

Application to the Office of Rail Regulation for a passenger track access agreement, or amendment to a passenger track access agreement under sections 17-22A of the Railways Act 1993

1. Introduction

Please use this form to apply to the Office of Rail Regulation (ORR) for:

- directions under section 17 of the Railways Act 1993 for a new track access contract. Section 17 allows companies who want the right to use a railway facility (including Network Rail's network) to apply to ORR for access if they are not able (for whatever reason) to reach agreement with the facility owner.
- approval under section 18 of the Railways Act 1993 for a new track access contract. Section 18 allows companies to apply for approval if they have agreed terms with the facility owner.
- approval of a proposed amendment (agreed by both parties) under section 22 of the Railways Act 1993 to an existing track access contract.
- directions under section 22A of the Railways Act 1993 for an amendment to an existing track access contract. Section 22A allows anyone seeking an amendment to an existing track access contract which allows the operation of more extensive services to apply for a compulsory amendment if they are not able (for whatever reason) to reach agreement with the facility owner.

If it is the facility owner, Network Rail will carry out a pre-application consultation. In this case fill in this form up to section 7.3. You should fill in the rest of the form after the consultation and before applying to ORR. If you are unhappy with the facility owner carrying out the consultation, you should ask ORR to do so. If this is the case, you should complete this form in full before submitting it to us.

The form sets out ORR's standard information requirements for considering applications. It cross-refers throughout to our [criteria and procedures](#) (C&Ps). The C&Ps explain the process, timings and the issues we will expect to consider. You should use the published [model passenger track access contract](#) as your starting point when drafting the contract or amendments you want. Please read the C&Ps and the Code of Practice before applying.

We are happy to talk to you before you apply. Please contact us [here](#).

You can download a copy of this form, and of ORR's model track access contract, from the ORR website: www.rail-reg.gov.uk.

2. The application

2.1 Title of proposed contract or supplemental agreement (please also include the section of the Railways Act 1993 under which you are applying):

Track Access Contract between Network Rail Infrastructure Limited and East Coast Main Line Company Limited.

Section 17 Application

2.2 Contact details (Company and named individual for queries):

Facility Owner

Company: Network Rail Infrastructure Limited

Contact individual: Mark Garner

Job title: Customer Manager

Address:

George Stephenson House

Toft Green

York

YO1 6JT

Telephone number: 01904 389691

E-mail address: mark.garner@networkrail.co.uk

Beneficiary

Company: East Coast Main Line Company Limited

Contact individual: Phil Dawson

Job title: Regulation & Track Access Manager

Address:

East Coast House

25 Skeldergate

York

YO1 6DH

Telephone number: 0116 366 3058

E-mail address:

phil.dawson@virgintrainseastcoast.com

2.3 Licence and railway safety certificate: please state whether you intend to operate the services yourself or have them operated on your behalf.

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.

C&Ps paras 3.9-3.15

East Coast Main Line Company Limited holds a valid Operating Licence and Safety Certificate.

3. The proposed contract or amendment

3.1 Executive summary: please provide an executive summary of 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).

C&Ps para 3.22-3.28

Please also 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). **C&Ps paras 4.9-4.11**

Please also state the commencement and end dates for the proposal, and for new agreements or extensions to existing agreements, provide justification for the proposed length of the application, with reference to the [Railways Infrastructure \(Access and Management\) Regulations 2005](#). If you are a franchised operator, please state the expiry date of your franchise. **C&Ps paras 4.72-4.79**

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Form **P**

433399

Date of commencement:

Principal Change Date (“PCD”) 2016 (which will fall in December).

End date:

PCD 2025

This application is made under the section 17 process of the Railways Act 1993.

The reason for making an application for a long term Track Access Contract is to provide the owner of East Coast (Inter City Railways Limited) with business continuity and an appropriate level of protection to enable it to plan its business with a degree of certainty and to enable it to fulfil its obligations under its Franchise Agreement dated 09 December 2014. This application supersedes the earlier Section 17 application made by East Coast in May 2014. Firm rights are being sought for all services.

The new contract commences at the PCD in December 2016 and is for nine years (from the expiry date of the existing contract) based upon commercial justification supplied to ORR. This includes a significant investment in rolling stock (£3.4bn). The new Class 800 and 801 fleets, with the same operating characteristics in terms of acceleration, braking and speed (in electric mode) will help improve reliability and together with the increase in seats, will improve use of network capacity.

Quantum of Services per day

	Part A	Part B	Part C
	PCD 2016 - SCD 2019	SCD 2019 - SCD 2020	From SCD 2020
Monday to Friday	155	193	206
Saturday	104	140	140
Sunday	105	152	152

Part A

This application covers all the services currently operated by East Coast and East Coast’s proposals for December 2015 and May 2016 as detailed in the 48th, 49th, 50th, 51st and 52nd Supplemental Agreements. Schedule 5 (Part A) reflects this and assumes that all additional rights for December 2015 and May 2016 are approved by the ORR. Part A will run from the date of commencement until the Subsidiary Change Date (“SCD”) in May 2019.

