
Current contract expiry date:						31 March 2027	

### 1.4 Applicant status:

Public Service Operator <input checked="" type="checkbox"/>	Public service contract start date:	01 April 2022
	Public service contract end date:	31 March 2027
	Name of funder (e.g. DfT, Local Authority):	Transport Scotland
	Does the funder support this application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Open Access	<input type="checkbox"/>	
Charter Operator	<input type="checkbox"/>	

### 1.5 Executive summary of the proposed contract or amendment:

In response to the ORR letter to industry dated 24<sup>th</sup> April 2024, please see below table outlining the rights required with respect to the May '25 timetable which cover the geography outlined in the above letter referred to;

- ECML London Kings Cross to Edinburgh and Leeds

#### Edinburgh Waverley to North Berwick and return:

This is an additional AM peak service each way. ScotRail are currently receiving complaints of overcrowding on this line of route in the mornings and this additional right will relieve this pressure. This would be implemented at an earlier timetable if possible however, we have low confidence that we would reliably be able to resource this service with traincrew until Dec '25. This is in line with ScotRail's resource led (both traincrew and rolling stock) approach to Access Rights and associated Bids.

#### Edinburgh Waverley to Tweedbank and return:

The Borders Railway to Tweedbank is one of the success stories of recent years and passenger demand shows that the provision of a half hourly service into the later part of the evening would be well subscribed. At present the service to Tweedbank from Edinburgh and back runs half hourly to 1900hrs only, reverting to an hourly service after this time. These additional Train Slots would be used to provide services to continue the half hourly service after 19:00hrs.

#### Dec 2025 TT

From	To	Via	Total weekday	Existing Rights			Dec 2025 Timetable		
				Saturday	Sunday	Type	Weekday Count	Sat Count	Sun Count
Edinburgh Waverley	North Berwick	Musselburgh	18	26	13	Firm	19	26	13
North Berwick	Edinburgh Waverley	Musselburgh	20	27	13	Firm	21	27	13
Edinburgh Waverley	Tweedbank	Brunstane	31	31	15	Firm	36	36	15
Tweedbank	Edinburgh Waverley	Brunstane	32	32	15	Firm	36	36	15

**Specific criteria as set out in the letter from System Operator dated 8<sup>th</sup> May '24:**

- *The dates on which the Train Slots are intended to be used:*
  - From Dec '25 PCD start date on the days specified in the above table.
- *Start and end points of the train movement:*
  - Please see table above.
- *The intermediate calling points are as follows:*
  - **Edinburgh Waverley to North Berwick via Musselburgh and return** with Firm Rights to call at Musselburgh, Wallyford, Prestonpans, Longniddry and Drem.
  - **Edinburgh Waverley to Tweedbank via Brunstane and return** with Firm Rights to call at Brunstane, Newcraighall, Shawfair, Eskbank, Newtongrange, Gorebridge, Stow, Galashiels, Tweedbank.
- *The times of arrival and departure from, and routing between, any point specified above:*
  - This detail will be within the D-40 PDNS and associated Access Proposal, compliant to Train Planning Rules.
- *The railway vehicles or Timing Load to be used:*
  - **Tweedbank:** Class 170 and/or Class 158 diesel multiple units
  - **North Berwick:** Class 385 electric multiple units.
- *Any required train connections with other railway passenger services:*
  - None known at this time.
- *Any required Ancillary Movements:*
  - None known at this time but will be form a part of a compliant Bid to Network Code Part D timescales.
- *Any required platform arrangements at the start, end and all intermediate calling points:*
  - ScotRail will provide all such detail required as part of their PDNS and Access Proposal and have previously prepared the Docker (Platform simplifier) for all Operators at Edinburgh Waverley. Scotrail do have some discussion with other operators prior to bid, but this does vary from timetable to timetable
- *The proposed maximum train speed and length:*
  - As per the rolling stock capabilities and characteristics of Class 170 diesel, Class 380 and Class 385 electric units.
- *The proposed previous and next working of the railway passenger vehicles of the proposed trains slot provided that the vehicles are not left on the network:*
  - These will be specified in the Unit Diagrams as per the Access Proposal when bid to System Operator at D-40. These are not known at this time.

