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03 October 2025

Network Rail Representations for the 38th Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract between Network Rail Infrastructure Limited and XC Trains Limited dated 08 August 2017.

Purpose

This letter provides Final Representations from Network Rail for the 38th Supplemental Agreement (SA) submitted under Section 22A of the Railways Act 1993 for the Track Access Application between Network Rail Infrastructure Limited (Network Rail) and XC Trains Limited (CrossCountry) submitted to Office of Rail and Road (ORR) on 21 October 2024.

This representation builds upon the Representations submitted by Network Rail on this S22A application on 13 November 2024. It also builds on the Representations submitted by Network Rail in January 2024 in relation to a S17 application submitted by CrossCountry in January 2024. The S17 submitted in January 2024 has since been withdrawn and in October 2024 was formally replaced with this S22A application. More detail on the history of this application is provided below.

Additionally, this Final Representation builds on the 14 March 2025 East Coast Mainline (ECML) General Representation on Complex and/or Competing Applications interacting on ECML Kings Cross - Edinburgh and Leeds. The two West Coast Main Line South General Representation letters dated 07 February 2025 and 25 April 2025 are also relevant to this application. This Final Representation letter only relates to requests contained within the 38th SA Section 22A application submitted by CrossCountry on 13 November 2024.

The 14 March 2025 ECML General Representation letter provided important information to support ORR when it comes to making decisions on applications in this geography including context on the work in developing the ECML Policy, ECML Industry Task Force, key performance information, as well as updates on power supply assessment. The annexes to that letter include relevant information including Timetable Performance Analysis and ECML Power Supply Modelling and where there is specific relevance to this application, reference will be made in this Representation.

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. As the access rights sought in this application are at the ECML interacting location some of the evidence and data to support our position is contained in the ECML General Representation letter dated 14 March 2025.

Network Rail can confirm that based on the facts, data and evidence outlined in this representation and the ECML General Representation, it is **partially supportive** of this application, subject to any comments, suggested amendments or specific issues highlighted in this Representation. The basis on which the rights are supported is detailed in Annex B, and this details where the status of the rights supported is different to the application., for example Network Rail supports rights as contingent rather than on the firm basis they were applied for. There are some instances where the quantum applied for is not consistent with CrossCountry's December 2025 Timetable access proposals submitted at D-40 or with what has been accommodated in the December 2025 Timetable. Where these differences exist, it is detailed in Annex B.

Where there are several 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 review this Final Representation with Representations on other related information.

Background of the Application and Network Rail Representations

A brief history behind CrossCountry's S22A application which this letter provides Final Representations on is set out below:

- CrossCountry submitted an unsupported S17 application to ORR on 12 January 2024 for a new Track Access Contract (TAC) with a proposed expiry date of Principal Change Date (PCD) 2027. The existing TAC was due to expire at PCD 2024. This S17 also sought rights to support the expected changes to the CrossCountry train service in both the May 2025 and December 2025 timetables following negotiations between CrossCountry and the Department for Transport (DfT) for a National Rail Contract.
- On 24 April 2024 ORR wrote a letter to the Industry on 'Competing and/or complex track access applications for December 2024, May 2025, and December 2025 timetable changes'. The additional rights applied for in CrossCountry's S17 were for locations identified within this letter.
- Network Rail and CrossCountry subsequently reached agreement to extend the existing TAC for three years under a S22 application, progressed as the 30th SA. The 30th SA was formally submitted to ORR in October 2024.
- CrossCountry then submitted a S22A application on the 21 October 2024 for the phased uplift in rights which CrossCountry had been seeking under the original S17 which had not yet been agreed upon. This S22A has been progressed as the 38th SA and forms part of the workstream on "Competing and/or Complex track access applications". This Final Representation provides Network Rail's position on the 38th SA.

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 CrossCountry's S17 application on 16 February 2024, where Network Rail provided its views on the associated

Form P and SA. On 11 March 2024 CrossCountry responded to Network Rail's Initial Representations. Further to this Network Rail issued a General Representation on the East Coast Mainline (ECML) to ORR dated 14 March 2025.

Network Rail has provided Initial Representations on this S22A application progressed as the 38th SA on 13th November 2024, though these are not published on ORR's website. In this Initial Representation Network Rail highlighted several items in the "Form P" section of the letter. CrossCountry did not respond to this Initial Representation, nor did it provide an updated application as Network Rail requested. Therefore, we have highlighted below key points from the Initial Representation letter, where either further clarity is needed, or the point made in the Initial Representation is still very much relevant to this application.

- Network Rail stated that performance forecasts for the 13 periods after November 2023 were expected to show a slight detriment in punctuality. It noted that whilst Network Rail recognised that the addition of new services to the network is typically synonymous with a slight reduction in punctuality, it asked that this was flagged within the Form P application for consideration. These concerns are still very relevant to this application as highlighted in the performance sections of this letter.
- Network Rail asked that any detail regarding route acceptance and associated driver training for the ex-Avanti voyager fleet, expected to be acquired by CrossCountry to deliver timetable aspirations for May 2025 and beyond, be detailed in the Form P. In addition, Network Rail also asked if the Form P could be updated to show a high-level summary of CrossCountry's position on their driver training, making specific reference to progress against their Timetable Resilience Plan (TRP). Network Rail would still like to know where CrossCountry are with route acceptance, driver training and testing as Network Rail has stated its position based on the necessary rolling stock being available to support the access rights.

Network Rail would like to highlight some further specific points from the Form P and draft SA for this S22A application in this Final Representation letter for consideration by ORR when making its direction:

- Section 3.2 of Form P states "There are no perceived safety risks arising from this proposal". The rights contained within this application have been assessed as part of the Timetable Change Risk Assurance Group Process (TCRAG) and in addition our High-Level plan was published in June 2024. Please see the "Assurance / Assessments / Updates" section of this letter for safety considerations.
- Section 3.6 of Form P, in relation to the consolidated TAC states "No - awaiting consolidation of the 30th Supplemental Agreement". Network Rail can confirm that after submission of the 38th, SA the Track Access Contract was consolidated to include the 30th SA. Furthermore, the Track Access Contract is currently consolidated as of 23 July 2025 up to and including the 43rd SA.
- Section 9.1 of Form P states "This is a supplemental application following the TAC extension contained within the 30th Supplemental Agreement and 2 rights included in the 35th Supplemental Agreement". The 35th SA was for 2 contingent rights for the December 2024 timetable between Cardiff Central and Bristol Temple Meads, these rights were footnoted to state that they expired at Subsidiary Change Date (SCD) 2025. This was then extended by the 36th SA to date expiry to PCD 2025. These rights have not been re-applied for as part of the 38th and it is Network Rail's

understanding that CrossCountry will be submitting an additional application for these rights for PCD 2025.

- The draft SA states in clause 1.2 “Effective Date” means the date upon which the Office of Rail and Road issues its approval, pursuant to Section 22A of the Act, of the terms of this Supplemental Agreement”. The start date for these rights would now be the Principal Change Date (December) 2025. If any rights in this application are directed by ORR, this will need to be amended to state, “Effective Date” means the later of:
 - 1.2.1 the date upon which the Office of Rail and Road issues its approval pursuant to Section 22A of the Act of the terms of this Supplemental Agreement; and
 - 1.2.2 02:00 on the Principal Change Date 2025.
- In clause 2 the drafting should be updated to amend the expiry date as being PCD 2027 and updated with the following wording “shall have effect from the Effective Date and shall cease to have effect at the Expiry Date or earlier termination of the Contract.”
- The draft SA has been submitted with a version of Schedule 5 which detailed both the additional rights CrossCountry required for May 2025 and separately the cumulative additional rights for December 2025 with footnotes applied to determine which timetable each entry related to. The additional rights required for the May 2025 timetable were progressed by the 37th and 41st SAs. These tables in Schedule 5 will need to be replaced with a clean version once ORR direct on this application. The clean version will need to show the total number of rights required to support the December 2025 Timetable as per ORR’s directions rather than showing the additional number of rights required, and the wording of the proposed Supplemental Agreement will also need to be updated to reflect that the revised table shows the total number of rights rather than additional.
- CrossCountry’s TAC includes a Table 2.3 which provides rights for CrossCountry to combine access rights to support the through services which support CrossCountry’s service provision. In CrossCountry’s application for the 38th SA, no amendments to Table 2.3 ‘Through Services’ were included. Network Rail’s view is that given the application contains additional rights for through services which combine at locations such as Birmingham New Street, amendments to the numbers of combinations detailed in Table 2.3 will be required. Where Network Rail supports the rights in this application, this is on the basis that CrossCountry provide an updated Table 2.3 which accurately reflects the number of combinations required to operate the services. Network Rail suggests that at the same time; Table 2.3 is also updated to capture any through services combination pairs which are not recorded in the current contract. Network Rail understands that CrossCountry is aware of the small number of services this relates to. Network Rail ask that ORR take this request into account when making their direction on this application.
- Network Rail would like to highlight to ORR that CrossCountry in their application did not make amendments to Table 4.1 ‘Calling Patterns of the Track Access Contract (TAC)’. Network Rail expects CrossCountry in their representation in response to this letter, to clearly highlight where a calling pattern change is required for any of the access rights Network Rail has supported in this Representation letter.

East Coast Mainline (ECML) General Representation Letter dated 14 March 2025

Network Rail can confirm that this application is seeking the proposed access rights at the interacting location ECML: Kings Cross – Edinburgh and Leeds and therefore the General Representation to ORR on the ECML dated 14 March 2025 is relevant to this application.

Whilst the entire letter is relevant to this application, we would like to highlight key points of that letter which are more pertinent to this application namely “Unused LNER Firm Directed Rights”, “Congested Infrastructure” and “ECML Timetable Performance Analysis”.

Unused London North Eastern Railway (LNER) Firm Directed Rights

The ECML ESG Timetable does not include the Unused LNER Firm Directed Rights as stated in paragraph 5 in Network Rail’s ECML General Representation letter to ORR dated 14 March 2025.

The ECML Timetable planned for introduction in December 2025 does not include the 8 LNER firm rights Monday to Saturday, 7 firm rights Sunday Only, between London King’s Cross and Leeds via Wakefield or Micklefield directed by ORR in 2016, previously held by LNER within their Track Access Contract.

The specification for the LNER service to/from London King’s Cross had been reduced from 6.5 trains per hour (tph) to 6 tph with agreement from the DfT in 2021. This reduction retained the 0.5 tph London King’s Cross – Middlesbrough service, albeit as far as York, with the 0.5 tph London King’s Cross – Leeds service being descope. ECML Programme Board on 21st March 2021 noted the recommendation from East Coast Route to defer the 0.5 tph London King’s Cross – Leeds service, including the conditional outcome of journey time reduction between London Kings Cross and Leeds, to a post-ECML ESG (December 2025) future timetable change.

On 11 July 2025 ORR published its determination of LNER’s 34th and 35th Supplemental Agreements submitted under Section 22A of the of the Railways Act 1993. In this, ORR granted only 5 Rights in each direction between London King’s Cross and Leeds, as replacement for those described above, from the completion of the infrastructure work necessary to enable these services. These rights replaced the rights mentioned in the first paragraph of this section.

Work undertaken for the ESG has shown definitively that this 0.5 tph London King’s Cross – Leeds service uplift cannot be accommodated alongside the other ESG outputs. As such the service cannot run in this timetable or future timetables, alongside the other industry endorsed aspirations without additional infrastructure and associated development activity, which is currently unfunded and uncommitted.

As of 14 March 2025, Network Rail have formally declared congested infrastructure on relevant routes between Huntingdon North Junction (Jn) and New England North Jn (Peterborough) and Doncaster Marshgate Jn and Leeds Copley Hill West Jn.

Congested Infrastructure

As stated in the ECML General Representation letter dated 14 March (paragraph 6) Network Rail has declared Congested Infrastructure for the December 2025 New Working Timetable for three lines of route on the ECML.

Three lines of route that this application is proposing access rights for, are:

- Between Huntingdon North Jn and New England North Jn (Peterborough);

- Between Doncaster Marshgate Jn and Leeds Copley Hill West Jn; and
- Between Northallerton Longlands Jn and Newcastle King Edward Bridge South via ECML.

In its General Representations of 07 February 2025 and 25 April 2025 on West Coast South, Network Rail demonstrated that it will not be able to accommodate all applications seeking capacity on the West Coast Main Line (WCML) Fast Lines for the December 2025 Timetable and beyond. The declaration of congested infrastructure made in May 2020 in relation to the WCML Fast Lines between Camden Jn and Ledburn Jn remains active, and as such Network Rail will not be reissuing a further declaration of congested infrastructure. However, none of the rights requested in this application traverse the WCML South section declared congested between Camden Road South Junction and Ledburn Junction.