Part B

From May 2019 to May 2020, East Coast is seeking rights for an increase in quantum (v Part A) to reflect the additional capacity on the East Coast Main Line (“ECML”) created by completion of the CP5 enhancements and delivery of Phase 1 of the Inter City Express Programme (“IEP”) fleet (all five-car electric trains (Class 801), five-car bi-mode trains (Class 800), and the nine-car bi-mode trains (Class 800)). Please note that some High Speed Trains (“HST’s”) and the majority of the Mark IV electric fleet (“225s”) will continue to operate at first being gradually replaced by IEP train sets during the year.

Our proposal assumes the full level of the Thameslink, Southern & Great Northern (“TSGN”) service which will have commenced a 24 TPH cross London operation in December 2018, with 8 of the trains per hour (“TPH”) operating through to the Great Northern.

This proposal is to provide an intensified level of service, offering many of the benefits of the May 2020 timetable (Part C) a year early. These enhancements will make use of the completion of the

CP5 infrastructure schemes in April 2019 (which Network Rail has said improves capacity and reduces journey times). The standard pattern of services will increase from 5 trains per hour to 6 trains per hour (weekdays). This will increase East Coast's number of daily services from 155 per day to 193 services per day with faster journey times to key destinations such as Leeds, Newcastle and Edinburgh. There are 627 seats on a 9 car Class 800/1 train (v537 seats on a Mark IV). This, together with the 6th LDHS path will increase capacity by up to 40% (per hour).

Mondays to Fridays:

2 TPH all day London <> Edinburgh (of one each hour will be a 'fast' service)
2 TPH all day London <> Leeds (both accelerated 'fast' services)
1 TPH all day London <> Leeds or Lincoln (alternating)
1 TPH all day London <> Newcastle (calling at most East Coast stations)

There will be:

- seven northbound and six southbound trains to/from Lincoln
- seven extensions to each of Bradford and Harrogate (via Leeds) throughout the day
- a daily Huddersfield <> London return service
- continuation of the daily Sunderland <> London return service

Part C

From May 2020, East Coast plans to maximise the value of the Class 800/1 fleets beyond the proposals set out in Part B (for May 2019), through the further acceleration of the Edinburgh and Leeds trains. This proposal delivers a four-hour journey time London <> Edinburgh eleven times a day (and just over 4 hours for the rest of the day) and a two-hour journey time for London<> Leeds services twice per hour. This is intended to drive significant growth in demand and revenue and enhance rail's competitive position versus air and car. In order to maintain and enhance the capacity and frequency at intermediate stations on the route, the additional train paths that are made available as a result of the infrastructure investment will permit us to segregate the service between faster and slower trains. The proposal also delivers an all day service to Lincoln, Bradford and Harrogate and a new all-day through service to Middlesbrough.

The basic structure of the timetable will be as per May 2019 (6 TPH) plus in the hours when the fast Edinburgh train omits a call at York (six times per day), East Coast proposes to operate a 7th train to Middlesbrough, resulting in 7 TPH in six hours of the day.

At weekends the proposal is to enhance the Saturday service to 5 TPH, comprised of 2 TPH to/from Leeds, 2 TPH to/from Edinburgh and a fifth train operating to Lincoln, Hull or Newcastle. The Sunday timetable would increase to 6TPH from 10:00, comprised of 2 TPH to/from Leeds, 2 TPH to/from Edinburgh, 1 TPH to/from Newcastle and 1 TPH to Lincoln, York or Newcastle.

The May 2020 timetable will require the full deployment of the available Class 800/1 fleet, plus a small fleet of seven-car 225s. This will provide strengthened capacity in the off-peaks and shoulder peak. The core plan provides nine or ten-car Class 800/1s on all peak hour trains into and out of King's Cross.

This will increase East Coast's number of daily services from 193 per day to 206 services per day with faster journey times to key destinations. The standard pattern of services will be 6 TPH with a 7th train seven times per day (weekdays).

3.2 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): please set out here any areas of the application which have **not** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions. **C&Ps para 3.102**

East Coast has held pre-application meetings with ORR and Network Rail. In addition, throughout the bid process, Inter City Railways Limited has held a number of meetings with Network Rail.

Network Rail is supportive of the existing quantum in Part A on a quantum only basis and is not contested for the full term of the Track Access Contract.

With regards to Parts B and C:

- Network Rail is currently not able to support anything above the existing quantum (as listed in Part A) including the proposed journey time protection. Network Rail would need to consider additional commercial justification associated with this additional protection.
- Any Network Rail approval would be subject to the necessary enhancements and rolling stock being in place prior to the start of the rights listed

Network Rail is assessing the impact and risk associated with this application, along with other competing applications and so can not consider this application in isolation. The capacity allocation team is doing some work on behalf of the ORR looking at capacity on the ECML beyond 2018.

3.3 Departures from ORR's model passenger track access contract: please set out and explain here any:

- areas where the drafting of the application changes ORR's published template passenger track access contract (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made. **C&Ps paras 2.34-2.37**
- 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 passenger track access contract, including the financial implications (e.g. establishment of an access charge supplement or rebate). **C&Ps paras 5.1-5.44**
- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete. **C&Ps paras 6.2-6.3**

This agreement is based upon the Passenger Track Access Model Contract. East Coast has assumed that the Part J re-opener provisions will be incorporated into the Network Code prior to the commencement of this contract.