Proposed commencement date:	15 <sup>th</sup> Dec 2025
End date:	Expiry of contract
Date approval or directions wanted by:	15 <sup>th</sup> Dec 2025

**1.6 Industry consultation:**

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

**1.7 Applicant details**

<p><u>Facility Owner</u>                  Company: Network Rail Infrastructure Limited                  Contact name: Suzanne Murray                  Job title: Customer Manager                  Address: 151 St Vincent Street, Glasgow, G2 5NW                   Phone: [REDACTED]                  E-mail: [REDACTED]</p>	<p><u>Beneficiary</u>                  Company: ScotRail Trains Limited                  Contact name: John Kerr                  Job title: Regulated Contracts Manager                  Address: Atrium Court, 50 Waterloo St, Glasgow, G2 6HQ                   Phone: [REDACTED]                  E-mail: [REDACTED]</p>
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**1.7 Date of application to ORR:**

20<sup>th</sup> May 2024

**1.8 Checklist of documents attached to the application form:**

- Proposed new contract (S17 or S18) or supplemental agreement (S22 or S22A)
- Marked up Schedule 5 (where applicable)
- Marked up comparison to model contract (where applicable)

- All consultation correspondence
- Supporting documentation required for competing services (see section 6.2)
- Other supporting documents, side letters or collateral agreements (please list):


**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).

- +1 firm right Edinburgh Waverley to North Berwick via Musselburgh Mon – Fri.
- +1 firm right North Berwick to Edinburgh Waverley via Musselburgh Mon – Fri.
- +5 firm rights Edinburgh Waverley to Tweedbank via Brunstane Mon - Sat
- +4 firm rights Tweedbank to Edinburgh Waverley via Brunstane Mon - Sat

**Dec 2025 TT**

From	To	Via	Existing Rights				Dec 2025 Timetable		
			Total weekday	Saturday	Sunday	Type	Weekday Count	Sat Count	Sun Count
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Edinburgh Waverley	Tweedbank	Brunstane	31	31	15	Firm	36	36	15
Tweedbank	Edinburgh Waverley	Brunstane	32	32	15	Firm	36	36	15

North Berwick to Edinburgh and back is a required right to support an additional AM peak service each way. ScotRail are currently receiving complaints of overcrowding on this line of route in the mornings and this additional right will relieve this pressure. This would be implemented at an earlier

timetable if possible however there is low confidence that ScotRail would reliably be able to resource this service with crew until this time.

The Borders Railway to Tweedbank is one of the success stories of recent years and passenger demand shows that the provision of a half hourly service into the later part of the evening would be well subscribed. At present the service to Tweedbank from Edinburgh and back runs half hourly to 1900hrs, reverting to an hourly service after this time. These additional services will provide an opportunity for a half hourly service to Tweedbank into the later evening. This will also call at stations along this route providing a more convenient rail option for passengers to access the night time economy rather than drive.

**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).

The first opportunity for Scotland Route subject matter experts and risk owners would normally have to assess these changes would be during the Timetable Risk Assessment Process (TCRAG) which has not started for this timetable. However, these details as specified above have been shared with the following risk owning functions for comment;

- Maintenance
- Operational Risk
- Operations
- Route Performance
- Access Planning

**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 is not a contract extension or a new agreement of more than 5 years in duration.

**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.

At the time of writing, this application has not been supported by Network Rail. However, we have no reason to believe that an agreement to support these rights is not possible. However, ORR have directed this application by 20<sup>th</sup> May 2024.

### 3.5 Bespoke provisions (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 to this application

- 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 to this application

- 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 to this application

### 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.

No. A General Approval has been put in place (52<sup>nd</sup> SA, Effective date 6<sup>th</sup> August 2024) to allow for Berth Offset Changes in the Schedule 8 Appendix 1. These changes will be consolidated into the Track Access Contract and an updated copy submitted to ORR within the required 28 day period.