On 09 July 2024 Network Rail issued, “Early Indicator of Likely Congestion” notices in relation to the following sections of the North West & Central network:

- Acton Lane feeding area;
- Washwood Heath / Willenhall feeding area; and
- Crewe / Weaver feeding area.

These Early Warning Indicator notices related to the impact of capability constraints on known or likely applications for electric traction capacity. Having updated the power supply modelling as part of the May 2025 onwards applications, Network Rail still has concerns in these areas. However, CrossCountry currently only operates diesel rolling stock so are not impacted by availability of electric power.

ECML Proposed December 2025 Timetable

As referred to in the ECML General Representation letter dated 14 March 2025, in February 2024 the ESG closed following an ECML Programme Board endorsement on 17 January 2024 to deploy the new ECML Timetable in December 2024, subject to the outputs of the completed performance modelling.

At the point in time of ORR’s letter to the Industry on 24 April 2024, the Department for Transport (DfT) had accepted a recommendation from the Industry Timetable Assurance Project Management Office (PMO) to funders that the ECML ESG Timetable should be deferred from the December 2024 Timetable change.

An ECML Industry Task Force (herein referred to as “the Task Force”) commenced in June 2024 as an independently led executive-level cross-industry meeting that provides strategic direction for the work programme. The Task Force develops solutions to the problems of the new ECML Timetable, drives consensus on the outcome(s), and delivers recommendations for industry funders and specifiers.

On 17 October 2024 the Independent Chair of the Task Force wrote to the DfT to advise that the Task Force met on 10 October 2024, reviewed the considerations, issues, and risks, and recommended proceeding with implementation of the new timetable for ECML in December 2025. This was on the basis that the timetable is deliverable and meets the Task Force objectives that were set. Concerns were noted from GB Railfreight (representing themselves and other Freight Operating Companies), ScotRail and Transport Scotland. The Task Force recommendation was accepted by the DfT and subsequently endorsed by the Secretary of State in December 2024.

The Task Force had worked collaboratively up to 31 January 2025 to further de-risk the transition of the ECML ESG timetable from development to timetable production.

Advanced work completed by Network Rail Capacity Planning, to inform the December 2025 timetable risk, involved aligning cross boundary paths in the ECML ESG developed timetable with the latest developments in the wider National Working Timetable (WTT) and associated Rolling Spot Bids (RSB). This process has highlighted that, despite previous timetable development work, the national freight and passenger timetable has evolved, and this work has been necessary to reduce the risk that capacity decisions may need to be made during the timetable production period between D-40 to D-26.

Therefore, where in this letter and in the ECML General Representation letter we have referred to the proposed ECML December 2025 Timetable, we are referring to the timetable work above namely, either fully or in part, the:

- Timetable which was developed by the ECML ESG and later deferred in April 2024;
- Timetable where solutions were developed to the problems of the ECML Timetable as part of the Task Force;
- Advanced Timetable Work (undertaken between April and October 2024) to de-risk the transition of the ECML ESG timetable from development to timetable production; and
- Advanced work to inform timetable risk including aligning cross boundary paths in the ECML ESG developed timetable with the latest developments in the wider National Working Timetable and associated Rolling Spot Bids.

So, where Network Rail highlight in this Representation and the ECML General Representation letter (in the relevant annexes to that letter) whether the access rights sought on ECML in each application are as Network Rail expects in the proposed ECML December 2025 Timetable, we are referring to whether the access rights align to the above Timetable work.

Access Rights Contained in the Application as Part of the ECML Policy

Some of the rights in this application, meaning some of the rights in service groups EH01 and EH02 were supported on a contingent basis under a Section 22 application under the ECML Policy and were most recently applied for the May 2025 Timetable via the CrossCountry 37th and 41st SAs.

In addition to this, we would like to highlight to ORR that some of the rights applied for under the ECML Policy in the CrossCountry 37th and 41st SAs, expire at the December 2025 timetable change but are expected to continue as part of the proposed December 2025 ECML Timetable without the need of the ECML Policy. ORR are to note that any footnote relating to the ECML Policy will need to be deleted.

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

Some of the rights in this application, meaning the rights in Service Group EH01 in both directions between (Bristol Temple Meads <> Birmingham New Street, Reading <> Birmingham New Street, Birmingham New Street <> Manchester Piccadilly, Birmingham New Street <> York, Birmingham New Street <> Newcastle), and from Derby to Birmingham New Street, and Southampton to Reading, were supported under a Section 22 application using the Interim Approach and were applied for the May 25 Timetable via the 37th and 41st SAs.

As noted above, there were also some rights supported under the Interim Approach for both the December 2024 and May 2025 timetables under the 35th and 36th SAs however these rights have not been included by CrossCountry in this application and Network Rail understand they will be subject to a further application from CrossCountry for the December 2025 Timetable, which is anticipated to be the 44th SA.

Access Rights Sought in the Application

The rights sought by CrossCountry in this application are all within Table 2.1 of Schedule 5, on a firm basis and until Track Access Contract (TAC)'expiry. Network Rail would like to highlight to ORR that CrossCountry, in their application, did not make amendments to Table 4.1 – 'Calling Patterns of the TAC'. Network Rail expects CrossCountry in their Representation in response to this letter, to clearly highlight where a calling pattern change is required for any of the access rights Network Rail has supported in this Representation letter. In addition, CrossCountry did not provide an amended Table 2.3 – 'Through Services' in their application. Table 2.3 gives CrossCountry the provision to combine rights to provide the through services which underpin their business model. Network Rail requests that CrossCountry address this in a subsequent application and provide an updated version of Table 2.3 which accurately reflects the locations and quantum of combinations.

The changes CrossCountry are seeking to Table 2.1 are shown below in Table 1:

Table 1 – Overview of Access Rights Sought in the Application

The rights included in the 38th SA	Specific locations identified in ORR's Letter of 24 April 2024
+1 Saturday right, EH01, Paignton to Bristol Temple Meads, description 1.4a	Gloucester
+1 Weekday right, EH01 Bristol Temple Meads to Birmingham New Street, description 1.7a	Birmingham
+1 Weekday right EH01 Southampton to Reading (direct) description 1.10	
+5 Sunday rights, Reading to Birmingham New Street, description 1.13a	Birmingham
+5 Weekday, +6 Saturday and +1 Sunday rights, EH01, Reading (via Solihull) to Birmingham New Street, description 1.13b	Birmingham
+1 Weekday and +1 Saturday rights, EH01, Birmingham New Street to Manchester Piccadilly, description 1.15b	Birmingham
+1 Weekday, +1 Saturday and +3 Sunday rights, EH01, Birmingham New Street to York (via Doncaster), description 1.18	Birmingham Birmingham – Derby Derby – Sheffield ECML
+4 Weekday, +4 Saturday and +4 Sunday rights, EH01, Birmingham New Street to Newcastle (via Doncaster), description 1.19	Birmingham Birmingham – Derby Derby – Sheffield ECML
+1 Weekday, +2 Saturday and +1 Sunday rights, EH01 Newcastle to Birmingham New Street (via Doncaster), description 1.35	Birmingham Birmingham – Derby Derby – Sheffield ECML

+ 2 Weekday, + 2 Saturday and + 3 Sunday rights, EH01, York to Birmingham New Street (via Doncaster), description 1.57	Birmingham Birmingham – Derby Derby – Sheffield ECML
+1 Sunday right, EH01, Derby to Birmingham New Street, description 1.41	Birmingham Birmingham – Derby Derby – Sheffield ECML
+1 Weekday and +1 Saturday rights, EH01, Manchester Piccadilly to Birmingham New Street, description 1.42	Birmingham
+6 Weekday, +5 Saturday and +1 Sunday rights, Birmingham New Street to Reading (via Solihull), description 1.44a	Birmingham
+5 Sunday rights, EH01, Birmingham New Street to Reading (via Coventry) description 1.44b	Birmingham
+1 Weekday and +1 Saturday rights, EH01, Birmingham New Street to Bristol Temple meads, description 1.48a	Birmingham
+6 weekday and +6 Saturday rights, EH02, Birmingham to Stansted Airport, description 2.8	Birmingham
+1 Weekday and +1 Saturday rights, EH02, Stanstead Airport to Cambridge, description 2.10	Birmingham
+5 Weekday and +5 Saturday rights, EH02, Stansted Airport to Birmingham New Street, description 2.12	Birmingham
-5 Weekday and -5 Saturday rights, EH02, Birmingham New Street to Cambridge, description 2.7	Birmingham
-4 Weekday and -4 Saturday rights, EH02, Cambridge to Birmingham New Street, description 2.11	Birmingham

Annex B of this letter contains a table which shows all the access rights requested in this application when set against the proposed December 2025 ECML Timetable (where appropriate), against CrossCountry's current contract and against CrossCountry's services accommodated in the December 25 Timetable as at D-26.

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

- Origin
- Destination
- Quantum by Day of Week

The Table also identifies if the access rights origin and destination, quantum, and calling patterns sought in the application, are as expected for the Proposed ECML Timetable for December 2025.

In line with Network Rail's ECML letter to ORR on 14 March 2025, Network Rail can confirm that the rights sought in this application are in line with, or less than what was expected in

the proposed ECML December 2025 Timetable. More information is provided further below on each right requested where relevant, as well as in Annex B.

An explanation of the structure of Annex B is set out below:

- The columns headed “No. of additional rights requested in the 38th” in Annex B detail the additional rights requested by CrossCountry in the 38th SA application. To confirm, by this we mean the rights table that was included in the submission to ORR by CrossCountry on 13 November 2024. Where no additional rights were applied for either weekday, Saturday or Sunday, the cells are shaded grey to show that the day of the week has not been assessed as part of this application. This does not mean CrossCountry does not have services running on these days or existing rights in the current contract for these days.
- The columns headed “No. of additional rights expected for the proposed ECML December 2025 Timetable” in Annex B detail the quantum of rights that Network Rail would expect CrossCountry to require for the proposed ECML December 2025 Timetable. These same columns are marked as ‘N/A’ and shaded grey where the right applied for in this S22A are not for locations on the ECML.
- The columns headed ‘No. of rights in CrossCountry’s existing contract’ denote the amount of rights CrossCountry currently hold in their current contract for December 2025 for each description relevant to this application. Where CrossCountry hold both firm and contingent rights which do not expire at December 2025, this is specified in these columns.
- The columns headed “No. of rights required to operate the December 2025 Timetable” in Annex B detail the total quantum of rights for services offered at D-26. Where the cells in these columns in Annex B are shaded grey, this does not mean CrossCountry does not have services running on these days. In Annex B Network Rail have only assessed the timetable on the days where CrossCountry have applied for additional rights in this application. Network Rail expects the operator to be open and transparent with Network Rail and address any discrepancies between the rights in the contract, being requested in this application and the number of services in the December 2025 Timetable at D-26 to be addressed in a subsequent application.
- Where Network Rail supports the rights that CrossCountry have applied for as per the application, this is highlighted in Annex B with a tick in column W, ‘Fully Support’.
- Where any of the rights are not supported or are supported on a different basis than which they were applied for, this is highlighted in Annex B in column X ‘Partially Support’. This also includes where Network Rail is supporting them on a contingent basis, where CrossCountry applied for them as firm.
- Additionally, where Network Rail is not supporting rights or the number of rights applied for does not match the December 2025 Timetable as offered in D-26, this is highlighted in Annex B in column Y ‘No support’ more detail on this as well as the steps Network Rail expects to see to address any differences are set out in Annex B in column U titled ‘Network Rail Comments’ The majority are also in line with what has been accommodated in the December 2025 Timetable. Network Rail have identified some discrepancies where there are less than expected. Commentary explaining Network Rail’s position and how we expect CrossCountry to address the discrepancies are detailed in Annex B Column U.

- Where Network Rail has provided full or partial support to rights applied for in the application, this can be considered as supported by Network Rail until the end of CrossCountry's contract (December 2027) unless specifically stated in Column U in Annex B. This support from Network Rail is provided on the basis that CrossCountry provide an updated Table 2.3 which accurately reflects the number of combinations of rights for the through services in this application. Network Rail ask that ORR take this into account when directing on this application.