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. Where appropriate, 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. **C&Ps paras 4.26-4.35**

A new long term track access contract will provide East Coast with business continuity and protection for the services agreed with The Secretary of State for Transport as reflected in the Train Service Requirement (“TSR”) within the Franchise Agreement dated 09 December 2014. This will benefit passengers by providing contractual service stability until the PCD 2025. We have structured the contract in such a way as to split Schedule 5 in to three distinct time periods to clearly demonstrate the increase in services from May 2019 and May 2020.

Schedule 5:

Part A – PCD 2016 (which falls in December) – SCD 2019 (May)

The tables have been simplified with separate tables for each service group to bring in line with the way in which other operators express rights. For simplicity, East Coast has assumed the following:

- that the additional access rights sought by East Coast for December 2015 and May 2016 have been approved by ORR; and
- where East Coast holds or expects to hold contingent rights (please see Appendix 1 for details), all rights being sought are firm rights.

Apart from these assumptions, Part A reflects the current timetable delivered by East Coast. Please note that Schedule 5 tables have been simplified with better cross referencing between tables and service groups have been renamed and reorganised.

There will be no change to the overall pattern of services operated, allowing East Coast to continue to operate its proven timetable for a further 3 1/2 years. This timetable generates significant premiums to government, reducing the overall burden of rail on the UK tax payer.

A summary (northbound) departure table is included below. The corresponding route map can be found in Appendix 2A.

PART A

Departure Table: December 2016 - May 2019

Northbound (Mondays - Fridays) Standard hour and required extensions

King's Cross Departure	Schedule 5 (Part A) Reference	Primary destination	Intermediate calls	King's Cross to primary destination average journey time	TSR1 - required extensions
A	1.1, 1.2, 5.2, 5.3, 5.4	Edinburgh	York, Darlington, Newcastle, Berwick-upon-Tweed	4h22m	Aberdeen (3 tpd) Inverness (1 tpd) Stirling (1 tpd)
B	2.1, 2.2, 4.1	Leeds	Peterborough, Doncaster, Wakefield Westgate	2h13m	Skipton (1 tpd)
C	4.5, 1.5	Newark North Gate / York	Stevenage, Peterborough, Grantham (and every two hours to Retford & Doncaster	1h27m NNG 2h21m York	Lincoln (1 tpd)
D	1.3, 1.4, 5.1	Edinburgh	Peterborough, Newark North Gate, Doncaster, York, Darlington, Durham, Newcastle (& every two hours	4h43m	Glasgow Central (1 tpd)
E	2.1, 2.2, 4.3, 4.4	Leeds	Stevenage, Grantham, Doncaster, Wakefield Westgate	2h13m	Bradford Forster Square (1 tpd) Harrogate (1 tpd)

Part B – SCD in May 2019 – SCD in May 2020

Six trains per hour (in off peak) and seven trains per hour in the peak, resulting in a significant increase in capacity (up to 40% per hour in the off peak). See 3.1 above for details. The key benefits to passenger will be:

- faster journey times between London King's Cross and Newcastle, Edinburgh and Leeds.
- introduction of new all day services between London King's Cross and Lincoln, Bradford and Harrogate
- a new daily Huddersfield <> London King's Cross return service
- continuation of the daily Sunderland <> London King's Cross service

The service has been designed to reflect the TSGN timetable improvements planned for December 2018.

Table 3.1 has been included as service intervals are an integral part of any long distance timetable. Table 4.1 (calling pattern) – this reflects the TSR agreed with the Secretary of State for Transport. Table 6.1 (journey time) has been included as journey time protection is an integral part of the East Coast timetable. Tables 3.1 and 6.1 are necessary for this contract as they support the substantial premiums that are returned to Government, reducing the level of taxpayer support needed for the railway as a whole.

A summary (northbound) departure table is included below. The corresponding route map can be found in Appendix 2B.

Part B

Departure Table: May 2019 - May 2020

Northbound (Mondays - Fridays) Standard hour and required extensions

King's Cross Departure	Schedule 5 (Part B) Reference	Primary destination	Intermediate calls	King's Cross to primary destination average journey time	Extensions
A	1.1	Edinburgh	York, Newcastle.	4h07m	Aberdeen Inverness
B	1.3, 5.1	Newcastle	Stevenage, Peterborough, Grantham, Newark North Gate, Doncaster, York, Darlington; also Northallerton, Durham every 2 hours	3h06m	Sunderland
C	2.2, 4.1	Leeds	Doncaster, Wakefield Westgate	2h07m	Harrogate
D	1.2, 5.1, 5.2, 5.3, 5.4	Edinburgh	Peterborough, Doncaster, York, Darlington, Durham, Newcastle, Berwick-upon-Tweed; also Alnmouth every 2 hours	4h33m	Glasgow Central Stirling
E	2.3, 2.4	Harrogate / Lincoln	Stevenage, Grantham, Newark North Gate; also Retford, Doncaster, Leeds, Horsforth every 2 hours	1h41m Lincoln 2h42m Harrogate	
F	2.1, 2.5, 4.3	Bradford Forster Square / Leeds	Peterborough, Wakefield Westgate; also Shipley every 2 hours	2h26m Bradford FS 2h01m Leeds	Huddersfield Skipton