## 4. The impacts of the proposal

**4.1 Benefits:** please set out what specific benefits the proposal will achieve. Please describe the benefits to passengers and any impact on other operators, including freight operators.

As detailed in 3.1, the benefits of adding a North Berwick to Edinburgh service will mitigate customer complaints seen in the AM peak. This should have a positive impact on the reputation of the railway in the east of Scotland and drive modal shift.

At present the service to Tweedbank from Edinburgh and back runs half hourly to 1900hrs reverting to an hourly service after this time. These additional services will provide an opportunity for a half hourly service to Tweedbank into the later evening. This will also call at stations in along this route providing passengers with a viable rail option for accessing the night tie economy.

**4.2 Capacity:** How have you satisfied yourself that there is enough network capacity for the services in the proposal? Please include details on all relevant capacity considerations, including but not limited to track, platform availability, and power supply traction.

ScotRail will provide a fully compliant bid including platforming for both the additional and existing services to Tweedbank and North Berwick.

**North Berwick:** Scotrail have a strong history of working with other operators, both passenger and freight, to ensure best timetable solution for all parties. LNER, CrossCountry, TransPennine Trains, Lumo (and Sleeper as diversionary only) cover this geography, however they call at none of the stations specified and serve none of the local communities served by ScotRail here.

**Tweedbank:** On this line, ScotRail are the only operator using this infrastructure beyond Newcraighall. Given they run a half hourly service during the day it would be reasonable to infer that the infrastructure is capable of supporting a half hourly service into the evening.

In due course, the timetable will be produced in line with industry timescales and as above ScotRail will work with interested parties to de-conflict any aspirations.

**4.3 Performance:** What is the impact on network performance? Please outline your assurance process that shows that any performance risk is tolerable in comparison to the benefits of the application. Please explain any risk mitigations. Please attach any associated evidence to support your case.

While an objective performance view is challenging to formulate at this time as we don't have full sight of other operators aspirations, this application has been shared with NR Route Performance for comment.

**4.4 Maintenance and renewals:** Are there any implications for the facility owner's maintenance and renewal activities?

As per section 3.2, the details of these services have been shared with NR in Scotland's Maintenance and Engineering Access Planning teams for comment.

It is not anticipated that any Section 4 easements will be required when the associated services and ancillary moves are bid.

## 5. The expression of access rights

**5.1 Changes to rights:** please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please attach a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

+1 firm right Edinburgh Waverley to North Berwick via Musselburgh Mon – Fri.  
 +1 firm right North Berwick to Edinburgh Waverley via Musselburgh Mon – Fri.  
 +5 firm rights Edinburgh Waverley to Tweedbank via Brunstane Mon - Sat  
 +4 firm rights Tweedbank to Edinburgh Waverley via Brunstane Mon - Sat

See below showing the additional services highlighted in yellow with xx times as unsure of exact times at this time.

### **Current**

Dep	Journey
18.11	Edinburgh to Tweedbank
18.42	Edinburgh to Tweedbank
19.43	Edinburgh to Tweedbank
20.43	Edinburgh to Tweedbank
21.43	Edinburgh to Tweedbank
22.43	Edinburgh to Tweedbank
23.43	Edinburgh to Tweedbank

### **Current**

Dep	Origin
18.50	Tweedbank to Edinburgh
19.23	Tweedbank to Edinburgh
20.19	Tweedbank to Edinburgh
21.15	Tweedbank to Edinburgh
22.19	Tweedbank to Edinburgh
23.19	Tweedbank to Edinburgh

### **Proposed +5**

Dep	Journey
18.11	Edinburgh to Tweedbank
18.42	Edinburgh to Tweedbank
19:1x	Edinburgh to Tweedbank
19.43	Edinburgh to Tweedbank
20:1x	Edinburgh to Tweedbank
20.43	Edinburgh to Tweedbank
21:x1	Edinburgh to Tweedbank
21.43	Edinburgh to Tweedbank
22:1x	Edinburgh to Tweedbank
22.43	Edinburgh to Tweedbank
23:1x	Edinburgh to Tweedbank
23.43	Edinburgh to Tweedbank