For rights interacting with ECML, Network Rail is supportive of rights requested by CrossCountry where the access rights sought are either equal to or lower than those expected for the proposed ECML December 2025 Timetable and/or those accommodated in the December 2025 Timetable at D-26. This position is in line with ORR's letter to the industry dated 7th May 2025 "New/ amended rights (under the competing/ complex process) from December 2025".

Network Rail would like to acknowledge that the majority of additional rights contained within the 38th SA were originally submitted to ORR as part of a S17 application for a new Track Access Contract. The 38th SA was submitted to ORR on 13 November 2024 and contained the following differences to what had been requested in the S17 application:

- Re-submission as a S22A instead of a S17.
- CrossCountry state that the level of rights submitted in this proposed 38th Supplemental Agreement are a 'copy of the additional rights submitted in the original S17, split across May 2025 and Dec 2025 timetables.'

Network Rail highlighted in it's November 2024 Representation on the S22A that that there are some discrepancies in rights requested between applications, with some additional rights contained in this S22A application, compared to the original S17. These are highlighted below:

- Birmingham New Street to Newcastle (via Doncaster) Description 1.19 + 1 SU firm right- this additional right was not included in the original S17 application.
- Birmingham New Street to Reading (via Solihull) Description 1.44a +1 SU firm right- this additional right was not included in the original S17 application.

However, for the avoidance of doubt, as this point in our initial representation letter was not addressed by CrossCountry and nor was it acknowledged or asked to be amended by ORR, we have assessed this application with those rights as per the quantum requested in the 38th SA.

- The Track Access Contract extension/new Track Access Contract element was no longer required as an extension had been granted under the 30th SA.
- The S22A shows only the additional rights sought by CrossCountry for May 2025 and then the cumulative additional rights sought from December 2025. This is different to the original S17 which showed the total number of rights required by CrossCountry for December 2024 and May 2025.

The rights table CrossCountry included in this application showed the phased uplift in services across May 2025 and December 2025 as noted above. If ORR direct on this application in line with Network Rail's recommendations, Network Rail requests that a draft Supplemental is created which reflects the total number of rights for the December 2025 Timetable rather than purely showing the uplift and that the drafting of the Supplemental

Agreement be updated. Network Rail would like the opportunity to review any finalised Schedule 5 table drafting before ORR directs.

Network Rail, as part of its assessment of this and other applications, has used the Timetable (TT) for December 2025 as a key reference for its representations (i.e. the TT as at D-40 - after Priority Date Notification Statement (PDNS) submission and the New Working Timetable as at D-26 in comparison to the access rights sought in this application). This informs Network Rail's final position on this application as stated in this letter.

As usual, following the publication of the TT, Network Rail has received Train Operator Variation Requests (TOVRs) from CrossCountry (and other operators) to make amendments to some of their train slots for the December 2025 New Working Timetable - and will likely continue to do so throughout the autumn. This includes TOVRs received from this operator, and could potentially now or in coming weeks, be expected to include TOVRs from others, that include related geographies to the applications.

To avoid any further delays to submitting this Final Representation, Network Rail has not assessed this application (or any other application submitted as part of the Competing and Complex application workstream) against any TOVRs submitted for the December 2025 New Working Timetable.

Network Rail expects the Operator in its representations to ORR in response to this letter to be fully transparent with ORR where they no longer require an access right requested as a result of any TOVR submitted or expected to be submitted (or any other business requirement). Furthermore, where a TOVR (if accepted) applies to any rights related to this application and the December 2025 Timetable as now established, Network Rail expects the operator to progress a separate application to make sure they have the relevant rights to support the implementation of the December 2025 TT if it is necessary.

The commentary we provide for each Service Group in this section (based on what is in Annex B) will be categorised by:

- Fully supported
- Partially Supported
- Not Supported

Definitions

Fully Supported – The access right is fully supported as sought in this application as they are in line with what is expected for December 2025, and there are no other relevant concerns i.e. performance or level crossing concerns.

Partially Supported – Quantum and/or characteristics for some of the rights being requested in application is not as expected by NR for December 2025 TT and/or there are differences between our support and the application. Some of the access rights partially supported are supported as contingent, dated to expire one year from December 2025 and with no presumption of continuity due to performance concerns at Birmingham New Street and Oxford Level Crossings. More detail is provided in the Performance and Oxford Level crossing sections of this letter.

Not Supported - Quantum and/or characteristics for all of the rights for one flow being requested in application is not as expected by Network Rail for December 2025 TT.

Service Group EH01- CrossCountry Inner City

This service group serves all services between Birmingham New Street and Edinburgh, Newcastle, Bournemouth, Reading, Plymouth, Bristol Temple Meads and Manchester Piccadilly.

We provide Network Rail's position below on rights in service group EH01, against each relevant description number.

- ***Paignton to Bristol Temple Meads description number 1.4a:***

- **CrossCountry are seeking +1 Saturday Only (SO) firm right.** The TAC currently shows that CrossCountry have 2 SO rights and we expect a total of 2 to be required to operate the December 2025 Timetable. Therefore, **Network Rail does not support the +1 SO right** as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.

- ***Bristol Temple Meads to Birmingham New Street description number 1.7a:***

- **CrossCountry are seeking +1 Weekday (SX) firm right.** The TAC currently shows that CrossCountry have 27 SX rights and we expect a total of 28 to be required to operate the December 2025 Timetable. **Network Rail partially supports this +1 SX requested on a contingent basis, time dated for one year, with no presumption of continuity.**

The right for description 1.7a is supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

- ***Southampton to Reading (Direct) description number 1.10:***

- **CrossCountry are seeking +1 SX firm right.** The TAC shows that CrossCountry currently have 2 SX rights, and we expect 3 to be required to operate the December 2025 Timetable. Therefore, **Network Rail supports +1 SX firm right.**

- ***Reading (via Coventry) to Birmingham New Street description number 1.13a:***

- **CrossCountry are seeking +5 Sunday (SU) firm rights.** The TAC currently shows that CrossCountry have 14 SU rights, and we expect 19 to be required to operate the December 2025 Timetable. **Network Rail partially supports this +5 SU requested on a contingent basis, time dated for one year, with no presumption of continuity.**

Rights for description 1.13a are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

- ***Reading (via Solihull) to Birmingham New Street description number 1.13b:***

- **CrossCountry are seeking +5 SX firm rights.** The TAC currently shows that CrossCountry have 5 SX rights and we expect 8 to be required to operate the December 2025 Timetable. **Network Rail is partially supportive, it can only support +3 SX rights of the +5 requested on a contingent basis, time dated for one year, with no presumption of continuity,** as otherwise this would provide CrossCountry with more rights than required to operate the December 2025 Timetable.

- **CrossCountry are seeking +6 SO firm rights.** The TAC currently shows that CrossCountry hold 5 SO rights, and we expect 9 to be required to operate the December 2025 Timetable. **Network Rail is partially supportive, it can only support +4 SO rights of the +6 SO requested on a contingent basis, time dated for one year, with no presumption of continuity,** as otherwise this would provide CrossCountry with more rights than required to operate the December 2025 Timetable.
- **CrossCountry are seeking +1 SU firm right.** CrossCountry do not hold any rights in the current contract and need 1 right to operate the December 2025 Timetable. **Network Rail partially supports this +1 SU requested on a contingent basis, time dated for one year, with no presumption of continuity.**

Rights for description 1.13b are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

2 services initially sought by CrossCountry for SX and SO were not in the December 2025 Timetable at D-26. 1 was unable to be accommodated due to conflicts with freight services. As a result of this service not being accommodated, CrossCountry withdrew an additional path during the timetable development period, prior to D-26. Network Rail is not supportive of rights where there is no intent for the right to be utilised.

- ***Birmingham to Manchester Piccadilly description number 1.15b:***

- **CrossCountry are seeking +1 SX firm right.** There are no rights currently in the TAC, and we expect a total of 1 to be required to operate the December 2025 Timetable. **Network Rail partially supports this +1 SX requested on a contingent basis, time dated for one year, with no presumption of continuity.**
- **CrossCountry are seeking +1 SO firm right.** There are no rights currently in the TAC. CrossCountry do not have a path in the December 2025 Timetable which requires this right. Network Rail is not supportive of rights which are not intended to be utilised in the December 2025 Timetable; **therefore, Network Rail does not support the +1 SO right** as CrossCountry have no requirement for this access right.

The rights supported for description 1.15b are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

- ***Birmingham New Street to York (via Doncaster) description number 1.18:***

- **CrossCountry are seeking +1 SX firm right.** The TAC currently includes 2 SX firm rights and we expect a total of 3 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. **Network Rail partially supports this +1 SX requested on a contingent basis, time dated for one year, with no presumption of continuity.**
- **CrossCountry are seeking +1 SO firm right.** The TAC currently includes 2 SO firm rights, and we expect a total of 2 to be required to operate the December 2025 Timetable. Network Rail expected 3 SO rights to be required in line with the

proposed ECML December 2025 Timetable. However, Network Rail is not supportive of rights which are not intended to be utilised in the December 2025 Timetable, therefore **Network Rail does not support the +1 SO right** as this would provide CrossCountry with more rights than required to operate the December 2025 Timetable.

- o CrossCountry are seeking **+3 SU firm rights**. The TAC currently shows they don't currently have any SU firm rights, and we expect a total of 3 rights to be required to operate the December 2025 Timetable. The quantum is in line with the proposed ECML December 2025 Timetable. **Network Rail is partially supportive, it can support the +3 SU rights on a contingent basis, time dated for one year, with no presumption of continuity.**

Rights for description 1.18 are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

1 SX service initially sought by CrossCountry for SX and SO was unable to be accommodated in the December 2025 Timetable at D-26. More information is included in the capacity section of this letter.

- ***Birmingham New Street to Newcastle (via Doncaster) description number 1.19:***

- o **CrossCountry are seeking +4 SX firm rights.** The TAC currently shows that CrossCountry have 2 SX firm rights and we expect a total of 5 to be required to operate the December 2025 Timetable. Network Rail expected 7 SX rights to be required in line with the proposed ECML December 2025 Timetable. Network Rail is not supportive of rights which are not intended to be utilised in the December 2025 Timetable. Therefore, **Network Rail is partially supportive of this, it can only support +3 SX rights on a contingent basis, time dated for one year, with no presumption of continuity.**
- o **CrossCountry are seeking +4 SO firm rights.** The TAC currently shows that CrossCountry have 2 SO firm rights, and we expect 6 to be required to operate the December 2025 Timetable. Network Rail expected 7 SO rights to be required in line with the proposed ECML December 2025 Timetable. Network Rail is not supportive of rights which are not intended to be utilised in the December 2025 Timetable. Therefore, **Network is partially supportive, it supports +4 SO rights requested on a contingent basis, time dated for one year, with no presumption of continuity.**
- o **CrossCountry are seeking +4 SU firm rights.** The TAC currently shows that CrossCountry have 1 SU firm right and we expect 5 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. **Network Rail is partially supportive, it can support +4 rights requested on a contingent basis, time dated for one year, with no presumption of continuity.**

Rights for description 1.19 are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

- ***Newcastle to Birmingham New Street (via Doncaster) description number 1.35:***

- o **CrossCountry are seeking +1 SX firm right.** The TAC currently shows that CrossCountry have 2 firm SX rights. Network Rail expected 7 SX rights to be required in line with the proposed ECML December 2025 Timetable. **Network Rail is partially supportive, it supports the +1 SX rights requested on a contingent basis, time dated for one year, with no presumption of continuity.** Therefore, CrossCountry need further rights which they have not sought for in this application to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry will be included in the proposed 44th SA.
- o **CrossCountry are seeking +2 SO firm rights.** The TAC currently shows that CrossCountry have 2 firm SO rights, and we expect 7 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. **Network Rail is partially supportive, it supports the +2 rights requested on a contingent basis, time dated for one year, with no presumption of continuity.** CrossCountry need a further +3 SO rights which they have not sought for in this application to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry will be included in the proposed 44th SA.
- o **CrossCountry are seeking +1 SU firm right.** The TAC currently shows that CrossCountry have 2 SU firm rights, with this application taking them to a total of 3, and we expect 4 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. **Network Rail is partially supportive, it supports the +1 SU rights requested on a contingent basis, time dated for one year, with no presumption of continuity.** CrossCountry need a further +1SU right which they have not sought for in this application to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry will be the proposed 44th SA:

Rights for description 1.35 are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

- ***York to Birmingham New Street description number 1.57:***

- o **CrossCountry are seeking +2 SX firm rights,** taking the total in the contract to 2 as there are no rights currently in the TAC. We expect a total of 1 to be required to operate the December 2025 Timetable. A total of 3 rights were expected in the proposed ECML December 2025 Timetable. **Network Rail is partially supportive, it can only support +1 SX right only on a contingent basis, time dated for one year, with no presumption of continuity,** as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.
- o **CrossCountry are seeking +2 SO firm rights,** taking the total in the contract to 2, as there are no rights currently in the TAC. We expect a total of 2 to be required to operate the December 2025 Timetable. A total of 3 rights were expected in the proposed ECML December 2025 Timetable. **Network Rail is partially supportive, it can only support the +2 SO rights requested on a**

contingent basis, time dated for one year, with no presumption of continuity.