Part C – From SCD in May 2020

- Please see 3.1 above
- Further journey time improvements between London King's Cross and Leeds, Newcastle and Edinburgh.
- A new all day service between London King's Cross and Middlesbrough (2 hourly)

Table 3.1 has been included as service intervals are an integral part of any long distance timetable. Table 4.1 (calling pattern) – this reflects the TSR agreed with the Secretary of State for Transport. Table 6.1 (journey time) has been included as journey time protection is an integral part of the East Coast timetable. Tables 3.1 and 6.1 are necessary for this contract as they support the substantial

premiums that are returned to Government, reducing the level of taxpayer support needed for the railway as a whole.

A summary (northbound) departure table is included below. The corresponding route map can be found in Appendix 2C.

Part C

Departure Table: From May 2020

Northbound (Mondays - Fridays) Standard hour and required extensions

King's Cross Departure	Schedule 5 (Part C) Reference	Primary destination	Intermediate calls	King's Cross to primary destination average journey time	Extensions
A	1.1	Edinburgh	Newcastle; also York approximately every 2 hours	4h00m	
B (2 hourly)	1.4	Middlesbrough	Peterborough, York, Northallerton, Thornaby	2h41m	
C	1.3, 5.1	Newcastle	Stevenage, Grantham, Newark North Gate, Doncaster, York, Darlington; also Peterborough, Durham every 2 hours	3h03m	Sunderland
D	2.2, 4.1	Leeds	Doncaster, Wakefield Westgate	2h00m	Huddersfield
E	1.2, 5.1, 5.2, 5.3, 5.4	Edinburgh	Peterborough, Doncaster, York, Darlington, Durham, Newcastle, Berwick-upon-Tweed; also Alnmouth every 2 hours	4h26m	Aberdeen Glasgow Central Inverness, Stirling
F	2.3, 2.4	Harrogate / Lincoln	Stevenage, Grantham, Newark North Gate; also Retford, Doncaster, Leeds, Horsforth every 2 hours	1h41m Lincoln 2h41m Harrogate	
G	2.1, 2.5, 4.3	Bradford Forster Square / Leeds	Peterborough, Wakefield Westgate; also Shipley every 2 hours	2h26m Bradford FS 2h00m Leeds	Harrogate Skipton

4.2 Adequacy: please set out how you have satisfied yourself that there is enough network capacity for the services in the proposal. Please also set out whether there are any implications for overall network performance and the facility owner's maintenance and renewal activities. **C&Ps paras 4.12-4.45**

Detailed timetabling work was undertaken during the bidding phase. The timetables produced comply with the Secretary of State for Transport's requirements as detailed in the Invitation to Tender documentation for both the Inter City East Coast ("ICEC") and TSGN franchises.

Network Rail's 2020 Capacity Report (published December 2014) states that an 8th LDHS path can be accommodated in the peak and off peak alongside the TSGN services. This application assumes that the current level of Open Access is maintained. East Coast is satisfied that sufficient capacity exists for this proposal.

On 6 February 2015 ORR wrote to the industry to give an update on how it is dealing with the various access applications to the ECML. In particular, ORR have asked Network Rail to draw out the main points of its capacity and timetabling reports in the context of Virgin Trains East Coast's detailed service proposals (which were not available when the reports were put together). This will include its views on whether the service proposals differ in their performance implications. ORR plan to publish Network Rail's response in March 2015.

4.3 Flexing rights: please provide a general description of the extent of any limitations on the facility owner's flexing rights in the proposal. Please provide the rationale for the extent of any limitation on the flex provided, including any changes to pre-existing services, and the extent to which the provisions have been agreed with the facility owner. **C&Ps paras 2.27-2.33**

Only journey time and interval protection are sought. In terms of interval protection, significantly more flex has been provided to the facility owner than the current East Coast Track Access Contract (dated 04 February 2005) allows.

The value of the business is vested in the quality of the rights held, allowing the business to be managed with a degree of certainty and to maximise premium payments back to government, thereby reducing the level of taxpayer support to the industry as a whole.

4.4 Journey time protection: please describe whether the proposed contract gives journey time protection to any services (by establishing maximum journey times, fastest key journey times or maximum key journey times), and explain the reasons for this, with reference to ORR's criteria. **C&Ps paras 8.90-8.103**

Maximum Journey times have been sought for core routes (between London King's Cross <> Newcastle, Edinburgh and Leeds).

Journey time protection is a commercial imperative for East Coast given the sensitivities around journey times and competition with air and road transport. Competitive journey times attract customers to rail. This is particularly true on key markets such as London King's Cross <> Leeds, London King's Cross <> Newcastle / Edinburgh.

