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15 July 2025

Network Rail Infrastructure Limited Representations for the 9th Supplemental Agreement (SA) submitted under Section 22A of the Railways Act 1993 for the Track Access Contract between Network Rail Infrastructure Limited (Network Rail) and Caledonian Sleeper Limited dated 2 March 2018.

1. Purpose

- 1.1. This letter provides final representations from Network Rail for the 9th SA submitted under Section (S) 22A of the Railways Act 1993 for the Track Access Application between Network Rail and Caledonian Sleeper Limited submitted to Office of Rail and Road (ORR) on 4 September 2024.
- 1.2. This representation builds upon the representations submitted by Network Rail on the 28 June 2024 in relation to a S17 application submitted by Caledonian Sleeper Limited in May 2024. This S17 has since been withdrawn and in September 2024 was formally replaced with a S22A application. The two West Coast Main Line (WCML) South general representation letters dated 7 February 2025 and 25 April 2025 are also relevant to this application. This final representation letter relates only to requests contained within the S22A application submitted in September 2024. Further detail on the timeline of the conversion from a S17 to a S22A application is set out in Annex C of this letter.
- 1.3. The purpose of this final representation is to provide ORR with Network Rail's final position on this application (and the specific access rights within it) and will do so by providing facts, data and evidence to support our position.
- 1.4. Network Rail can confirm that based on the facts, data and evidence outlined in this representation it is partially supportive of this application, subject to any comments, suggested amendments or specific issues highlighted in this representation. Network Rail is supportive of the amendment to rights to run services via, and call at, Birmingham International from PCD 2025 to Track Access Contract expiry (PCD 2030). In addition to this change, Caledonian Sleeper Limited have proposed to divert the Southbound Highlander service via the Edinburgh and Glasgow (E&G) line to achieve an earlier arrival time into Edinburgh Waverley. A Glasgow Queen Street call has been removed as a result. The Caledonian Sleeper Limited December 2025 Priority Date Notification Statement included this rerouting along with the Birmingham International Calls. Further detail is set out below. Network Rail is supportive of this re-routing. Network Rail is not supportive of the reinstatement of firm platform occupation time rights for Southbound arrivals.
- 1.5. Where there are a number of applications seeking capacity at the locations referred to in this letter, and as detailed in Annex A, the basis of our support of applications either in

total, or in part (as can be determined by reading the relevant representations), may have a connection to our position on all other applications at that location. You may wish to wait for final representations on related applications and the information provided therein prior to making your decision.

2. Background of the Application and Network Rail Representations

- 2.1. In line with ORR's letter of 24 April 2024 to the industry on 'Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes', Caledonian Sleeper Limited submitted a S17 application to the ORR on 20 May 2024 in line with ORR's deadline. Caledonian Sleeper Limited formally converted their S17 application to a S22A in September 2024.
- 2.2. The timeline and detail for the transition from a S17 to a S22A application is set out in Annex C to this letter.
- 2.3. As requested by ORR, Network Rail submitted a High-Level Plan in June 2024, and a further detailed plan was published on Network Rail's website in August 2024 and updated in January 2025. Network Rail made its initial representations on Caledonian Sleeper Limited's S17 application on 28 June 2024 where an initial view of the application Form P and SA was provided. On 30 July 2024 Caledonian Sleeper Limited responded to Network Rail's initial representations with its comments.
- 2.4. In its initial representation on 28 June 2024 which related to Caledonian Sleeper Limited's S17 application, Network Rail highlighted several items in the "Network Rail Review of Form P and associated documents" section of the letter. Below we have highlighted key points from the initial representation letter we raised and where applicable noted the Operator's response. Where further clarity is needed, this will be highlighted:
 - Network Rail asked Caledonian Sleeper Limited to confirm that Scottish Rail Holdings are supportive of their request to change the occupation time rights for Southbound arrivals into Euston to firm. Caledonian Sleeper Limited responded in July 2024 confirming that both Transport Scotland and Scottish Rail Holdings are supportive in principle of the firm occupation time rights.
 - Network Rail set out its support in retaining Caledonian Sleeper Limited's strong performance, noting that it wished to understand the methodology behind the aspired timings for the calling points that Caledonian Sleeper Limited submitted, including how this aligned with the desired Right Time arrivals in London Euston. Caledonian Sleeper Limited confirmed in their response to the representation that their proposed timings are purely aspirational and indicative of what they believe is possible. They acknowledge that without sight of the timetable for all operators the timings cannot be verified in any way, but that the specifics for the pathing are covered in Part D of the Network Code. Further detail on the anticipated impact on performance is set out in paragraph 6.3 below.
 - The monitoring of Right Time arrivals and industry definition has previously included the measurement of part cancellations (and hence Fail to Stops). Network Rail asked Caledonian Sleeper Limited to confirm:
 - (a) If Caledonian Sleeper Limited will always stop at Birmingham International, regardless of whether there are guests pre-booked onto the service;

- (b) If Caledonian Sleeper Limited are not looking to stop at Birmingham International if no guests are booked, the anticipated implication of this on Right Time performance measurements.