- **CrossCountry are seeking +3 SU firm rights**, taking the total in the contract to 3 as there are no rights currently in the TAC. We expect a total of 3 to be required to operate the December 2025 Timetable. A total of 4 rights were expected in the proposed ECML December 2025 Timetable. **Network Rail is partially supportive, it can support the +3 SU rights requested on a contingent basis, time dated for one year, with no presumption of continuity.**

Rights for description 1.57 are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

One SX service initially sought by CrossCountry was unable to be accommodated in the December 2025 Timetable. More information can be found in the capacity section of this letter.

- ***Derby to Birmingham New Street description number 1.41:***

- **CrossCountry are seeking +1 SU firm right.** There are no rights currently in the TAC. Network Rail expect a total of 2 rights to be required to operate the December 2025 Timetable. **Network Rail is partially supportive of the +1 SU right sought by CrossCountry on a contingent basis, time dated for one year, with no presumption of continuity.** As there are 2 services in the December 2025 Timetable, CrossCountry need a further SU right, which they have not sought for in this application to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry that this will be included in the proposed 44th SA.

The right for description 1.41 is supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

- ***Manchester Piccadilly to Birmingham New Street description number 1.42:***

- **CrossCountry are seeking +1 SX firm right.** The TAC currently shows that CrossCountry have 27 SX firm rights. The +1 SX would take them to 28 and we expect a total of 29 to be required to operate the December 25 Timetable. **Network Rail is partially supportive of the +1 SX right requested on a contingent basis, time dated for one year, with no presumption of continuity.** As there are 29 services in the December 2025 Timetable, CrossCountry need a further +1 SX right which they have not sought for in this application to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry will be included in the proposed 44th SA.
- **CrossCountry are seeking +1 SO firm right.** The TAC currently shows that CrossCountry have 28 SO firm rights, and we expect a total of 28 to be required to operate the December 2025 Timetable. Therefore, **Network Rail does not**

support +1SO as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.

The right for description 1.42 is supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

- ***Birmingham New Street to Reading (via Solihull) description number 1.44a:***

- **CrossCountry are seeking +6 SX firm rights.** The TAC currently shows that CrossCountry have 4 SX firm rights and we expect a total of 7 to be required to operate the December 2025 Timetable. **Network Rail is partially supportive, it can only support, +3 SX on a contingent basis, time dated for one year, with no presumption of continuity,** as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.
- **CrossCountry are seeking +5 SO firm rights.** The TAC currently shows that CrossCountry have 5 SO firm rights and we expect a total of 8 to be required to operate the December 2025 Timetable. **Network Rail is partially supportive, it can only support +3 SO rights on a contingent basis, time dated for one year, with no presumption of continuity,** as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.
- **CrossCountry are seeking +1 SU firm right.** The TAC currently shows that CrossCountry have 1 SU firm right, and we expect a total of 2 to be required to operate the December 2025 timetable. **Network Rail is partially supportive, it can support the +1 SU right on a contingent basis, time dated for one year, with no presumption of continuity.**

Rights for description 1.44a are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

2 SX services initially sought by CrossCountry were unable to be accommodated in the December 2025 Timetable. More information can be found in the capacity section of this letter.

- ***Birmingham New Street to Reading (via Coventry) description number 1.44b:***

- **CrossCountry are seeking +5 SU firm rights.** The TAC currently shows that CrossCountry have 13 SU rights, and we expect a total of 17 to be required to operate the December 2025 Timetable. **Network Rail is partially supportive, it can only support +4 SU rights on a contingent basis, time dated for one year, with no presumption of continuity,** as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.

Rights for description 1.44b are supported on a contingent basis only, due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

- ***Birmingham New Street to Bristol Temple Meads description number 1.48a:***

- o **CrossCountry are seeking +1 SX firm right.** The TAC currently shows that CrossCountry have 26 SX firm rights and 1 contingent right to end of contract, taking the total to 27. We expect a total of 28 to be required to operate the December 2025 Timetable. Therefore, **Network Rail is partially supportive, it can support the +1 SX right, on a contingent basis, time dated for one year, with no presumption of continuity.**
- o **CrossCountry are seeking +1 SO firm right.** The TAC currently shows that CrossCountry have 26 SX firm rights and 1 contingent right to end of contract, taking the total to 27. We expect a total of 28 to be required to operate the December 2025 Timetable. Therefore, **Network Rail is partially supportive, it supports the +1 SO right on a contingent basis, time dated for one year, with no presumption of continuity.**

Rights for description 1.48a are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further below in this letter.

Service Group EH02- CrossCountry Local & Provincial

This service group serves all services between Leicester, Cambridge and Stansted Airport.

We provide NR's position below on rights in service group EH02, against each relevant description number.

- ***Birmingham New Street to Cambridge description number 2.7:***
 - o **CrossCountry are seeking to reduce their firm SX rights by -5 to 0.** However, the TAC currently shows that CrossCountry have 2 SX firm rights, therefore they don't have 5 firm rights to relinquish. We expect a total of 2 rights to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Therefore, **Network Rail is not supportive of the reduction** as the 2 rights currently held are required by CrossCountry to operate the December 2025 Timetable.
 - o **CrossCountry are seeking to reduce their firm SO rights by -5 to 0.** However, the TAC currently shows that CrossCountry have 2 SO firm rights, therefore, they don't have 5 firm rights to relinquish. We expect a total of 1 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Therefore, **Network Rail is not supportive of the reduction** as 1 right currently held are required by CrossCountry to operate the December 2025 Timetable. **Network Rail partially support as they** are supportive of reducing the SO rights by 1 only leaving 1 right remaining.
- ***Birmingham New Street to Stansted Airport description number 2.8:***
 - o **CrossCountry are seeking +6 SX firm rights.** The TAC currently shows that CrossCountry have 14 SX firm rights and 1 SX contingent right to end of contract, and we expect a total of 15 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 timetable. Therefore, **Network Rail does not support the +6 additional SX firm rights** as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.

- **CrossCountry are seeking +6 SO firm rights.** The TAC currently shows that CrossCountry have 14 SO firm rights and 1 SO contingent right to end of contract, and we expect a total of 15 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 timetable. Therefore, **Network Rail does not support the +6 additional SO firm rights** as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.
- ***Stansted to Cambridge description number 2.10:***
 - **CrossCountry are seeking +1 SX firm right.** The TAC currently shows that CrossCountry have 3 firm SX rights and we expect a total of 3 to be required to operate the December 2025 Timetable. In addition, we also expected a total of 3 SX for the proposed ECML December 2025 Timetable. Therefore, **Network Rail does not support the +1 additional SX firm right** as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.
 - **CrossCountry are seeking +1 SO firm right.** The TAC currently shows that CrossCountry have 4 firm SO rights, and we expect a total of 4 to be required to operate the December 2025 Timetable. In addition, we also expected a total of 4 SO for the proposed ECML December 2025 Timetable. Therefore, **Network Rail does not support the +1 additional SO firm right** as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.
- ***Cambridge to Birmingham New Street description number 2.11:***
 - **CrossCountry are seeking to reduce their firm SX rights by -4 to 0.** However, the TAC currently shows that CrossCountry have 1 firm SX right, so they don't have 4 firm rights to relinquish. We expect a total of 1 right to be required to operate the December 2025 timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Therefore, **Network Rail is not supportive of the reduction** as the 1 right currently held is required by CrossCountry to operate the December 2025 Timetable.
 - **CrossCountry are seeking to reduce their firm SO rights by -4 to 0.** However, the TAC currently shows that CrossCountry have 1 firm SO right, so they don't have 4 firm rights to relinquish. We expect a total of 1 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Therefore, **Network Rail is not supportive of the reduction** as the 1 right currently held is required by CrossCountry to operate the December 2025 Timetable.
- ***Stansted to Birmingham description number 2.12:***
 - **CrossCountry are seeking +5 SX firm rights.** The TAC currently shows that CrossCountry have 15 SX firm rights and 1 contingent right, to end of contract, and we expect a total of 16 rights to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. **Network Rail does not support any additional SX rights for description number 2.12.** as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.

- **CrossCountry are seeking + 5 SO rights.** The TAC currently shows that CrossCountry have 14 SO firm rights and 1 contingent right, to end of contract and we expect a total of 15 to be required to operate the December 2025 Timetable. **Network Rail does not support any additional SO rights** for description 2.12. CrossCountry hold the required quantum of SO rights to enable the December 2025 Timetable. In addition, we also expected a total of 15 SO rights for the proposed ECML December 2025 Timetable. Therefore, **Network Rail is not supportive of any additional rights** as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.

Assurance / Assessments / Updates

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 instead of the application this will be highlighted in the relevant section.

Capacity

In line with Network Rail's ECML letter to ORR on 14 March 2025, Network Rail can confirm that the rights sought in this application, that traverse the ECML and are supported by Network Rail, are in line with or less than the quantum in the proposed December 2025 ECML Timetable.

It should also be noted that some of the rights in this application are planned to run to/via Birmingham New Street, which is a location identified in ORR's letter to the industry concerning Competing and/or Complex Track Access Applications for December 2024, May 2025 and December 2025, dated 24th April 2024. There are rights within Section 17 and 22A applications which Network Rail is not supportive of that operate in the Birmingham area. It is important for Network Rail to point out that should ORR positively determine upon those applications that Network Rail is not lending its support, multiple applications would need to be reconsidered by Network Rail. However, the outcome of those applications does not affect Network Rail's position on the rights within CrossCountry's 38th Supplemental Agreement as outlined in this letter.

Through the timetable capacity analysis completed as part of Network Rail's high-level plan, in response to the Complex and Competing Access applications, several CrossCountry paths, aligned to rights in this application, were identified to conflict with other services. The services the CrossCountry paths conflict with are aligned to firm rights already held or new/amended rights requested in other Section 22As and Section 17 applications submitted to ORR by 20 May 2024. The paragraphs below provide additional detail on these conflicts.

Phase 5 of this analysis was closely aligned with the December 2025 timetable production period and supports our position on the viability of the Rights changes from a capacity perspective. Four services, aligned to rights in the CrossCountry 38th SA were not accommodated in the December 2025 Timetable and Network Rail is not supportive of the associated rights:

- 1 SX Reading-York via Doncaster
- 1 SO Reading-York via Doncaster
- 1 SX Birmingham-Reading

- 1 SX York-Reading

The **SX Reading-York via Doncaster** service, and associated rights, conflicts with a path aligned to a right being amended in the GB Railfreight Limited (GBRf) 25th SA. Network Rail are supportive of the amendments to the existing Firm right in the GB Railfreight Limited 25th SA and provided our Final Representations on the GBRf 25th SA on 16 September 2025. The associated GBRf in the 25th SA is an amendment to an existing Every Weekday (EWD) firm right and the amendments sought are to the arrival window and timing load. GBRf are also proposing to split the right, and the schedule has been split by Monday Only (MO), Monday and Saturday excepted (MSX) and SO to reflect the different departure times in the Working Timetable. These amendments to the firm right already held result in minimal impact on the timings and operation of the associated GBRf path at the location where the GBRf and CrossCountry paths conflict. Therefore, there would be limited impact on available capacity for other operators including CrossCountry should the amendment to the right not be directed. A firm right associated to the same GBRf path is included in the GBRf 34th SA. Network Rail are not supportive of the right in the GBRf 34th SA as it is a duplication.

The **SX Reading to York via Doncaster** service and associated rights, also conflicts with rights sought in several other S17 and S22A applications submitted to ORR on 20 May 2024 as part of the competing and complex applications process, as follows:

- A right in the Freightliner Heavy Haul Limited (FLHH) 24th SA in the Oxford area; the right in the FLHH 24th SA was supported in Network Rail's Final Representations dated 02 May 2025. ORR approved this application on 02 September 2025.
- Two amended rights in the DB Cargo (UK) Limited (DB Cargo) 81st SA. Network Rail provided its Final Representations on the DB Cargo 81st on 04 July 2025.
- A right in the in the GBRf 34th SA, as detailed above. Network Rail provided its Final Representations on the GBRf 34th SA on 02 October 2025.