4.5 Specified equipment: please give full details of any changes to specified equipment (rolling stock), including timescales, and how much of 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 being sought. **C&Ps paras 8.87-8.90**

From Commencement Date until 2018, the timetable will be resourced using the existing HST and 225 fleets. As per the Intercity Express Programme, a new fleet of trains will be deployed on the ECML from August 2018, with a new set being deployed every week until early 2020. The fleet will consist of Class 800 (bi-mode) and Class 801 series (electric) and will have the following improvements (compared to the existing fleets):

Uniform operating characteristics (braking and acceleration), enhanced speed capability (140 mph), higher capacity (627 seats for 9 car Class 800/801 v 537 seats for a 225) so can achieve improved journey times on all core routes.

The fleet consists of the following formation:

10 x 9 car bi-mode *plus* 3 x 9 car bi-mode spare sets (Class 800 series)

26 x 9 car electrics *plus* 4 x 9 car electric spare sets (Class 801 series)

8 x 5 car bi-modes *plus* 2 x 5 car bi-mode spare sets (Class 800 series)

10 x 5 car electrics *plus* 2 x 5 car bi-mode spare sets (Class 801 series)

(54 diagrams per day) *plus* 11 spare sets per day

In terms of resilience, the trains will have two pantographs, bi-mode trains can operate up to 110mph in diesel mode, electric trains have a limited movement diesel engine for use when Overhead Line ("OHL") equipment is out of use. The train is using a number of components already proven in high speed operation in the UK. The fleet has more spare units and there is a train availability and reliability agreement with the train service provider covering the life of the trains (27 years).

Hitachi have been running a Test Forum for over 18 months, including representatives from East Coast, Great Western, Network Rail and DfT, to prepare for the first UK testing in the UK which will commence in April 2015. There will be 6 months of testing in a Signal Protection Zone ("SPZ") in

order to demonstrate the first level of compatibility, prior to operation on a normally-signalled railway. There will then follow a further 12 months of testing on both the East Coast and Great Western routes, firstly in low traffic conditions and then in normal traffic prior to 'Type Acceptance'. The trains will operate for one full year in passenger service on the Great Western route prior to being deployed on the ECML.

HSTs will continue to operate services until the end of 2019. A small fleet of 225s will be retained beyond May 2020 for deployment mainly on the fast King's Cross <> Edinburgh services (six rakes of seven Mark IV coaches). Reducing the formation by two Mark IV coaches will allow the 225s to achieve compatible timings with the 800/1 for limited stop services.

4.6 Franchise obligations: please explain whether the proposed services are necessary to fulfil obligations under a franchise or concession agreement. **C&Ps paras 4.3-4.4**

The proposed services are necessary to fulfil obligations contained within the Franchise Agreement between Inter City Railways Limited and The Secretary of State for Transport dated 09 December 2014.

4.7 Public funding: please state whether (and if so to what extent) the proposed services are subject to financial support from central or local government (other than the Department for Transport or Transport Scotland), including Passenger Transport Executives. Please also provide a point of contact at that body. **C&Ps paras 3.52, 4.25, 4.35-4.39**

None required.

4.8 Passenger Focus and, where applicable, London TravelWatch: please state whether (and if so to what extent) the proposed services have been discussed with these bodies. Please also provide copies of any relevant correspondence. **C&Ps para 4.39**

Details of the proposed services have been shared with Passenger Focus. There will also be a public consultation in due course.

4.9 Route utilisation strategies (RUSs): if applicable, please state which RUSs (including the Freight RUS) are considered relevant to this application and whether the proposed rights are consistent with that RUS. If the proposed rights are not consistent, please explain the reasons for this. **C&Ps paras 4.5-4.8**

This application is consistent with the ECML RUS (2008) and the ECML 2016 Capacity Review. With the introduction of the new Thameslink timetable through the core and onto the ECML and IEP from 2018, it will be important to consider how the service patterns of all operators work together on the route.

The ECML RUS concluded that a key factor influencing the effective utilisation of network capacity is the mix of rolling stock fleets and their varying capabilities in terms of performance. The number of train paths deliverable is affected by the variety of speeds, acceleration, braking characteristics, power draw and station dwell times of the different types of stock.

A uniform fleet, together with a standardised calling pattern supports the requirement for more effective utilisation of network capacity. This proposal is for longer trains, with more seats, with an appropriate balance between standard and first class. Utilisation on East Coast trains is the highest in the UK (and second highest in Europe).

5. Incentives

5.1 Train operator performance: please describe any planned projects associated with the operation of the proposed services aimed at improving your performance. **C&Ps paras 4.26-4.36**

Significant investment in the fleet is proposed – see 4.5 for details.

There will be a Master Availability and Reliability Agreement (“MARA”) that commits DfT to including IEP trains in the East Coast franchise for 27 years and a Train Availability and Reliability Agreement (“TARA”) that commits Agility Trains to supply 54 diagrams each day (with a ‘no train, no pay’ performance regime).

In addition, the Franchise Agreement includes obligations to improve performance.