Caledonian Sleeper Limited confirmed via their July 2024 letter that:

- (a) They may choose to skip Birmingham International in the event of late running and there being no guests booked, likely by diverting via the Trent Valley to get maximum benefit. If guests are booked for Birmingham, a contingency plan will be documented which will consider the volume of guests and the extent of the delay. In the event they do not call at Birmingham International, this would constitute a fail to stop and therefore a part cancellation.

Their response did not set out an estimated numerical impact of this on their Right Time performance value. Paragraph 6.3 below provides more detail on the expected impact of the introduction of Birmingham International as a calling point on Right Time performance.

- Network Rail highlighted that none of the platforms at Birmingham International are long enough to fully accommodate the Sleeper service, meaning a risk assessment process would need to be undertaken to produce and review a Method of Working Statement. A safe method of work has subsequently been agreed through the standard Network Rail risk assessment process, with the related actions being closed out via Network Rail's T-CRAG process. The risk assessment considered the safe dispatch for 400 metre trains as well as potential Passenger Train Interface (PTI) risks due to overlength formations at Birmingham International platforms. Caledonian Sleeper Limited also confirmed that they would add Birmingham International to their Automatic Selective Door Opening (ASDO) database which would mean they would operate at Birmingham International in the same way as at many other stations, less than 10 of the 42 stations that they call at have platforms long enough to accommodate the full length of the train.
- In Network Rail's June 2024 representation, it directed ORR to paragraph 3 of 'Network Rail's Initial Position on the Access Rights Sought prior to the necessary assessments being completed in line with the plan' for Network Rail's initial view on the potential power concerns relating to Caledonian Sleeper Limited's application. Caledonian Sleeper Limited did not respond on this point and power supply modelling is covered below in paragraph 6.4.

2.5. As ORR is aware Birmingham is one of the interacting locations highlighted in ORR's letter of 24 April 2024. This application is one of several applications seeking additional rights in the Birmingham area and on the West Coast Main Line (WCML), specifically at Euston.

3. Unused Caledonian Sleeper Limited Firm Rights

3.1. During correspondence in relation to the S22A application which forms the subject of this letter, Caledonian Sleeper Limited highlighted to Network Rail that they have an unused right between Edinburgh Waverley and Fort William on a Sunday. Caledonian Sleeper Limited have completed the formal process to surrender this right under Part J of the Network Code. Network Rail submitted the Part J notification letter to the ORR on 3 July 2025.

4. Access Rights Contained in the Application as Part of the Interim Approach

4.1. Nothing was applied for under the interim approach.

5. Access Rights Sought in the Application

5.1. The rights sought in this application are for:

| <u>The rights included in the 9th SA</u> | <u>Specific locations identified in ORR's Letter of 24 April 2024</u> |
|--|--|
| The reinstatement of firm platform occupation time rights for Southbound arrivals at Euston | (a) West Coast Main Line Euston- Nuneaton |
| Additional Call for existing firm rights to call at Birmingham International from PCD 2025 to TAC expiry (PCD 2030): addition of Birmingham International as a calling point | (a) West Coast Main Line Euston- Nuneaton (b) Birmingham area including Water Orton |

5.2. Annex B of this letter contains a table which shows all the access rights requested in this application.

5.3. The Table in Annex B provides details of the access rights characteristics i.e.:

- Origin
- Destination
- Quantum by Day of Week
- If the access rights are currently held in the contract and proposed change is an amendment to those rights for e.g. calling pattern change, contingent to firm etc.
- Which locations it interacts with from ORR's list of nine locations in their letter to the industry 24 April 2024.

5.4. Network Rail would like to acknowledge that Caledonian Sleeper Limited notified Network Rail and ORR on 4 September 2024 that the application has changed from the original S17 application submitted to ORR by 20 May 2024. We understand ORR has agreed to the changes and ORR have updated their website with the revised Form P.

5.5. The changes to the original application have been set out in paragraph 2.2 above and are repeated here for clarity:

- Conversion of the application from a Section 17 to a Section 22A
- Removal of component (a) of the 20 May 2024 Section 17: Track Access Extension PCD 2024 – PCD 2030

5.6. Caledonian Sleeper Limited submitted a Form P as their S22A application and this is hosted on ORR's Website. Network Rail notes the absence of a draft supplemental agreement or marked up rights table. If ORR directs in line with Network Rail's recommendations in this letter, a draft supplemental will need to be created.