### **Proposed +4**

Dep	Journey
18.50	Tweedbank to Edinburgh
19.23	Tweedbank to Edinburgh
19:5x	Tweedbank to Edinburgh
20.19	Tweedbank to Edinburgh
20:5x	Tweedbank to Edinburgh
21.15	Tweedbank to Edinburgh
21:5x	Tweedbank to Edinburgh
22.19	Tweedbank to Edinburgh
22:5x	Tweedbank to Edinburgh
23.19	Tweedbank to Edinburgh

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

None, no limitations apply.



**5.3 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.

No changes to rolling stock are required to facilitate the services which will be supported by these rights. ScotRail have a high level of confidence that these services can be fully resourced in terms of available rolling stock (and train crew.)

**5.4 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.

Scotrail Trains Limited operate under a Grant Agreement from the Scottish Government through Scottish Rail Holdings and ultimately Transport Scotland and it is expected that these services will be added to the Service Level Commitment within the Grant Agreement.

**5.5 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.

ScotRail are fully funded by Transport Scotland through Scottish Rail Holdings.

**5.6 Long Term Planning Process:** Is the Long Term Planning Process (or similar devolved authority or regional service delivery project) relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

It is not subject to the Long Term Planning Process or similar.

## 6. 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.

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

This is not an application for competing passenger services.

- (i) This is not a new open access service.
- (ii) These are new passenger train slots under an existing track access contract supported by a grant agreement by Transport Scotland.  
The overwhelming majority of the railway infrastructure between Edinburgh and Tweedbank is used exclusively by Scotrail.  
Other operators using the ECML to Edinburgh from the east (LNER, XC, TPT, Lumo, Sleeper & FOCs) do not call at the intermediate stations, Drem, Musselburgh, East Linton etc, and so will not have their revenue impacted by ScotRail's increasing service to these communities.

We do not consider that these services are competing as they serve late evening passengers and therefore will not have an impact on another funder's budget.

- (iii) This application should not cause an existing open access operator to withdraw from the market.

**6.2** 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

## 7. Incentives

**7.1 Train operator performance:** please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving operator performance.

Scotrail will be continuing with their BAU performance monitoring and improvement programmes. This includes daily performance calls between Network Rail and Scotrail hosted from the Scotland Integrated Control covering live incidents, possessions, weather and special events, traincrew availability and stations.

**7.2 Facility owner performance:** please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving the facility owner's performance.

Similar to the above, Network Rail will continue to work closely with Scotrail to improve the performance of any services or Service Groups contributing to a dip in performance.

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

Yes, as outlined above and as per Network Code part B.

As per previous years, a ScotRail Train Performance measure will be included in the Regional Scorecard refreshed for this year of the Control period.

**7.4 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.

No changes to Schedule 8 are required as part of this application.

## 8. Enhancement

**8.1 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).

No network enhancements are required to facilitate the services supported by these rights.

**8.2 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.

No further funding related to Network Enhancement is required.

## 9. Other

**9.1 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.

An application will be made to NR for further access rights as required at D40 to fully support the Dec '25 timetable change. This application will cover changes required on a Route-wide basis but will not cover the geography outlined in the ORR letter to industry dated 24<sup>th</sup> April 2024,

- ECML London Kings Cross to Edinburgh and Leeds

Dependent on funder strategies, there will still exist the possibility of this including the temporary or permanent surrender of unused access rights where there is no long-term aspiration for these to be used and where it has been identified that surrendering these would not have a detrimental effect on the traveling public or public purse in Scotland.

**9.2 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.

There are no side letters or collateral agreements associated with this application.

**9.3 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.

Nothing will be redacted from the consultation.



### 10. Pre-application consultation

#### 10.1 The consultation:

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

Industry Consultation was conducted between 21<sup>st</sup> May and 25<sup>th</sup> June 2024.  
Consultees are as follows:

[Redacted content]



Who conducted the consultation?