5.2 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. **C&Ps paras 4.26-4.36, 5.1**

In order for Network Rail to support any firm access rights, detailed timetables will be required from all operators on the ECML so a detailed risk assessment / mitigation schedule for performance can be developed as a whole. This would include work on service recovery principles and performance targets. In general terms, Network Rail would anticipate this work including the following:

- A modelled assessment of Public Performance Measure (PPM) impact
- An assessment of Right Time performance
- An assessment of interactions between services at key locations
- Initial updates to the regulating policy to take account of a revised service structure
- The development of a service recovery strategy for use by Network Rail and Operator Controls

Before any of this can happen, Network Rail would need to develop a detailed timetable for all the ECML and off route services.

Note that in formally developing the timetable for 2020 with the Industry, the timetable planning rules (TPR) will need to be reviewed to ensure these reflect planned changes to service levels, rolling stock, infrastructure layout, European Train Control System (ETCS) and operational rules / procedures. This is another important consideration for the future performance of the timetable.

5.3 Monitoring of services: would all proposed services be monitored for performance throughout their journeys, consistent with our policy in paragraph 5.50 of the criteria and procedures? If not, please state the reasons for this is in line with the permissible circumstances described in paragraph 5.51 of the criteria and procedures. **C&Ps paras 5.50-5.56**

Yes, as per the existing Schedule 8 provisions

5.4 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. **C&Ps para 5.38-5.40**

None

6. Enhancement

6.1 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). **C&Ps paras 4.80**

The following CP5 funded enhancements have been assumed and are required for this proposal:

- Huntingdon – Woodwalton 4-tracking
- Peterborough Down Slow Upgrade
- Werrington Junction Grade Separation
- York Station North Throat
- Freight Improvements North of York
- Doncaster – enhancements.

East Coast is supportive of these enhancements and has been fully engaged throughout the industry process through the ECML Industry Planning Group and also ECML Programme Board.

6.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with ORR's [Policy Framework for Investments](#), and summarise the level and duration of payments, and the assumed rate of return (see chapter 3 of the Conclusions document). **C&Ps paras 5.6, 5.12-5.14**

None.

7. Other

7.1 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). **C&Ps paras 3.18-3.19**

This application assumes that the ORR has approved the additional rights sought in five applications for timetable enhancements for December 2015 and May 2016. (Please see 48th, 49th, 50th, 51st and 52nd Supplemental Agreements for details).

7.2 Supporting information, side letters and collateral agreements: please:

- state here any relevant information in support of the proposal, including a list and explanation of any other material being submitted (and supply copies with the application). **C&Ps para 4.33**
- 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. **C&Ps paras 6.12-6.16, 6.21**

Additional information has been supplied to the ORR in support of this application. This information is commercially sensitive to East Coast.

7.3 Confidentiality exclusions: please list any parts of your application which you have excluded on the grounds of confidentiality, from the version of the proposed contract sent to consultees for any pre-application consultation process, and provide reasons. If there has been no pre-application consultation, you should state any parts of the application and proposed contract you want us to exclude from publication. **C&Ps paras 3.29-3.34**

See 7.2 above.

Note: Where a pre-application consultation is to be undertaken in line with the Code of Practice, the remainder of this application should not be completed until after that consultation has been completed

8. Pre-application consultation

8.1 The consultation: has a pre-application consultation been carried out in line with the Code of Practice? If yes, please:

- state who conducted the consultation;
- list all train operators, franchising authorities and any other parties that were consulted, stating which parties responded and attach their responses and any associated documentation to this form; and
- state the period allowed for the consultation. If this was less than 28 days, please explain the reasons for this.

If a pre-application consultation has not been carried out, please explain the reasons and whether any informal discussions have been held with any third parties who might be affected by this application and the nature of any concerns which they raised. **C&Ps paras 3.62**

8.2 Resolved issues: please set out any issues raised by consultees which have been satisfactorily resolved. You may wish to refer to responses attached to this form. Please explain any changes as a result of the consultation.

8.3 Unresolved issues: please set out any issues raised by consultees which have ***not*** been satisfactorily resolved, including any correspondence with that consultee. You may wish to refer to responses attached to this form. Please explain why you think these issues should not stop ORR approving the application.

9. 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 **C&Ps para 3.40***

In the case of agreed applications under section 18 or 22, Network Rail should fill in the required information in the box below. For disputed applications under section 17 or 22A, the applicant should fill in the required information.

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

Signed

Date

Name (in caps) DAVID HORNE

Job title MANAGING DIRECTOR

For (company) EAST COAST MAIL LINE COMPANY LIMITED

10. Submission

10.1 What to send: please supply, in hard copy, the signed application form, one copy of the proposed contract or amendment, with copies of any documents incorporated by reference (other than established standard industry codes or other documents) and any other attachments, supporting documents or information. ***C&Ps para 3.39***

Please also supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form, by e-mail or on disc, **in plain Microsoft Word format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting). ***C&Ps para 3.37-3.38***

10.2 Where to send it:

Manager, Track Access Team
Directorate of Railway Markets and Economics
Office of Rail Regulation
One Kemble Street
London
WC2B 4AN

DRAFT

Appendix 1

Table 2.2: Additional Passenger Train Slots

1					2					
Service Group 1 Yorkshire Services ^{30th}										
Service description					Additional Passenger Train Slots					
From	To	Via	Description	TSC	Total Weekday	Peak times ¹		Off-Peak times ²	Saturday	Sunday
						morning Peak	evening Peak			
Leeds	Harrogate				1			1	1	1
Harrogate	Leeds									1

In all cases as extensions of services between London and Leeds and v.v.