6. Assurance / Assessments / Updates

6.1. The following section will address specific areas of consideration, opportunity and risk relevant to the application or where applicable to specific access rights in the application. Where the outputs relate to specific access rights rather than the entire application, this will be indicated in the relevant section.

6.2. *Capacity*

- 6.2.1. The **firm platform occupation time access rights for Southbound arrival at Euston** that Caledonian Sleeper Limited are seeking in this application were previously firm rights until the extension of Caledonian Sleeper Limited's Track Access Contract (TAC) from December 2023 to December 2024. They were later supported as contingent by Network Rail based on concerns relating to planned delivery of redevelopment works at Euston, including HS2 works. Caledonian Sleeper Limited are now re-requesting the platform occupation rights for Southbound arrivals at Euston as firm due to HS2 works being paused for an uncertain period.
- 6.2.2. As outlined in Network Rail's letter to ORR "Network Rail representations on WCML to ORR" dated 7 February 2025, there are challenges with passenger flow at Euston station. This application does not include any change to quantum at London Euston and therefore would not be expected to have any significant impact on footfall at the station. Whilst the application for firm rights would have little expected impact on passenger flow at Euston in itself, Network Rail needs to retain the ability to maintain safe passenger flows during any periods of perturbation that may occur at Euston and granting one operator firm occupation time rights could present challenges for Network Rail in operationally managing pedestrian flow.
- 6.2.3. Network Rail wishes to highlight that the impact on Euston platforms from HS2 construction work along with the timings for the work remains uncertain and committing to firm platforming occupation time rights all the way through until 2030 would not offer the industry the flexibility required to deliver the HS2 construction work.
- 6.2.4. The trains Caledonian Sleeper Limited operate are 16 cars plus the loco that hauls them. This means they can only use platforms 1 and 15 at London Euston. In addition to the HS2 works, significant redevelopment of the existing station is in the planning stages. Euston redevelopment will remodel the concourse as well as potentially undertaking works to allow changes along Eversholt Street. To keep the station operational throughout the construction work, the delivery will need to be staged, potentially taking either low or high-numbered platforms out of use for significant periods of time. When this happens, both sleeper trains (the Glasgow/ Edinburgh (lowlander) and Fort William/ Inverness/ Aberdeen (highlander)) may need to share a platform and Network Rail will need to retain flexibility to manage the operations around this effectively. Granting firm rights to Caledonian Sleeper Limited would impact on Network Rail's ability to manage these operations effectively when platforms are out of use for significant periods of time during redevelopment.
- 6.2.5. Timetabling Caledonian Sleeper Limited's movements at Euston has been historically challenging because of the size of the train, because it is loco-hauled (requiring ancillary movements), and because it arrives during the morning peak. Learning from this, Network Rail knows it will need flexibility to find a system-wide

optimum, especially when some of the station is blocked due to development works, HS2 work or during periods of perturbation.

- 6.2.6. Network Rail's letter to ORR "Network Rail representations on WCML to ORR" dated 7 February 2025, highlights that there remains a restricted number of platforms at London Euston, with no funded plans to reintroduce a 17th and 18th platform. The letter states that London Euston is the key location during times of perturbation for managing service recovery through the cancellation of services. As a terminus location, platform capacity is vital when managing perturbation as services must depart before arriving services can terminate. Moreover, not having the flexibility to move stock in either direction reduces the ability to free up capacity, resulting in the station becoming congested quickly.
- 6.2.7. Network Rail recognises the unique service Caledonian Sleeper Limited operates and this is reflected by the provision of the Platform Occupation Timed Rights currently contained in Schedule 5 of the Track Access Contract. The rights being sought firm in this application for Platform occupation are already contained in the current contract as contingent. Whilst Network Rail recognises the unique nature of the Caledonian Services, Network Rail still needs to be able to maintain flexibility in the Timetable, especially where capacity constraints or operational limitations such as reduced platform availability exists. We have outlined above some of the constraints we are facing at Euston.
- 6.2.8. Several aspects of the WCML representation letter "Network Rail representations on WCML to ORR" dated 25 April 2025 are also relevant to **Caledonian Sleeper Limited's application where they are seeking to add Birmingham International as a calling point to existing firm rights**. The letter highlights the concerns Network Rail have previously highlighted about capacity constraints on the WCML included declaring congested infrastructure in May 2020 for the WCML South Fast lines Camden Road South Junction to Ledburn Junction inclusive. In both the February and April WCML letters Network Rail stated that it would not be able to accommodate all applications seeking capacity on the WCML Fast Lines for the Dec 25 timetable and beyond. Caledonian Sleeper Limited already hold firm rights, and operate, on the West Coast South. Although the services aligned to these rights do utilise the West Coast Main Line South Fast Lines, this application does not seek to increase the quantum running and therefore, no additional capacity is required or released as a result of this application south of Rugby. Additionally, the timetable paths aligned to this application remain consistent with the existing WCML South timetable structure; the inclusion of a Birmingham International call has limited impact on timetable capacity on the West Coast Main Line South compared to the rights already held.
- 6.2.9. In the same WCML representation letter "Network Rail representations on WCML to ORR" dated 25 April 2025, Network Rail set out their concerns and conclusions over Power Supply. This work has concluded with modelling in May 2025 confirming that there are no current concerns with the proposed timings of the paths aligned to the rights in this application. More detail is provided in paragraph 6.4.
- 6.2.10. Timetable capacity assessments completed in response to the Complex and/or Competing Rights workstream have identified conflicts between the end-to-end paths aligned to the rights in the Caledonian Sleeper Limited 9th SA (not all solely due to the re-routing) and rights in the Freightliner Limited 26th, Freightliner Heavy Haul 28th, East Coast Trains Limited (Lumo North West) S17 and Virgin Management Limited (Virgin) S17. Network Rail has provided final