The **SO Reading-York via Doncaster** service, and associated rights, conflicts with a path aligned to an amended right in the DB Cargo 79th SA. Network Rail are supportive of the amendment in the DB Cargo 79th SA and have provided final representations on that application, dated 18 July 2025. ORR approved this application on 03 September 2025. DB Cargo already had a firm SO Right of which the amendment was to timings. The change to timings windows is by 15 mins on the departure and by 4 mins on the arrival. Therefore, there is limited impact on available capacity for other operators and the ability to accommodate the service linked to the Reading-Birmingham, Birmingham-York Rights contained within this 38th SA.

The **SX Birmingham-Reading** service, and associated right, conflicts with a path aligned to an amended right in the Freightliner Limited (FLIM) 21st and 22nd SAs. Network Rail are supportive of the amendment in the FLIM 21st and 22nd SAs and have provided final representations on that application, dated 02 May 2025. ORR determined that the FLIM 21st SA superseded the 22nd SA and approved the FLIM 21st SA on 31 July 2025.

The **SX York-Reading** service, and associated rights, conflicts with another timetable path not associated with rights being applied for through this process. There is also a likely interaction between the path associated with this CrossCountry right and a path aligned to a right in the GBRf 25th SA. However, Network Rail are not supportive of the right requested in the GBRf 25th SA as GBRf already hold an existing firm right which exactly matches the right sought in that application and is therefore a duplication. Therefore, the GBRf service with which the CrossCountry service conflicts already has a firm right. The same

CrossCountry path also had a conflict with another right in the GBRf 34th SA which is not supported by Network Rail.

There is a potential interaction between a **SO Reading-Newcastle** path, and associated rights, and a SO path aligned to a right in the DB Cargo 72nd SA. Network Rail provided our final representations on the DB Cargo 72nd SA on 23 May 2025. The CrossCountry rights align to a path which was withdrawn by the Operator during the development of the December 2025 Timetable and thus CrossCountry have no current need for this right.

There was potential interaction between two rights in the DB Cargo 84th SA and the CrossCountry 38th SA. As per our Final Representations on the DB Cargo 84th SA (dated 17 April 2025) there is capacity for both at the location at which they could interact.

Away from the ECML, timetable paths aligned to rights included in the CrossCountry 38th SA conflict with rights not supported by Network Rail in the following Section 17 and 22As submitted to ORR by 20 May 2024:

- East Coast Trains Limited S17 (Lumo North West) - Network Rail provided Final Representations on 09 May 2025 and were not supportive of the application. ORR published their rejection of this application on 03 July 2025.
- Virgin Management Limited S17 - Network Rail provided Final Representations on 09 May 2025 and were not supportive of the application. ORR published their rejection of this application on 03 July 2025.
- The Wrexham, Shropshire & Midlands Railway Company Limited (WSMR) S17 - Network Rail provided Final Representations on 09 May 2025 and were not supportive of the application. ORR published their rejection of this application on 03 July 2025.
- FLIM 26th SA - Network Rail provided Final Representations on 11 April 2025 and were not supportive of the rights within the application which conflict with the CrossCountry 38th SA.
- FLHH 26th - Network Rail provided Final Representations on 04 July 2025 and were not supportive of the rights within the application which conflict with the CrossCountry 38th SA.
- FLHH 27th SA - Network Rail provided Final Representations on 15 July 2025 and were not supportive of the rights within the application which conflict with the CrossCountry 38th SA.
- FLHH 28th SA - Network Rail provided Final Representations on 11 April 2025 and were not supportive of the rights within the application which conflict with the CrossCountry 38th SA. The operator has since withdrawn this application.
- Devon & Cornwall Railways Limited (DCR) 2nd. Network Rail provided Final Representations on 11 July 2025 and were not supportive of the rights within this application which conflict with the CrossCountry application.

The ECML December 2025 specification developed by the ECML ESG and subsequent ECML Industry Task Force took a holistic view of capacity and performance whilst considering service specifications, service aspirations and journey time outputs from ECML ESG and Task Force members. ORR in awarding the capacity to one of the operators identified as interacting within Annex A, in line with the proposed ECML December 2025 specification, would be allocating a proportion of the capacity that could otherwise be

available to other Operators' applications, or elements of applications, which were not included in the ESG specification and that have additional capacity requests at that location.

In the case of any application that is related to the proposed ECML December 2025 Timetable, which was developed, modelled and recommended for progression into the development period - the most applicable alternative option, if the rights sought were not directed, in full or part, would be to allocate capacity to an Operator who has aspirations for an access right with similar characteristics, i.e. Long Distance High Speed services. Consequentially, the ORR may wish to consider the impact on the forecast operation and performance of the Timetable and the basis on which The Taskforce recommended the timetable for implementation and the modelling undertaken to assure it.

Gloucester Level Crossings

The Gloucester area is highly constrained, and any application for this area also needs consideration of services via Cheltenham, which bypass it, but interact with the wider Gloucester area. Service levels are limited by the complex interacting crossing movements at Gloucester Yard Junction, Gloucester Barnwood Junction, Gloucester station area and the shunt moves required at Cheltenham for services terminating there. The long-distance nature of many of the passenger and freight services in this area further restrict flexibility due to the need to align with paths through Bristol, South Wales and the West Midlands.

To assist in informing on capacity, Network Rail have assessed the number of conflicting moves between the December 2024 timetable and the assessment database being used to complete timetable capacity analysis to support the Complex/Competing Rights workstream. The exercise demonstrates:

- A slight increase in potentially conflicting moves at Gloucester Yard Junction;
- A more significant increase of 11% at Barnwood Junction and 7% at Horton Road Junction; and
- An increase in movements across Horton Road level crossing would also be a concern (currently c.330 per day).

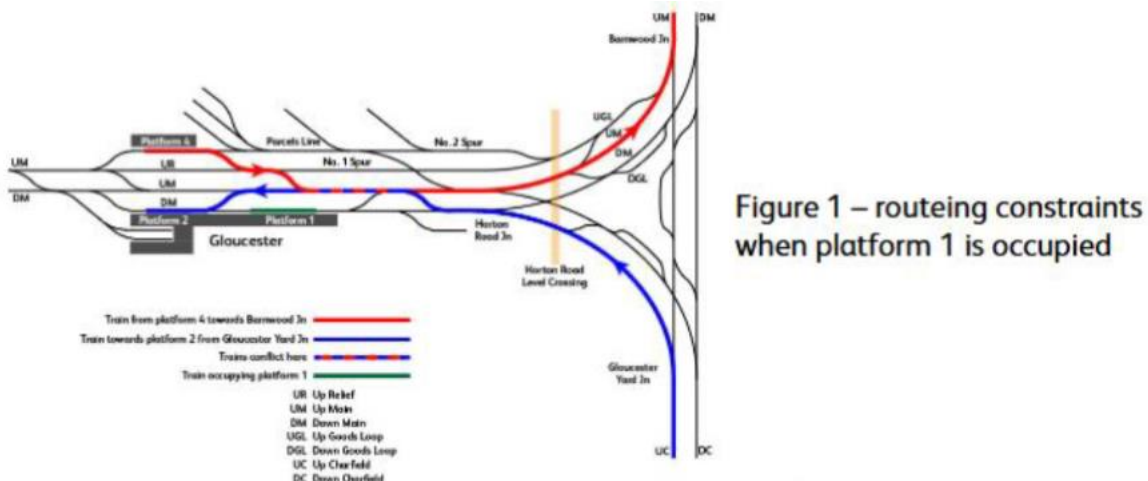
Comparison of Gloucester area conflicting movements

	December 2024	With IR applications
Barnwood Jn Down Main towards Gloucester	91	101
Gloucester Yard Jn Up Main from Gloucester	60	61
Horton Road Jn from Barnwood Jn and towards Gloucester Yard Jn	151	162

In addition to the conflicting routings referred above, there are many other constraints in the Gloucester area: -

- Restricted routing of services at the east end of the station results in conflicts when Platform 1 is occupied (Figure 1 shown below). This can constrain the availability of paths for example from the Barnwood Junction direction towards Severn Tunnel Junction when a route via Platform 1 is not available.
- Platform length limitations affect platforming of longer Intercity Express Train (IET) formations. This restricts the ability to flex passenger services to facilitate paths for additional freight services.

- Services terminating and shunting at Cheltenham Spa restrict capacity to/from the West Midlands for both passenger and freight services.
- Severn Tunnel Junction layout also impacts on availability of paths towards Gloucester for both passenger and freight services.
- Frequency increases affecting Gloucester are envisaged by the promoters of both the MetroWest and the South Wales Metro projects. We published our Greater Bristol rail strategic study in February 2023, with recommendations for this interacting major nearby area, including consideration of the Bristol to Gloucester route.

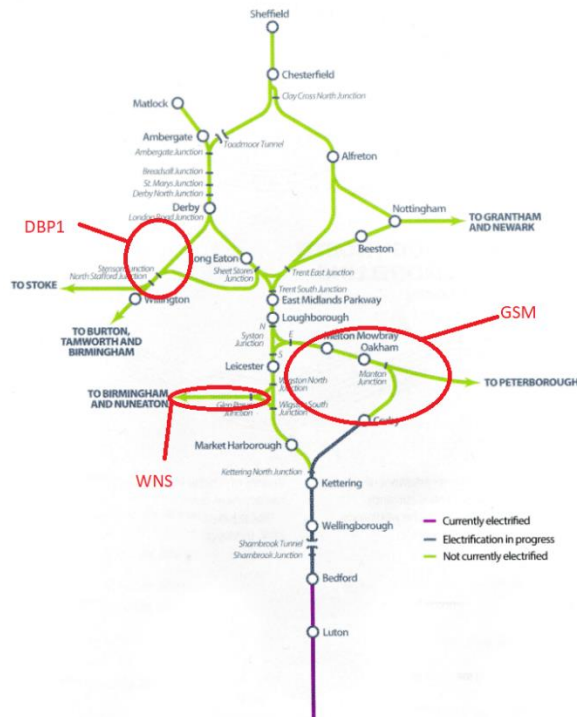


At Manually Controlled Barrier (MCB) type crossings, such as Horton Road Level Crossing, the barrier down time per train is often in the 3-minute area, as opposed to Automatic Crossings which are often around the 30 second area. This provides a different risk to consider. Essentially there is a collision risk and convenience risk. Due to the length of barrier down time at MCB type crossings, an additional train can end up more than doubling the time a user waits at the crossing as the train may fit in a slot where the barriers were previously raised for a few minutes, affecting road commuter's plans.

This application seeks an uplift over Horton Road Level Crossing of +1 SX right in each direction between Birmingham New Street-Bristol Temple Meads and +1 SO right from Birmingham New Street to Bristol Temple Meads. The small uplift in barrier down time at Horton Road Level Crossing is not a concern, having been assessed through normal Route risk assessments aligned to timetable changes.

East Midlands Level Crossings

Concerns were raised about level crossings on East Midlands route, at three locations highlighted in the image below – GSM, WNS and DBP1.



After reviewing the rights, it was agreed that there is no uplift in the number of trains over the GSM and WNS level crossings in the East Midlands between May 2025 and December 2025.

There is an uplift on the DBP1 crossing between Birmingham and Derby when compared against the current May 2025 Timetable. The breakdown of this uplift is listed below.

Weekday- 2 Southbound to Birmingham and 3 Northbound to Birmingham.

Saturday -1 Southbound, 3 Northbound.

Sunday- 1 Southbound, 2 Northbound.

The current risk assessment documents 166 services on the DBP1 per day – additional trains per day would increase the Fatalities and Weighted Injuries (FWI) risk and risk on the level crossings on this line. The effect of additional trains is increased barrier down time at the road crossing, and additional waiting times at the user worked crossings. This additional wait time for users is on top of what is already significant barrier down times as the line is already busy. However, the uplift of 12 is split over the week, with an uplift of no more than 3 in one direction on one day. Based on this and the relevant Level Crossing Manager carrying out optioneering work, Network Rail believe it can mitigate the increased risk through engagement with the authorised users.