Table 2.2: Additional Passenger Train Slots ^{37th}

1					2					
Service Group 2 London – North East and Scotland										
Service description					Additional Passenger Train Slots					
From	To	Via	Description	TSC	Total Weekday	Peak times ¹		Off-Peak times ²	Saturday	Sunday
						morning Peak	evening Peak			
Dundee	Edinburgh	Leuchars	Southbound	21701001	1					
Newcastle	Edinburgh	ECML	Northbound	21700001	1 FO					1
Edinburgh	Kings Cross	ECML	Southbound	21700001						2
Kings Cross	Newcastle	ECML	Northbound	21700001						1
Kings Cross	Edinburgh	ECML	Northbound	21700001						1
Leeds	York	Micklefield	Northbound	21700001						1

1					2					
Service Group 2 London – North East and Scotland										
Service description					Additional Passenger Train Slots					
From	To	Via	Description	TSC	Total Weekday	Peak times ¹		Off-Peak times ²	Saturday	Sunday
						morning Peak	evening Peak			
Stirling	Edinburgh	Falkirk Grahamston	Southbound	21701001	1					
Edinburgh	Stirling	Falkirk Grahamston	Northbound	21701001	1					
Sunderland	Newcastle	Pelaw Jn	Westbound	21700001	1					
Newcastle	Sunderland	Pelaw Jn	Eastbound	21700001	1					

Table 2.2: Additional Passenger Train Slots ^{41st}

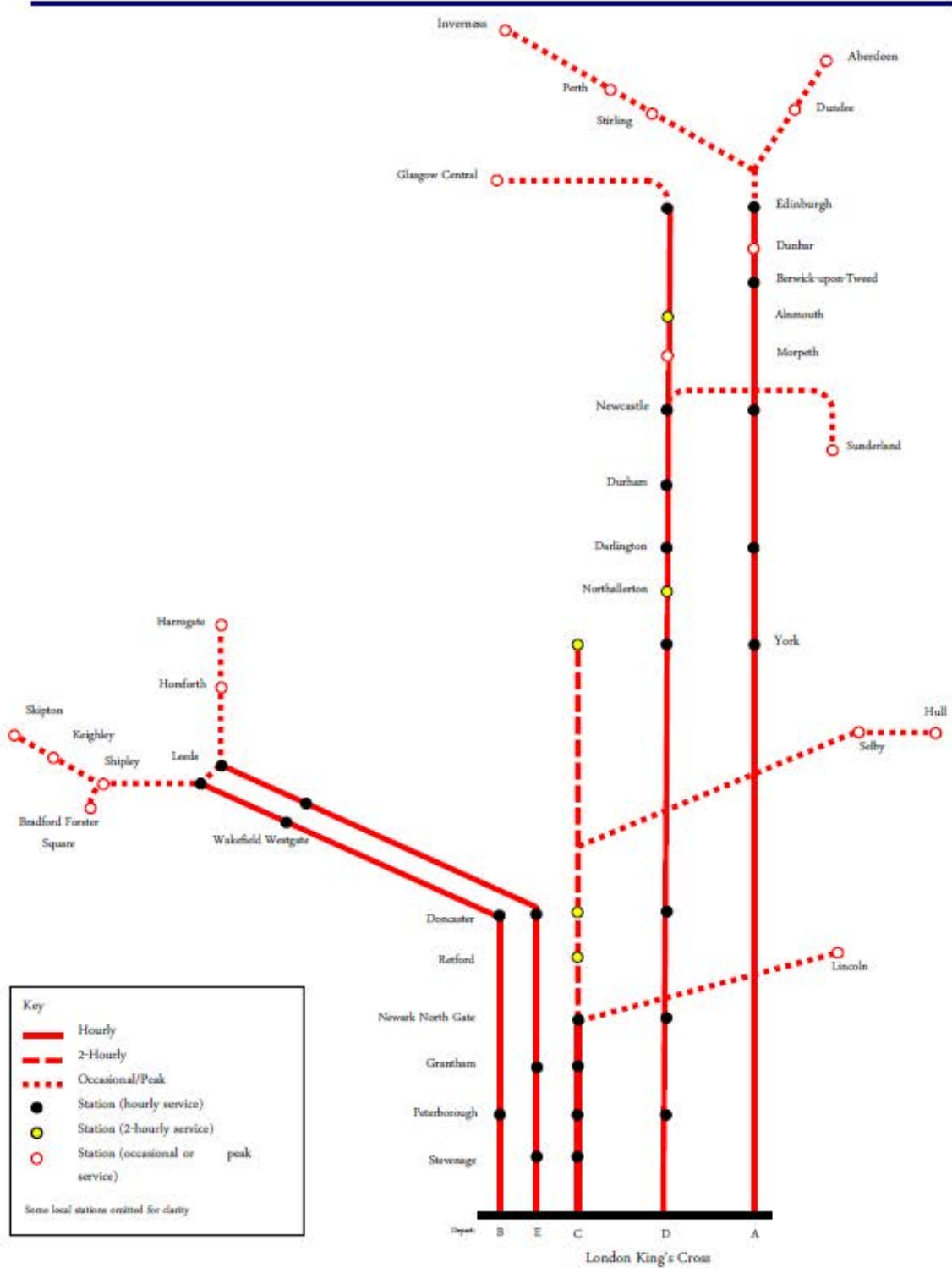
1					2					
Service Group 3 Lincoln & York ^{41st}										
Service description					Additional Passenger Train Slots					
From	To	Via	Description	TSC	Total Weekday	Peak times ¹		Off-Peak times ²	Saturday	Sunday
						morning Peak	evening Peak			
Newark Northgate	Peterborough		Southbound	21706001	1	1				