representations on FLIM 26th (dated 11 April 2025), FLHH 28th (dated 11 April 2025), Lumo North West S17 (dated 9 May 2025) and Virgin (dated 9 May 2025) and is not supportive of those applications. The FLHH 28th has since been withdrawn by the operator. ORR have rejected the Lumo North West S17 and Virgin S17 (3 July 2025).

- 6.2.11. To enable an additional call at Birmingham International to be incorporated into the service, the southbound portion of the Highlander (Service 570) from Fort William to Edinburgh Waverley is required to be re-routed via the E&G line instead of via Airdrie. To note, the E&G is already a diversionary route for Caledonian Sleeper Limited services. This routing also means that there will no longer be a call at Glasgow Queen Street Low Level (SX). However, the Sunday night service will retain its current call at Glasgow Queen Street Low Level and existing routing via Airdrie. The northbound portion will retain its routing via Airdrie every night. The re-route via the E&G is to enable an earlier arrival at Edinburgh Waverley, and incorporate a Birmingham International call, without requiring significant changes to timings to the service between Rugby and London Euston, on the West Coast Main Line, where capacity is limited. The re-route also enables the departure time from Fort William to remain unchanged from its current time, meaning passengers intending to travel on the Southbound Caledonian Sleeper will continue to be able to board the train from connecting ferry services.

6.3. **Performance**

- 6.3.1. Network Rail is keen to protect performance outcomes for passengers and therefore continues to support Caledonian Sleeper Limited in their delivery of their contractual Right Time target of 80%. Current delivery exceeds this with a moving annual average of 87.6%. (P03 25/26). Caledonian Sleeper Limited set out a clear intention to continue to deliver and monitor current levels of Right Time performance in their S22A application despite the introduction of an additional calling point at Birmingham International, which Network Rail commends.
- 6.3.2. Caledonian Sleeper Limited highlighted in their July 2024 letter that their aspired timings submitted for the calling points are purely aspirational and should be treated as what they believe could be possible.
- 6.3.3. Network Rail has no concerns from a performance perspective around the proposed change to run the London to Inverness service via Central Route to Birmingham International, especially given the calling time of this service at Birmingham International where there would be very few other services in operation.

6.4. **Power Supply Modelling**

- 6.4.1. Following the receipt of the applications on 20 May 2024, Network Rail has undertaken a comprehensive power modelling exercise. This exercise looked at: power modelling the services applied for in May 2024 against rights currently held including operational electric freight; power modelling the services applied for in May 2025 onwards (including some Dec 25 services) against full TAC rights currently held including operational electric freight and planned electric freight with rights up to 2027; and power modelling the services applied for in May 2025 onwards (including some Dec 25 services) against rights currently held including operational electric freight and planned electric freight with rights up to 2027 assuming a normalised working pattern with shorter train lengths to reflect a

normal working day.