Oxford Level Crossings

Network Rail is currently unable to support the sale of further access rights across Sandy Lane, Yarnton Lane and Tackley Level Crossings (north of Oxford LX's) above the quantum modelled in December 2019. This modelling included a higher volume of train movements across these crossings than the level operated in 2023 and 2024. Network Rail would require

all three level crossings (LX's) to either be closed or sufficient mitigations deployed to address the risk before being in a position to support additional firm access rights. It is worth noting that we are in discussions with third parties in respect of risk mitigations which would aid us lifting said restriction; however, we are not in a position to review or revise the current restriction as it remains unclear at this stage what form and extent that the mitigations will take. We will assess this position as soon as negotiations with third parties have concluded.

For full purposes of clarity, the restriction is on the sale of additional access rights, not the introduction of new services. This is an important point as capacity exists within the current risk assessments as not all paths that are in the WTT are being utilised on a regular basis due to the intermittent use of several freight paths. Should all access rights suddenly be exercised alongside additional rights being granted, this would result in a greater number of services operating across North of Oxford LX's than is acceptable.

CrossCountry are seeking +6 firm rights on SX and SU in each direction and are seeking +6 SO Northbound and +5 SO Southbound within this application across these three level crossings.

The services related to the rights in this application provide for a half hourly pattern of service between Reading and Birmingham which will alleviate overcrowding currently experienced on this line of route. Given the position noted above Network Rail is supportive of the access rights requested in this application on a contingent basis for 1 year from the December 2025 timetable change. This is because of performance concerns for Birmingham New Street and the surrounding area. The support for these rights as contingent enables Network Rail to monitor their performance and the resultant impact on level crossing risk given poor train performance can be a factor in increasing level crossing risk above modelled rates. However, Network Rail is not able to support all rights requested (or support firm rights where contingent can be supported for one timetable) within applications submitted as part of the Competing and/or Complex Track Access Applications which utilise these level crossings as outlined above. Our position in GBRfs 34th SA application is directly relevant to our position on this application as they are competing for the limited available capacity.

Decisions on either application could impact this application and vice versa. Network Rail also comments that it may be prudent for ORR to wait to receive all representations until determining on this application as there are other Interacting Access Rights applications that seek to increase quantum over the north of Oxford Level LX's. Network Rail also points out that should ORR positively determine upon application that Network Rail has not supported, this may alter Network Rail's position adopted within this representation.

Level Crossing risk relating to the *SO Paignton – Bristol Temple Meads* Right - description number 1.4a;

Network Rail notes that CrossCountry is requesting a firm right for a SO Paignton to Bristol Temple Meads service. Although Network Rail is not supportive of this right for reasons outlined in the 'Access Rights Sought in this Application' section, Network Rail also wishes to advise that the All Level Crossing Risk Model (ALCRM) undertaken for the First Rail Wales and Western Limited (FRWW) 3rd SA shows an average risk increase of 9.61% across 61 crossings, with individual increases between 5% and 28%. Around 50 of these crossings also affect CrossCountry's application, however CrossCountry are only seeking a singular SO Paignton to Bristol Temple Meads right. As this is a single Northbound service, it poses a different risk profile to the rights sought in other applications.

Manchester area

In its General Representation dated 25 April 2025 on WCML, Network Rail highlighted capacity and performance constraints around areas in Manchester including the Castlefield Corridor, Manchester Victoria, Rochdale and Ordsall Lane Junction. Whilst CrossCountry have applied for additional capacity in the Manchester area in this application, +1 additional SX right and +1 additional SO right in each direction Birmingham New Street <> Manchester Piccadilly, these services terminate at Manchester Piccadilly and do not traverse the wider areas on which Network Rail expressed its concern. In its Letter of 25 April 2025, Network Rail provided an overview of initiatives directly relevant to the Manchester area; the Manchester Task Force (MTF) and the Manchester North West Transformation Programme (MNTP) to support improving the performance outcomes in these areas. However, these sections are not directly relevant to this application due to the CrossCountry services terminating at Manchester Piccadilly.

Power Supply Modelling

Currently CrossCountry operate their train service using only diesel rolling stock and therefore the power supply concerns in relation to the ECML and North West and Central Region are not relevant to this application. Should this change, Network Rail requests early engagement from CrossCountry given the power supply constraints outlined in the General Representations on ECML and West Coast Mainline,

Performance

Network Rail can confirm that the train slots associated with the rights in this application were included in the ECML Timetable Performance Analysis that is included within Network Rail's General Representation to ORR on the ECML dated 14 March 2025. Please refer to Annex L of that letter for further information.

CrossCountry's business model is built around providing services which can transport passengers over long distances and across multiple Network Rail routes and regions. These services are referred to as 'through services', and they rely on joining together access rights to underpin the service as it travels across the geography of the United Kingdom. Network Rail has conducted performance analysis to understand the anticipated performance of the services associated with rights in this application, noting that this type of long-distance operation is inherently complex, with incidents impacting performance on one route often causing knock on delays in other routes.

The performance analysis conducted by Network Rail highlights concerns over the On Time (OT) and Time to 3 (T3) performance of CrossCountry services which are below the desired level, with specific concerns about services which either terminate, depart from or travel through Birmingham New Street. A specific overview of performance at Birmingham New Street is set out further below.

Tables 2, 3 and 4 immediately below show both On Time (headed up as OT) and T-3 performance for some key timing point locations against the WTT across the Network on weekdays, Saturdays and Sundays, between May 2025 and September 2025. As noted above, Birmingham New Street shows low On Time and T-3 performance on weekdays: 37.5% and 60.9% respectively in the May 2025 Timetable up to September 2025 with almost all other locations showing higher performance. These trends continue across the full week.

Table 2-Summary of Weekday On Time (OT) and T-3 CrossCountry performance for key timing point locations against the WTT, May 2025 – September 2025

Location	OT	T-3	Location	OT	T-3
Birmingham New St.	37.5 %	60.9 %	Nottingham	59.0 %	78.1 %
Proof House Jn	43.1 %	66.6 %	Bristol East Jn	51.9 %	66.9 %
Grand Jn	51.9 %	70.1 %	Bristol Parkway	42.0 %	62.5 %
Landor Street Jn	49.0 %	69.8 %	Gloucester Yard Jn	44.7 %	63.1 %
Water Orton	47.0 %	68.8 %	Stockport	34.8 %	61.9 %
Castle Bromwich Jn	47.0 %	69.0 %	Sheffield	37.0 %	57.4 %
Derby	51.1 %	67.7 %	Chesterfield	38.9 %	57.8 %
Wichnor Jn	50.3 %	70.1 %	York	40.7 %	59.3 %
North Stafford Jn	51.0 %	69.0 %	Leamington Spa	41.3 %	59.9 %
Burton-On-Trent	48.9 %	69.1 %	Aynho Jn	40.4 %	59.1 %
Tamworth Hl	48.0 %	69.1 %	Oxford	45.4 %	62.1 %
Kingsbury Jn	54.7 %	72.0 %	Reading	45.3 %	62.5 %
Abbotswood Jn	40.5 %	60.6 %	Newcastle	47.1 %	64.7 %
Cheltenham Spa	45.3 %	63.9 %	Cambridge	47.9 %	70.6 %
Kings Norton	44.9 %	64.2 %	Stansted Airport	61.3 %	80.2 %
Whitacre Jn	44.5 %	68.3 %	Bristol West Jn.	50.5 %	66.8 %
Coleshill Parkway	43.2 %	67.8 %	Leeds	44.1 %	60.8 %
Leicester	49.2 %	70.1 %	Coventry	39.0 %	59.2 %
Nuneaton	37.5 %	63.8 %	Gloucester	55.9 %	73.0 %
Five Ways	49.1 %	66.7 %	South Kirkby Jn	34.1 %	60.2 %
Stafford	40.6 %	61.8 %	Winchester	38.5 %	63.8 %
Wolverhampton	38.6 %	60.9 %	Doncaster	43.1 %	59.6 %
Manchester Pic'ly	45.6 %	62.6 %	Crewe	36.0 %	57.8 %
Bristol TM	43.8 %	62.8 %	Paignton	67.2 %	75.5 %

Table 3- Summary of Saturday On Time (OT) and T-3 CrossCountry performance for key timing point locations against the WTT, May 2025 – September 2025

Location	OT	T-3	Location	OT	T-3
Birmingham New St	46.4 %	69.5 %	Leicester	54.3 %	74.4 %
Proof House Jn	51.9 %	74.5 %	Stockport	40.0 %	66.6 %
Grand Jn	60.4 %	77.7 %	Sheffield	42.5 %	63.6 %
Water Orton	52.9 %	75.6 %	Chesterfield	47.8 %	63.6 %
Landor Street Jn	56.5 %	76.7 %	Nuneaton	45.7 %	75.6 %
Castle Bromwich Jn	53.4 %	75.4 %	Whitacre Jn	54.1 %	79.2 %
Derby	52.2 %	68.9 %	Coleshill Parkway	52.9 %	79.7 %
Wichnor Jn	48.2 %	71.1 %	Leamington Spa	45.6 %	65.9 %
Tamworth HI	50.9 %	71.6 %	Aynho Jn	45.3 %	65.1 %
North Stafford Jn	51.8 %	70.4 %	Oxford	54.4 %	69.3 %
Kingsbury Jn	56.6 %	76.4 %	Reading	53.1 %	71.5 %
Burton-On-Trent	48.1 %	70.6 %	York	48.6 %	68.0 %
Cheltenham Spa	48.8 %	67.4 %	Cambridge	54.2 %	78.1 %
Abbotswood Jn	45.6 %	64.5 %	Stansted Airport	53.0 %	84.6 %
Kings Norton	47.9 %	65.7 %	Newcastle	48.1 %	66.4 %
Five Ways	51.1 %	69.0 %	Bristol West Jn.	48.0 %	63.9 %
Bristol TM	43.5 %	61.9 %	Coventry	42.9 %	66.5 %
Nottingham	66.7 %	82.2 %	Winchester	43.0 %	68.9 %
Wolverhampton	42.2 %	62.1 %	Leeds	47.9 %	63.9 %
Stafford	45.0 %	63.7 %	South Kirkby Jn	35.9 %	58.8 %
Gloucester Yard Jn	47.2 %	63.7 %	Gloucester	62.0 %	78.6 %
Bristol Parkway	43.4 %	63.3 %	Doncaster	54.3 %	71.3 %
Bristol East Jn	51.9 %	68.0 %	Crewe	25.8 %	47.9 %
Manchester Pic'ly	48.3 %	65.9 %	Paignton	60.0 %	67.5 %

Table 4- Summary of Sunday On Time (OT) and T-3 CrossCountry performance for key timing point locations against the WTT, May 2025 – September 2025

Location	OT	T-3	Location	OT	T-3
Birmingham New St	43.2 %	62.7 %	Stafford	46.9 %	67.1 %
Proof House Jn	47.0 %	70.0 %	Manchester Pic'ly	55.6 %	68.8 %
Grand Jn	56.7 %	72.4 %	Leamington Spa	43.9 %	66.4 %
Landor Street Jn	55.6 %	73.4 %	Oxford	47.3 %	63.3 %
Water Orton	53.3 %	72.8 %	Reading	37.2 %	63.6 %
Castle Bromwich Jn	54.8 %	72.9 %	Aynho Jn	37.1 %	61.0 %
Wichnor Jn	47.7 %	67.0 %	Coventry	42.4 %	65.1 %
Derby	48.2 %	65.4 %	York	51.4 %	65.2 %
North Stafford Jn	49.2 %	66.8 %	Newcastle	47.5 %	65.8 %
Burton-On-Trent	47.1 %	64.9 %	Stockport	41.5 %	66.4 %
Cheltenham Spa	49.2 %	64.8 %	Nuneaton	56.5 %	79.5 %
Abbotswood Jn	45.9 %	62.5 %	Bristol West Jn.	47.1 %	63.0 %
Kings Norton	47.6 %	62.4 %	Whitacre Jn	64.5 %	84.2 %
Five Ways	50.2 %	64.4 %	Coleshill Parkway	63.4 %	84.2 %
Kingsbury Jn	52.3 %	68.4 %	Cambridge	58.6 %	81.5 %
Tamworth Hl	48.3 %	64.2 %	Winchester	44.7 %	73.4 %
Bristol TM	46.6 %	61.4 %	Leeds	50.6 %	65.5 %
Bristol East Jn	49.7 %	62.0 %	South Kirkby Jn	35.1 %	58.5 %
Gloucester Yard Jn	41.5 %	60.6 %	Stansted Airport	66.9 %	86.9 %
Bristol Parkway	38.0 %	60.4 %	Doncaster	44.7 %	67.2 %
Sheffield	44.5 %	63.1 %	Nottingham	63.2 %	76.8 %
Wolverhampton	40.9 %	63.2 %	Gloucester	56.8 %	72.9 %
Chesterfield	48.5 %	67.3 %	Crewe	58.8 %	72.9 %
Leicester	69.3 %	84.0 %	Paignton	73.3 %	80.0 %

Network Rail wishes to work with CrossCountry to improve performance and alleviate some of these performance challenges. This includes working with relevant operators to improve regulation of services, including ensuring the necessary regulation agreements are in place, and working with Network Rail colleagues to improve the understanding of how regulation decisions made by controls impact on long distance operators.