APPENDIX 2A

Inter City East Coast

May 2016

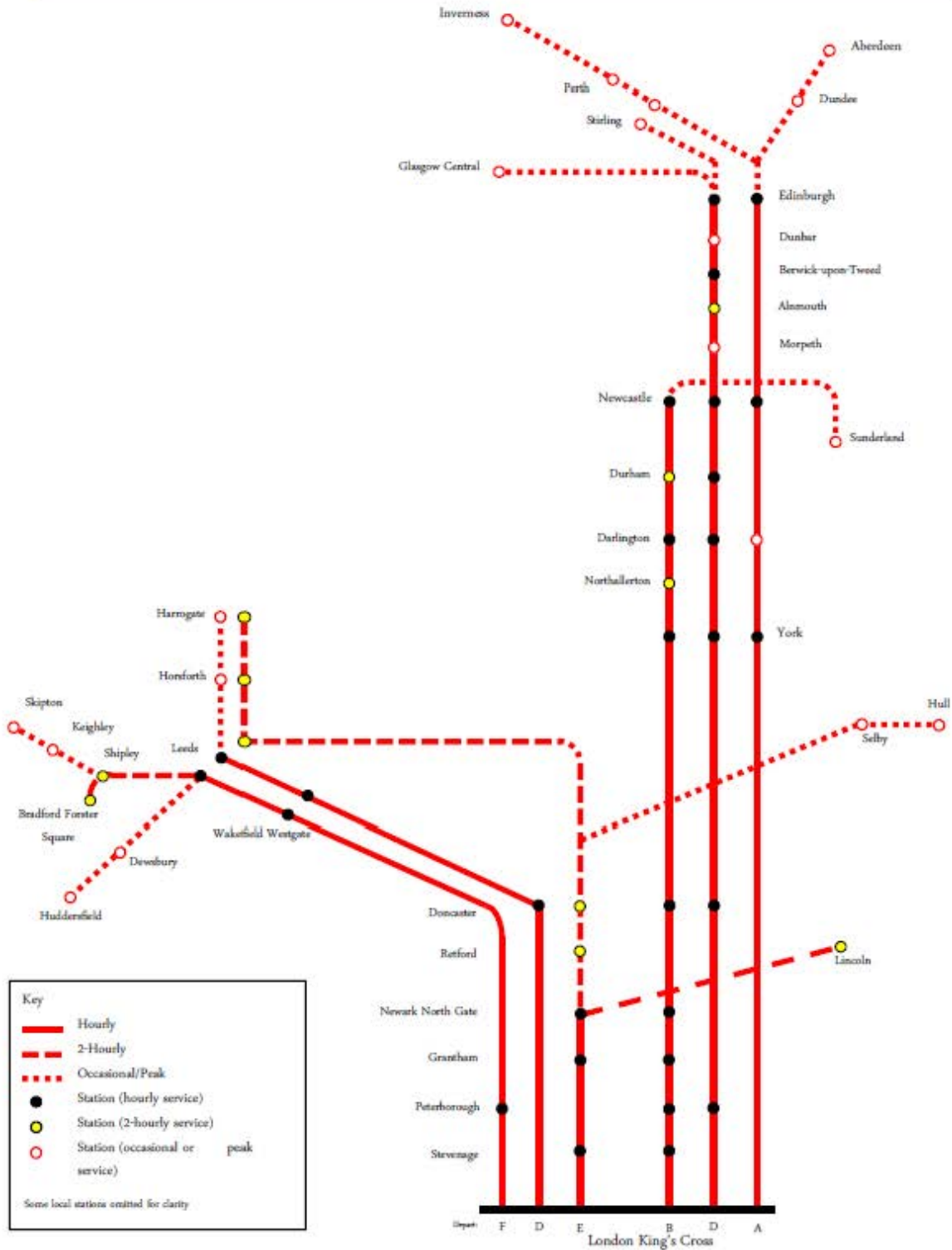
Service Pattern - Mondays to Fridays



APPENDIX 2B

Inter City East Coast
Service Pattern - Mondays to Fridays

May 2019



APPENDIX 2C

Inter City East Coast

May 2020

Service Pattern - Mondays to Fridays