Network Rail.

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

**DB Cargo (Quentin Hedderly):**  
DB Cargo has no concerns with this Supplemental.  
**Freightliner Group Limited (Chris Matthews):**  
This response constitutes the views of both Freightliner Limited and Freightliner Heavy Haul Ltd. Freightliner support the growth of the Franchised passenger sector on the railway, and recognise the benefits the operation of the additional and amended services included within your application would bring to the rail industry in terms of increasing revenues, as well as helping to decarbonise the transport sector. However, given the number of competing Track Access Applications submitted from operators across the industry, there is yet to be a clear picture presented by Network Rail of how your aspirations align with those of Freightliner. As such, Freightliner are currently unable to understand the impact this application would have on our own services, and are unable to support

your applications to the ORR.

Following completion of the analysis Network Rail will be conducting over the upcoming months, Freightliner will review this position, and should it be possible to accommodate your aspirations included within these applications alongside those aspirations submitted by Freightliner, and a reasonable level of strategic freight growth, Freightliner will seek to remove this objection.

**First Trenitalia West Coast Rail Ltd (Andy Doyle):**

FTWCRL has no specific objections to this proposal, but notes that Scotrail intends to use more capacity at Edinburgh with the addition of these trains. We also note the potential for an increase in trains at minimum headway between Haymarket and Edinburgh, and the possible increase in reactionary delay that this may cause. We would like to understand any potential impact to our own services on this route, so would welcome any further details that can be shared regarding the pathing of these trains.

**GB Railfreight (Ian Kapur):**

GB Railfreight (GBRf) has been, and continues to be, heavily involved in the detailed issues of timetabling associated with a proposed new East Coast Main Line timetable and, especially, cross-Border freight traffic. However, given this timetabling work is “unfinished business”, combined with the number of competing access applications for firm rights over all parts of the ECML network, GB Railfreight is not able to adequately assess how these proposed rights might or might not align with the many other applications, including our own.

If, and when, a new East Coast Main Line timetable becomes completed in principle encompassing GBRf’s current freight workings and capabilities, along with some capacity for additional freight growth, we shall be able to review this application once again.

Taking all the above into account, GB Railfreight is unable to support this supplemental application at present.

**Transport Focus (Martin Clarke):**

Happy to accept.

**CrossCountry Trains Ltd (Martin Haffner):**

This application is linked with the ECML ESG Timetable which continues to be in a state of flux with advanced work taking place ahead of a decision as to whether to introduce this timetable and relevant service levels for the May or December 25 timetable. It is difficult for us to comment on the wider use of capacity at this stage and we reserve the right to provide further comments on this application once Network Rail has completed its capacity analysis exercise for the timetable that is relevant for this application. Predominantly, there is an extra service North Berwick-Edinburgh in the AM peak and continuation of half hourly Borders service past 1900 weekdays. This hasn’t been modelled in the ESG timetable and therefore we are unsighted as to whether capacity exists for the revised ECML ESG structure.

XCTL would like Network Rail and ScotRail Trains Limited to resolve these matters when we have established our analysis based on Network Rail’s capacity exercise.

**No other responses received**

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

Not applicable at this time.

**10.3 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.

**FTWCR:** We will correspond with First Trenitalia West Coast Rail Ltd (Andy Doyle) and share more details of these services as requested.

**GB Railfreight:** we will be unable to resolve the comments re: ECML until there is clarity on when this timetable will be introduced.

**Freightliner Group Limited:** we will be unable to resolve the comments re: ECML until there is clarity on when this timetable will be introduced.

**We also note the Network Rail Representation Letter dated 28th June 2024 and acknowledge that we have been invited to comment by ORR.**

**10.4 Subsequent Changes:** Have any changes been made to the proposal following consultation?

Not applicable at this time.

**11. 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) .....



## 12. Submission

**12.1 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).

### 12.2 Where to send it:

Email: [track.access@orr.gov.uk](mailto:track.access@orr.gov.uk)