Birmingham New Street

Due to the nature of CrossCountry's service, many of the rights (and services) applied for within this application are for services that either travel through, start or terminate at Birmingham New Street and where they do so they span more than one route. Network Rail has noted above that there are specific performance concerns at Birmingham New Street and many of the CrossCountry services which use Birmingham New Street have either arrived from or are travelling onwards to Western, Eastern and Anglia. This means that minor delays at Birmingham New Street can escalate quickly across the journey and there is potential for this to be exported or spread onto other regions and vice versa any delays on other routes can be transported into Birmingham New Street and potentially onwards onto the route where the through service is travelling towards. Where delay is transported onto Central Route from Western Route (or vice versa) Network Rail has already implemented

improvement initiatives for CrossCountry services that are expected to impact this financial year as well as the next. These include the introduction of a Track Quality Reporting App to notify maintenance of suspected track defects on a journey, allowing defects to be identified and rectified more quickly, and the introduction of the Convective Alerting Tool (CAT) which allows for more targeted speed restrictions to be implemented in the event of heavy rainfall, rather than relying on larger speed restrictions.

As well as there being performance concerns around Birmingham New Street, Network Rail would also like to highlight that there is uncertainty around capacity at Birmingham New Street and the impact of wider timetable changes in the future. Camp Hill is a new line of route opening on Central Route which brings with it the introduction of new services and stations, which are planned to run in the December 2025 Timetable. Previous performance modelling, which had been commissioned by both Network Rail and West Midlands Trains, now includes either outdated assumptions due to the time lapse between the modelling being undertaken and today, or any of the recent modelling hadn't considered amended and newer aspirations from other Passenger and Freight Operators. Network Rail would like to understand the actual performance impact of the combined introduction of new services and service changes from December 2025, especially given the long-distance nature of CrossCountry services and their interaction with the ECML. Network Rail would like to retain flexibility to manage the operations around this effectively and therefore is only supportive of rights on a contingent basis for a period of 1 year with no presumption of continuity.

Further historic analysis shows that performance at Birmingham New Street has been a concern across recent timetables. Passenger Performance at Birmingham New Street when assessed across the Weekday December 2023 Timetable was below the national WTT performance, at 65.2% Nationally compared to 46.9% at Birmingham New Street. CrossCountry had an On Time of 39.9%. Comparably when assessed against the Weekday June 2024 Timetable, performance at Birmingham New Street was still below the national On Time WTT performance, 61.9% Nationally compared to 42.9% at Birmingham New Street. Performance at Birmingham New Street had an On Time of 42.9% overall. CrossCountry had On Time of 35.5%. In the December 2024 Timetable CrossCountry had an On Time of 45.7%.

Network Rail is able to support the rights in this application that either travel through, depart or terminate at Birmingham New Street on a contingent basis for one year from December 2025 with no presumption of continuity, rather than the firm basis CrossCountry has requested. This is whilst both parties continue to work on monitoring and improving performance through collaborative Industry agreed working groups, including the Central Route Industry On Time Performance Group, the Birmingham New Street and the Stour Lines On Time Working Groups. Network Rail have expanded on the specific rights this relates to in Annex B. This decision is driven by the performance concerns over CrossCountry services that operate at Birmingham New Street as well as considering the uncertainty around performance once the Camp Hill route opens. Supporting the rights as contingent for one year allows time for Network Rail and Operators to work collaboratively to improve performance. Additionally, six of the rights relating to Birmingham also travel over level crossings at Oxford where Network Rail has stated its position as being able to support on a contingent basis only for one year. Network Rail has set out its position on these specific rights earlier in this Representation.

Gloucester

Performance at Gloucester across the December 2023 Timetable was 49.3% which was below the national On Time WTT performance target of 65.2%. CrossCountry performance

during this period at this location was 44.3%. The June 2024 Timetable saw similar performance at Gloucester, 49.1% On Time which fell short of the national On Time WTT target of 61.9%.

Performance at Gloucester within December 2023 started to deteriorate from 0900 till noon, with a slight short recovery before a performance drop during evening peak. Similarly, in June 2024, performance at Gloucester started to deteriorate earlier during 0500-0959, with a slight short recovery before a performance drop again during evening peak. Both timetables started to recover from the evening peak from 2300.

In both December 2023 and June 2024 reactionary delay shows that Gloucester itself, Standish Jn <> Gloucester and Barnwood Jn > Gloucester suffered the most reactionary delay attributed to delay caused by late running services.

Performance initiatives specific to Gloucester are being progressed, including a cross-Industry focus group working on identifying & targeting local performance challenges, trialling increased drone deployment to assist in incidents including trespass, and platform & trespass mitigations.

Conclusion

In this Final Representation letter, we have confirmed that we are partially supportive of the rights sought in this application. Where we are supportive, the quantum of access rights sought in this application are in line with quantum required by CrossCountry to operate the December 2025 Timetable and are as expected in, or less than, the proposed ECML December 2025 Timetable. However, where rights interact with Birmingham New Street Network Rail is supportive of contingent rights, timebound for one year, with no presumption of continuity for rights sought. Network Rail believes it has laid out its rationale for this position in this Final Representation letter.

Network Rail has set out its position on each of the rights sought by CrossCountry, in this letter and Annex B. Of the discrepancies we have highlighted in Annex B, we have confirmed our position on the rights sought within the application and explained our understanding of how these will be progressed through other applications by CrossCountry. As highlighted in this letter, there are a number of services that CrossCountry need further rights to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry will be the proposed 44th SA.

Network Rail has also highlighted in this letter a number of 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. This includes Network Rail's position that it can support the rights specified in Annex B of this application provided that CrossCountry produce a revised Table 2.3 which accurately reflects the quantum of combinations needed to support the rights in this application. Network Rail ask that ORR take this into account when making their direction on this application.

As stated in this letter TOVRs have been received by Network Rail from CrossCountry to make amendments to some of their train slots for the December 2025 New Working Timetable which may affect this application. To avoid any further delays to submitting this Final Representation, Network Rail has not assessed this application (or any other

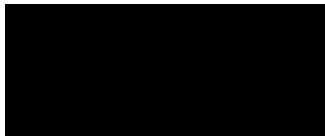
application submitted as part of the Competing and Complex application workstream) against any TOVRs submitted for the December 2025 New Working Timetable.

Network Rail expects the Operator in its representations to ORR on this letter to be fully transparent with ORR where they no longer require an access right requested as a result of any TOVR submitted or expected to be submitted (or any other business requirement). Furthermore, if a TOVR (if accepted) applies to any rights related to this application and the December 2025 Timetable as now established, Network Rail expects the operator to progress a separate application to make sure they have the relevant rights to support the implementation of the December 2025 TT if it is necessary.

Additionally, Network Rail would like to highlight to ORR that CrossCountry in their application did not make amendments to Table 4.1 – 'Calling Patterns of the Track Access Contract (TAC)'. NR expects CrossCountry in their representation in response to this letter, to clearly highlight where a calling pattern change is required for any of the access rights Network Rail has supported in this representation letter.

As Network Rail have requested earlier in this letter, it would like to see a proposed rights table for this application which reflects the total quantum of rights CrossCountry would hold rather than purely showing the uplift in the number of rights (as per the current SA). As noted, Network Rail would like the opportunity to review any finalised Schedule 5 table before ORR directs on this application.

Yours sincerely,

A black rectangular box redacting the signature of Michelle Gooch.

Michelle Gooch

Customer Relationship Executive

ANNEXES

Annex A – Interacting Locations Matrix

Annex B – Table of Access Rights Requested in 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	Directed by ORR	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	Directed by ORR	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	Directed by ORR					x	x			
DBC 79th SA 22a	Directed by ORR			x			x	x		x
DBC 81st SA 22a	Live		x	x	x	x	x	x	x	x
DBC 86th SA 22a	Directed by ORR					x	x			
DBC 87th SA 22a	Directed by ORR		x	x	x	x	x		x	x
DBC 88th SA 22a	Directed by ORR				x	x	x			
DBC 83rd SA 22a	Directed by ORR	x								
DBC 84th SA 22a	Live							x		
DBC 85th SA 22a	Live									
DBC 91st SA 22a	Withdrawn	x								
DBC 92nd SA 22a	Directed by ORR									x
DCR 2nd SA 22a	Live	x	x	x	x		x	x		

OFFICIAL

DRS 17th SA 22A	Live	x	x	x	x	x	x		x	x
EMR 19th SA 22A	Directed by ORR						x			
EMR 20th SA 22A	Directed by ORR				x	x	x			
EMR 21st SA 22A	Directed by ORR				x	x	x			
FLHH 24th SA 22A	Directed by ORR	x						x		
FLHH 25th SA 22A	Live	x	x	x	x	x	x	x	x	
FLHH 26th SA 22A	Live				x	x	x			
FLHH 27th SA 22A	Live	x	x	x	x	x	x	x	x	x
FLHH 28th SA 22A	Withdrawn	x	x	x	x	x	x	x	x	x
FLIM 21st SA 22A	Directed by ORR		x	x	x	x	x	x		
FLIM 22nd SA 22A	Superseded by ORR decision on FLIM 21 st SA		x	x	x	x	x	x		
FLIM 23rd SA 22A	Directed by ORR	x	x							
FLIM 24th SA 22A	Live	x	x	x	x	x	x	x		
FLIM 25th SA 22A	Live	x	x	x		x	x	x		x
FLIM 26th SA 22A	Live	x			x	x	x	x		x
GBRf 25th SA 22a	Live	x	x	x	x	x	x	x		
GBRf 34th SA 22a	Live	x	x	x	x	x	x	x	x	x
GBRF 41st SA 22A	Live						x			
Govia Thames Railway 62nd SA 22A	Superseded						x			
Govia Thames Railway 63rd SA 22A	Directed by ORR						x			
Grand Central 24th SA 22A	Directed by ORR						x			
Grand Central 28th SA 22A	Directed by ORR						x			
GWR 201st SA 22a	Live							x	x	
GWR 202nd SA 22a	Directed by ORR								x	
Hull Trains 27th SA 22A	Rejected					x	x			
Hull Trains 28th SA 22A	Directed by ORR						x			

OFFICIAL

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	Withdrawn						x			
TPT 64th SA 22a	Withdrawn					x	x			
TPT 65th SA 22a	Live						x			
Varamis 2nd SA 22a	Live	x	x				x			
Virgin New Contract 17	Rejected	x	x							
WMT 22nd SA 22A	Directed by ORR		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

Attached.