- 6.4.2. Power modelling was completed in 2024 against rights currently held including operational freight which showed a conflict between established electric freight movements and the proposed new Caledonian Sleeper movements. The power modelling exercise relating to May 25 onwards has confirmed that there are no current concerns with the proposed timings of the paths aligned to the rights in this application. NR is cognisant that there are freight paths with associated rights which may, in the future if converted to electric impact the power availability in this area. Equally retiming of freight services or the Caledonian Sleeper service may reinstate the conflict in power draw until power infrastructure interventions can be delivered.
- 6.4.3. Network Rail is currently seeing an increase in the introduction of bi- mode or tri-mode trains to be run in electric, replacing older diesel rolling stock. Previously these have rarely given rise to concern as both passenger and freight operating companies have deployed few electric or bi-mode trains. However, this position is now changing and Network Rail as a responsible infrastructure manager is looking at the effective management of this. Due to the nature of power capacity Network Rail may need to impose further operational controls and restrictions on the use of electric or bi-mode trains (which follow existing procedures) and/or may need to object to the introduction of further electric/bi-mode trains where there is not the requisite power capacity.
- 6.4.4. Network Rail has worked with operators to assure the data used in the power supply modelling of North West and Central (NW&C) Region accurately represents services as running in normal daily operations.
- 6.4.5. Network Rail is conscious of its legal and regulatory obligations for power capacity to be allocated in a fair, open and transparent manner and in the least restrictive way possible, and are always mindful of our duty of non-discrimination and equal treatment.
- 6.4.6. In its power modelling for May 25 onwards, Network Rail has attempted to maximise the capability of the network by assessing a realistic timetable which takes into account aspirations as well as a timetable running under normal normalised working pattern with shorter train lengths to reflect a normal working day, further reducing electric freight levels to match only those with firm rights/ paths which are either already operating in electric or have a high likelihood to transfer to electric running by 2027.
- 6.4.7. Network Rail is supportive of the additional stop for Caledonian Sleeper Limited at Birmingham international after taking into consideration the outcome of the power modelling exercise.

6.5. *Any other risks or cross-route concerns*

- 6.5.1. To incorporate the additional Birmingham International call, Scotland understand that the southbound portion of the highlander will need to be re-routed. The detail of this has been covered above.
- 6.5.2. In order to thoroughly assess the rights sought by Operators in their S22As which affect Scotland Route, a Decision Group was convened. The Decision Group's remit was to assess all Operators S22A applications in line with the "Scotland Activities" plan described to ORR in the "Interacting Rights – Plan of work update

(30/01/25)". At the Decision Group meeting, using their specialist local knowledge and expertise, each of the Network Rail functional subject matter experts shared their professional opinion in relation to Operational, Infrastructure and Performance risks and how we intended to explore mitigations including, but not limited to, the following:

- a) Operational Risk:
 - i. Level Crossings
 - ii. Signal Passed at Danger (SPAD) Risk
- b) Operations:
 - i. Signaller Workload
 - ii. Degraded Operation
- c) Infrastructure:
 - i. Maintenance Engineering Access including Incident Response
 - ii. Asset Reliability (also links to Performance)
 - iii. Power Draw
- d) Performance Intelligence (Route led view)

In relation to the specifics of the Caledonian Sleeper Limited's 9th S22A, a concern was raised regarding how the routing via the E&G may impact the maintenance strategy. However, this has been negated by the southbound portion from Fort William Sunday path retaining its routing via Glasgow Queen Street Low Level and Airdrie.

- 6.5.3. Scotland's Decision Group had no objections to the access rights being sought in this application on performance grounds and noted that the improved journey time from Fort William to Edinburgh Waverly due to the E&G routing will allow for greater resilience for shunting operations in the confines of Edinburgh Waverley.
- 6.5.4. Cross border services are a focus of the newly re-formed 'Service Resilience Group' and Network Rail's Scotland Route continue to work with all Operators and our fellow colleagues south of the border to seek new ways to improve performance.
- 6.5.5. Due to the timing of this Representation, the passenger services associated with this S22A were able to be assessed as part of the business as usual "Assessing and assuring the impact of operational risks relating to changes to the train plan" formerly known as "Timetable Change Risk Assessment Group" (TCRAG) process.

No concerns were raised by the TCRAG attendees.

- 6.5.6. Caledonian Sleeper Limited is currently hauled by a diesel loco north of Edinburgh Waverley into the Scottish Highlands. South of Edinburgh Waverley it is run via electric traction using overhead lines. Scotland would ask that if this way of operating was to change, Network Rail, including Scotland route, would be fully engaged in power conversations.

7. Conclusion

- 7.1. In this representation letter we have confirmed that we are partially supportive of the

access rights sought in this application as set out below:

- 7.1.1. Network Rail supports the application for rights required to run services to Birmingham International from PCD 2025 but via a different route than initially requested in the S22A. To enable an additional call at Birmingham International to be incorporated into the service, the southbound portion of the Highlander (Service 570) from Fort William to Edinburgh Waverley is required to be re-routed via the E&G line instead of via Airdrie. The re-route via the E&G is to enable an earlier arrival at Edinburgh Waverley, and incorporate a Birmingham International call, without requiring significant changes to timings to the service between Rugby and London Euston, on the West Coast Main Line, where capacity is limited. It also allows for passengers from connecting ferry services to make the train by avoiding the need to alter the departure time from Fort William.
- 7.1.2. Network Rail is not supportive of the reinstatement of firm platform occupation time rights for Southbound arrivals at Euston.
- 7.2. With regards to Network Rail's position on the additional call at Birmingham International, if ORR were to direct in line with our position, a supplemental agreement would need to be drafted which shows the following suggested changes to the contract:
 - 7.2.1. Add Birmingham International as an additional calling point (as well as including it as a via) for the London Euston to Inverness service in Table 4.1.
 - 7.2.2. Remove Glasgow Queen Street Low Level as a calling point for the weekday services for the Edinburgh Waverley to Fort William service, but leaving it in place as a calling point for the Sunday service in Table 4.1.
 - 7.2.3. Amend the routing in the Edinburgh Waverley to Fort William service to show the 'via' as the Edinburgh and Glasgow (E&G) line instead of via Airdrie on a weekday in Table 2.1 The Sunday service should not change and should remain unchanged as showing via Airdrie on a Sunday.
- 7.3. Network Rail has also highlighted in this letter several points we raised in our original representation letter. These are points of clarification and amendments required to the proposed Supplemental Agreement submitted with this application, that Network Rail believes have still not been fully addressed or that ORR need to take into consideration when making a direction on the application.

Yours sincerely,

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Katy Stawarz,

Customer Manager

ANNEXES

Annex A – Interacting Locations Matrix

Annex B – Table of Access Rights Requested in Application

Annex C – Timeline of the Conversion from a S17 to a S22A Application

Annex A – Interacting Locations Matrix

| Operator/Application/Type | Status of Application | WCML south | Birmingham | BHM-Derby | Derby-Sheffield | Sheffield | ECML&Leeds | Oxford | Gloucester | Cardiff |
|--------------------------------------|-----------------------|------------|------------|-----------|-----------------|-----------|------------|--------|------------|---------|
| Alliance Rail Cardiff - Edinburgh 17 | Withdrawn | | x | x | x | x | x | | x | x |
| Avanti 3rd SA 22a | Live | x | x | | | | | | | |
| Avanti 11th SA 22A | Withdrawn | x | x | | | | | | | |
| Avanti 14th SA 22A | Withdrawn | x | x | | | | | | | |
| Avanti 17th SA 22a | Live | x | x | | | | | | | |
| Avanti 18th SA 22a | Live | x | | | | | | | | |
| Caledonian Sleeper 9th SA 17 | Live | x | x | | | | x | | | |
| Colas 10th SA 22a | Live | | | x | x | x | x | | | x |
| CrossCountry 38th SA 22a | Live | | x | x | x | x | x | x | x | x |
| DBC 72nd SA 22a | Live | | | | x | x | x | | | |
| DBC 73rd SA 22a | Live | | | | | x | x | | | |
| DBC 79th SA 22a | Live | | | x | | | x | x | | x |
| DBC 81st SA 22a | Live | | x | x | x | x | x | x | x | x |
| DBC 86th SA 22a | Live | | | | | x | x | | | |
| DBC 87th SA 22a | Live | | x | x | x | x | x | | x | x |
| DBC 88th SA 22a | Live | | | | x | x | x | | | |
| DBC 83rd SA 22a | Live | x | | | | | | | | |
| DBC 84th SA 22a | Live | | | | | | | x | | |
| DBC 85th SA 22a | Live | | | | | | | | | |
| DBC 91st SA 22a | Withdrawn | x | | | | | | | | |
| DBC 92nd SA 22a | Live | | | | | | | | | x |
| DCR 2nd SA 22a | Live | x | x | x | x | | x | x | | |

[illegible]

| Operator/Application/Type | Status of Application | WCML south | Birmingham | BHM-Derby | Derby-Sheffield | Sheffield | ECML&Leeds | Oxford | Gloucester | Cardiff |
|---------------------------------------|---|------------|------------|-----------|-----------------|-----------|------------|--------|------------|---------|
| GWR 202nd SA 22a | Live | | | | | | | | x | |
| Hull Trains 27th SA 22A | Live | | | | | x | x | | | |
| Hull Trains 28th SA 22A | Directed by ORR | | | | | | x | | | |
| Hull Trains 29th SA 22A | Live | | | | | | x | | | |
| LIS 2nd SA 22a | Live | | | | | | x | | | |
| LNER 34th SA 22A | Live | | | | | | x | | | |
| LNER 35th SA 22A May '28 | Live | | | | | | x | | | |
| LNER 36th SA 22A | Live | | | | | | x | | | |
| LNER 37th SA 22A | Rights were being sought until Dec 2025 so not included in analysis | | | | | | x | | | |
| LNER 38th SA 22A | Live | | | | | | x | | | |
| Lumo 11th SA 22A | Live | | | | | | x | | | |
| Lumo 12th SA 22A | Live | | | | | | x | | | |
| Lumo London-Rochdale New Contract S17 | Rejected | x | | | | | | | | |
| Northern 57th SA 22 | Directed by ORR (some of the access Rights in this application were | | | | x | x | x | | | |

| Operator/Application/Type | Status of Application | WCML south | Birmingham | BHM-Derby | Derby-Sheffield | Sheffield | ECML&Leeds | Oxford | Gloucester | Cardiff |
|---------------------------|---|------------|------------|-----------|-----------------|-----------|------------|--------|------------|---------|
| | withdrawn before direction and added to the Northern 60th SA) | | | | | | | | | |
| Northern 59th SA 22a | Live | | | | | x | x | | | |
| Northern 60th SA 22a | Live | | | | | x | x | | | |
| Scotrail 49th SA 22a | Withdrawn | | | | | | x | | | |
| Scotrail 50th SA 22a | Live | | | | | | x | | | |
| Scotrail 51st SA 22a | Live | | | | | | x | | | |
| Super Tram 11th SA 22a | Approved | | | | | x | | | | |
| TfW 28th SA 22a | Live | | x | x | | | | | x | x |
| TfW 31st SA 22a | Live | | | | | | | | x | x |
| TfW 32nd SA 22a | Live | | | | | | | | | x |
| TPT 58th SA 22a | Live | | | | | x | x | | | |
| TPT 62nd SA 22a | Rights were being sought until Dec 2025 so not included in analysis | | | | | | x | | | |
| TPT 63rd SA 22a | Live | | | | | | x | | | |
| TPT 64th SA 22a | Live | | | | | x | x | | | |
| TPT 65th SA 22a | Live | | | | | | x | | | |
| Varamis 2nd SA 22a | Live | x | x | | | | x | | | |

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| Operator/Application/Type | Status of Application | WCML south | Birmingham | BHM-Derby | Derby-Sheffield | Sheffield | ECML&Leeds | Oxford | Gloucester | Cardiff |
|---------------------------|-----------------------|------------|------------|-----------|-----------------|-----------|------------|--------|------------|---------|
| Virgin New Contract 17 | Rejected | x | x | | | | | | | |
| WMT 22nd SA 22A | Live | | x | x | | | | | | |
| WMT 28th SA 22A | Live | | x | x | | | | | | |
| WMT 30th SA 22A | Withdrawn | | x | x | | | | | | |
| WMT 31st SA 22A | Withdrawn | | x | | | | | | | |
| WMT 32nd (29th) SA 22A | Live | x | x | x | | | | | | |
| WSMR New Contract 17 | Rejected | x | x | x | | | | | | |

Annex B – Table of Access Rights Requested in Application

| Operator | SA NO. | From: | To: | What is the current contractual status of the access rights being sought? I.e. Firm dated, New Rights, Amended Rights, Contingent Dated | How long are the rights being sought for? I.e. One TT Period, until expiry date of TAC | Weekday | Sat | Sun | List the Calling Pattern Being Requested for the associated rights - REGULAR CALLING PATTERN | List the Calling Pattern Being Requested for the associated rights - ADDITIONAL STATIONS | Calling Pattern Change Which could change the parameters of capacity at the interacting location List the Location added to an existing Calling Pattern State whether its Additional or Regular Calling Pattern | Other contractual changes which could change the parameters of capacity at the interacting location | WCML south | Birmingham | BHM-Derby | Derby-Sheffield | Sheffield | ECML&Leeds | Oxford | Gloucester | Cardiff |
|----------------------------|--------|-----------|-----------|--|---|---------|-----|-----|---|--|--|---|------------|------------|-----------|-----------------|-----------|------------|--------|------------|---------|
| Caledonian Sleeper Limited | 9th | London | Inverness | New right- addition of calling point | Until expiration of TAC | 1 | 0 | 1 | Watford Junction, Crewe, Preston, Falkirk Grahamston, Stirling, Dunblane, Gleneagles, Perth, Dunkeld & Birnam, Pitlochry, Blair Atholl, Dalwhinnie, Newtonmore, Kingussie, Aviemore, Carrbridge | | Birmingham International | | X | X | | | | | | | |
| Caledonian Sleeper Limited | 9th | Inverness | London | New right- addition of calling point | Until expiration of TAC | 1 | 0 | 1 | Watford Junction, Crewe, Preston, Falkirk Grahamston, Stirling, Dunblane, Gleneagles, Perth, Dunkeld & Birnam, Pitlochry, Blair Atholl, Dalwhinnie, Newtonmore, Kingussie, Aviemore, Carrbridge | | Birmingham International | | X | X | | | | | | | |

Annex C – Timeline of the Conversion from a S17 to a S22A Application

| Month | S17 application | S22 application (progressed as 7 th SA) | S22A application |
|----------|-----------------|---|------------------|
| Oct 2023 | | <p>Draft S22 was submitted by Caledonian Sleeper Limited to Network Rail, progressed as the 30th SA. The 30th SA consisted of 2 elements:</p> <ul style="list-style-type: none"> a) Track Access Extension PCD 2024 - PCD 2030 – using existing rights in Tables 2.1 and Table 2.2 b) The reinstatement of firm platform occupation time rights for Southbound arrivals at Euston is Table 9.1 of Schedule 5 to PCD 2026 <p>It therefore covered the same elements (a) and (b) in the S17, but this application did not form part of the interacting rights workstream.</p> | |

| Month | S17 application | S22 application (progressed as 7 th SA) | S22A application |
|-----------|---|--|------------------|
| May 2024 | <p>24 May 2024 S17 submitted by Caledonian Sleeper Limited consisting of 3 elements:</p> <ul style="list-style-type: none"> a) Track Access Extension PCD 2024- PCD 203– using existing rights in Tables 2.1 and Table 2.2 b) The reinstatement of firm platform occupation time rights for Southbound arrivals at Euston is Table 9.1 of Schedule 5 to PCD 2026 c) Rights to run services to Birmingham International from SCD 2025 to TAC expiry- the addition of Birmingham International as a calling point in Table 4.1 | | |
| June 2024 | <p>Network Rail provided its initial representations on the S17 application but focused on element (c) given elements (a) and (b) were being dealt with in the S22. However, the representation did provide support for element (b) the reintroduction of firm platform occupation time rights.</p> | | |
| June 2024 | | ORR invited formal submission. | |

| Month | S17 application | S22 application (progressed as 7 th SA) | S22A application |
|-----------|-----------------|--|------------------|
| July 2024 | | Formal submission made. | |
| July 2024 | | <p>Network Rail wrote to ORR to set out a change in position on the S22, specifically in relation to the reinstatement of firm platform occupation time rights (it had up to this point supported this component of the application). Network Rail explained that it could no longer support these rights as firm due to the commencement of the interacting rights workstream. It set out that granting these rights had the potential to change the parameters of capacity at Euston and impact on aspirations requested in other May 2024 applications. NR stated at the time that it believed this position aligned with ORR's letter to industry dated 24 April 2024.</p> <p>Network Rail set out that instead it could support the rollover of the existing footnote 'contingent right for the Southbound arrivals at Euston' and confirmed that platforming rights would be referred to in Network Rail's representations regarding competing applications.</p> | |

| Month | S17 application | S22 application (progressed as 7 th SA) | S22A application |
|-----------|---|--|------------------|
| July 2024 | <p>Caledonian Sleeper Limited responded to Network Rail's June representation. Similarly to Network Rail, Caledonian Sleeper Limited focus the content of their letter around element (c)- Birmingham International of the S17 application, noting that element (a) the TAC was being dealt with through the S22 running in parallel.</p> <p>Caledonian Sleeper Limited acknowledge that they have been informed that Network Rail was no longer able to support component (b) of the S22, the reintroduction of firm arrival times into Euston</p> | | |
| July 2024 | | The second component application (firm occupation time rights) was removed in readiness for consideration in Network Rail's representation letter and a revised S22 application was submitted for the 7th Supplemental Agreement which contained one component, the Track Access Extension PCD 2024 - PCD 2030 (the original component (a)). | |
| July 2024 | | 30 th July 2024 the revised S22 was formally submitted to ORR with just the TAC element. | |
| Aug 2024 | | Track access extension component formally approved by ORR. | |

| | | | |
|----------------|--|--|--|
| September 2024 | | | <p>Caledonian Sleeper Limited converted their S17 application originally submitted in May 2024 into a S22A. Components (b) and (c) from the original S17 were included:</p> <ul style="list-style-type: none">• The reinstatement of firm platform occupation time rights for Southbound arrivals at Euston in Table 9.1 of Schedule 5 from SCD 2025.• Rights required to run services to Birmingham International from PCD 2025. Birmingham international to be added to the calling pattern for Service 558. <p>The Track Access Extension is the only component from the original May 2024 S17 application that is not included in this S22A. No new components have been added to the S22A application.</p> <p>Caledonian Sleeper Limited submitted a new Form P, but not a draft of the Supplemental Agreement or marked up rights tables. The Form P contains a screenshot of Table 4.1 'Calling Patterns'. The screenshot adds Birmingham International to the 'Via' column of the table, but it does not add it to the 'Regular Calling Pattern' column. If ORR were to direct in line with our position a draft supplemental would be needed which showed the changes to the 'Regular Calling Pattern' column of Table 4.1 as well as the 'Via' column. The table would also need to reflect the removal of Glasgow Queen Street</p> |
|----------------|--|--|--|

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| Month | S17 application | S22 application (progressed as 7 th SA) | S22A application |
|-----------|-----------------|--|--|
| | | | <p>Low Level as a calling point.</p> <p>In Table 2.1, the Supplemental would need to reflect the routing changes required to the southbound portion of the Highlander service from Fort William to Edinburgh Waverley.</p> |
| July 2025 | | | Network Rail's final representations on the two components of the S22A application. |