Operator	Supplemental Agreement Number	Service Group	Service Code	Description Number of access right as per Table 2.1 or 2.2 in the TAC	From:	To:	Via:	No. of additional Rights requested in the 38th			No. of additional Rights expected for the Proposed ECML Dec 2025 TT			No. of Rights in CrossCountry's existing contract			No. of rights required to operate the December 2025 Timetable			Network Rail Comments	Type of Support / No Support	Fully support (defined as the whatever the operator has requested for that service in terms of access rights will be supported by NR)	Partially support (defined as where NR will support some of the characteristics i.e. quantum as requested by the operator but not identical to what has been asked, or contingent due to performance)	No support
								Weekday	Sat	Sun	Weekday	Sat	Sun	Current Number of rights in contract SX	Current Number of rights in contract So	Current Number of rights in contract (effective at PCD2025) SU	Weekday	Sat	Sun					
CrossCountry	38	EH01	22180012 & 22180013	1.4a	Paignton	Bristol Temple Meads	Taunton, Weston Super Mare avoiding line		1		N/A	N/A	N/A	2	2	1		2		CrossCountry are seeking +1 Saturday Only (SO) firm right. The TAC currently shows that CrossCountry have 2 SO rights and we expect a total of 2 to be required to operate the December 2025 Timetable. Therefore, Network Rail does not support the +1 SO right as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.	No Support	✗	✗	✓
CrossCountry	38	EH01	22180012 & 22180013	1.7a	Bristol Temple Meads	Birmingham New Street	Direct	1			N/A	N/A	N/A	27	28	20	28			CrossCountry are seeking +1 Weekday (SX) firm right. The TAC currently shows that CrossCountry have 27 SX rights and we expect a total of 28 to be required to operate the December 2025 Timetable. Network Rail partially supports this +1 SX requested on a contingent basis, time dated for one year, with no presumption of continuity. The right for description 1.7a is supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further in the letter that this annex supports.	Partially support, on a contingent basis rather than firm	✗	✓	✗
CrossCountry	38	EH01	22180010 & 22180011	1.10	Southampton Central	Reading	Direct	1			N/A	N/A	N/A	2	2	1	3			CrossCountry are seeking +1 SX firm right. The TAC shows that CrossCountry currently have 2 SX rights, and we expect 3 to be required to operate the December 2025 Timetable. Therefore, Network Rail supports +1 SX firm right.	Support	✓	✗	✗
CrossCountry	38	EH01	22180010 & 22180011	1.13a	Reading (via Coventry)	Birmingham New Street	Oxford, Heyford, Leamington Spa, Coventry			5	N/A	N/A	N/A	16	16	14		19		CrossCountry are seeking +5 Sunday (SU) firm rights. The TAC currently shows that CrossCountry have 14 SU rights, and we expect 19 to be required to operate the December 2025 Timetable. Network Rail partially supports this +5 SU requested on a contingent basis, time dated for one year, with no presumption of continuity. Rights for description 1.13a are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on further in the letter that this annex supports.	Partially support on a contingent basis rather than firm	✗	✓	✗
CrossCountry	38	EH01	22180010 & 22180011	1.13b	Reading (via Solihull)	Birmingham New Street	Oxford, Heyford, Leamington Spa, Solihull	5	6	1	N/A	N/A	N/A	5	5	0	8	9	1	CrossCountry are seeking +5 SX firm rights. The TAC currently shows that CrossCountry have 5 SX rights and we expect 6 to be required to operate the December 2025 Timetable. Network Rail is partially supportive, it can only support +3 SX rights of the +5 requested on a contingent basis, time dated for one year, with no presumption of continuity, as otherwise this would provide CrossCountry with more rights than required to operate the December 2025 Timetable. CrossCountry are seeking +6 SO firm rights. The TAC currently shows that CrossCountry hold 5 SO rights and we expect 9 to be required to operate the December 2025 Timetable. Network Rail is partially supportive, it can only support +4 SO rights of the +6 SO requested on a contingent basis, time dated for one year, with no presumption of continuity, as otherwise this would provide CrossCountry with more rights than required to operate the December 2025 Timetable. CrossCountry are seeking +1 SU firm right. CrossCountry do not hold any rights in the current contract and need 1 right to operate the December 2025 Timetable. Network Rail partially supports this +1 SU requested on a contingent basis, time dated for one year, with no presumption of continuity. Rights for description 1.13b are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports.	Partially support rights requested, but only as contingent rather than firm	✗	✓	✗
CrossCountry	38	EH01	22180014	1.15b	Birmingham New Street	Manchester Piccadilly	Wolverhampton, Stafford, Stoke, Crewe, Styal	1	1		N/A	N/A	N/A	0	0	0	1	0		CrossCountry are seeking +1 SX firm right. This is a new service so there are no rights currently in the TAC, and we expect a total of 1 to be required to operate the December 2025 Timetable. Network Rail partially supports this +1 SX requested on a contingent basis, time dated for one year, with no presumption of continuity. CrossCountry are seeking +1 SO firm right. This is a new service so there are no rights currently in the TAC. CrossCountry do not have a path in the December 2025 Timetable which requires this right. Network Rail is not supportive of rights which are not intended to be utilised in the December 2025 Timetable, therefore, Network Rail does not support the +1 SO right as CrossCountry have no requirement for this access right. The rights for description 1.15b are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports.	Partially support SX rights requested, but only as contingent rather than firm No support for SO right requested	✗	✓	✓
CrossCountry	38	EH01	22180008 & 22180009	1.18	Birmingham New Street	York (via Doncaster)	Tamworth, Sheffield, Swinton, Hambleton North Junction	1	1	3	3	3	3	2	2	0	3	2	3	CrossCountry are seeking +1 SX firm right. The TAC currently includes 2 SX firm rights and we expect a total of 3 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Network Rail is not supportive of rights which are not intended to be utilised in the December 2025 Timetable, therefore Network Rail does not support the +1 SO right as this would provide CrossCountry with more rights than required to operate the December 2025 Timetable. CrossCountry are seeking +3 SU firm rights. The TAC shows they don't currently have any SU firm rights, and we expect a total of 3 rights to be required to operate the December 2025 Timetable. The quantum is in line with the proposed ECML December 2025 Timetable. Network Rail is partially supportive, it can support the +3 SU rights on a contingent basis, time dated for one year, with no presumption of continuity. Rights for description 1.18 are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports.	Partially support rights requested for SX and SU but only as contingent rather than firm No support for SO right requested	✗	✓	✓
CrossCountry	38	EH01	22180008 & 22180009	1.19	Birmingham New Street	Newcastle (via Doncaster)	Tamworth, Sheffield, Swinton, Hambleton North Junction and the ECML	4	4	4	7	7	5	2	2	1	5	6		CrossCountry are seeking +4 SX firm rights. The TAC currently shows that CrossCountry have 2 SX firm rights and we expect a total of 5 to be required to operate the December 2025 Timetable. Network Rail expected 7 SX rights to be required in line with the proposed ECML December 2025 Timetable. Network Rail is not supportive of rights which are not intended to be utilised in the December 2025 Timetable. Therefore, Network Rail is partially supportive of this, it can only support +3 SX rights on a contingent basis, time dated for one year, with no presumption of continuity. CrossCountry are seeking +4 SO firm rights. The TAC currently shows that CrossCountry have 2 SO firm rights, and we expect 6 to be required to operate the December 2025 Timetable. Network Rail expected 7 SO rights to be required in line with the proposed ECML December 2025 Timetable. Network Rail is not supportive of rights which are not intended to be utilised in the December 2025 Timetable. Therefore, Network Rail is partially supportive, it supports +4 SO rights requested on a contingent basis, time dated for one year, with no presumption of continuity. CrossCountry are seeking +4 SU firm rights. The TAC currently shows that CrossCountry have 1 SU firm right and we expect 5 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Network Rail is partially supportive, it can support +4 rights requested on a contingent basis, time dated for one year, with no presumption of continuity. Rights for description 1.19 are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports.	Partially support rights requested, but only as contingent rather than firm	✗	✓	✗
CrossCountry	38	EH01	22180008 & 22180009	1.35	Newcastle	Birmingham New Street (via Doncaster)	The ECML, Hambleton North Junction, Swinton, Sheffield, Tamworth	1	2	1	7	7	3	2	2	2	8	7	4	CrossCountry are seeking +1 SX firm right. The TAC currently shows that CrossCountry have 2 firm SX rights and we expect a total of 8 to be required to operate the December 2025 Timetable. Network Rail expected 7 SX rights to be required in line with the proposed ECML December 2025 Timetable. Network Rail is partially supportive, it supports the +1 SX rights requested on a contingent basis, time dated for one year, with no presumption of continuity. Therefore, CrossCountry need a further +5 SX rights which they have not sought for in his application to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry will be included in the proposed 44th SA. CrossCountry are seeking +2 SO firm rights. The TAC currently shows that CrossCountry have 2 firm SO rights, and we expect 7 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Network Rail is partially supportive, it supports the +2 rights requested on a contingent basis, time dated for one year, with no presumption of continuity. CrossCountry need a further +3 SO rights which they have not sought for in this application to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry will be included in the proposed 44th SA. CrossCountry are seeking +1 SU firm right. The TAC currently shows that CrossCountry have 2 SU firm rights, with this application taking them to a total of 3, and we expect 4 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Network Rail is partially supportive, it supports the +1 SU rights requested on a contingent basis, time dated for one year, with no presumption of continuity. CrossCountry need a further +1 SU right which they have not sought for this application to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry will be included in the proposed 44th SA. Rights for description 1.35 are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports.	Partially support rights requested, but only as contingent rather than firm but here needs to be additional contingent rights on a separate application.	✗	✓	✗

CrossCountry	38	EH01	22180008 & 22180009	1.57	York	Birmingham New Street (via Doncaster)	The ECML, Hambleton North Junction, Swinton, Sheffield, Tamworth	2	2	3	3	3	4	0	0	0	1	2	3	CrossCountry are seeking +2 SX firm rights, taking the total in the contract to 2 as there are no rights currently in the TAC. We expect a total of 1 to be required to operate the December 2025 Timetable. A total of 3 rights were expected in the proposed ECML December 2025 Timetable. Network Rail is partially supportive, it can only support +1 SX right only on a contingent basis, time dated for one year, with no presumption of continuity, as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable. CrossCountry are seeking +2 SO firm rights, taking the total in the contract to 2, as there are no rights currently in the TAC. We expect a total of 2 to be required to operate the December 2025 Timetable. A total of 3 rights were expected in the proposed ECML December 2025 Timetable. Network Rail is partially supportive, it can only support the +2 SO rights requested on a contingent basis, time dated for one year, with no presumption of continuity. CrossCountry are seeking +3 SU firm rights, taking the total in the contract to 3 as there are no rights currently in the TAC. We expect a total of 3 to be required to operate the December 2025 Timetable. A total of 4 rights were expected in the proposed ECML December 2025 Timetable. Network Rail is partially supportive, it can support the +3 SU rights requested on a contingent basis, time dated for one year, with no presumption of continuity. Rights for description 1.57 are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports	Partially support rights requested, but only as contingent rather than firm			
CrossCountry	38	EH01	22180008 & 22180009	1.41	Derby	Birmingham New Street	Tamworth			1	N/A	N/A	N/A	2	1	0			2	CrossCountry are seeking +1 SU firm right. There are no rights currently in the TAC. Network Rail expect a total of 2 rights to be required to operate the December 2025 Timetable. Network Rail is partially supportive of the +1 SU right sought by CrossCountry on a contingent basis, time dated for one year, with no presumption of continuity. As there are 2 services in the December 2025 Timetable, CrossCountry need a further SU right, which they have not sought for in this application to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry that this will be included in the proposed 44th SA. The right for description 1.41 is supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports.	Partially support rights requested, but only as contingent rather than firm but there needs to be additional contingent rights on a separate application.			
CrossCountry	38	EH01	22180014	1.42	Manchester Piccadilly	Birmingham New Street	Stockport, Macclesfield, Stoke on Trent, Stafford, Wolverhampton	1	1		N/A	N/A	N/A	27	28	19	29	28		CrossCountry are seeking +1 SX firm right. The TAC currently shows that CrossCountry have 27 SX firm rights. The +1 SX would take them to 28 and we expect a total of 29 to be required to operate the December 2025 Timetable. Network Rail is partially supportive of the +1 SX right requested on a contingent basis, time dated for one year, with no presumption of continuity. As there are 29 services in the December 2025 Timetable, CrossCountry need a further +1 SX right which they have not sought for in this application to be able to operate the December 2025 Timetable. Network Rail expects CrossCountry to submit another application for these access rights, which we understand from CrossCountry will be included in the proposed 44th SA. CrossCountry are seeking +1 SO firm right. The TAC currently shows that CrossCountry have 28 SO firm rights, and we expect a total of 2 to be required to operate the December 2025 Timetable. Network Rail is partially supportive, it can only support +3 SX on a contingent basis, time dated for one year, with no presumption of continuity, as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable. CrossCountry are seeking +5 SO firm rights. The TAC currently shows that CrossCountry have 5 SO firm rights and we expect a total of 8 to be required to operate the December 2025 Timetable. Network Rail is partially supportive, it can only support +3 SO rights on a contingent basis, time dated for one year, with no presumption of continuity, as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable. CrossCountry are seeking +1 SU firm right. The TAC currently shows that CrossCountry have 1 SU firm right, and we expect a total of 2 to be required to operate the December 2025 Timetable. Network Rail is partially supportive, it can support the +1 SU right on a contingent basis, time dated for one year, with no presumption of continuity. Rights for description 1.44a are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports.	Partially support SX rights requested, but only as contingent rather than firm but there needs to be additional contingent rights on a separate application. No support for the +1 SO right requested			
CrossCountry	38	EH01	22180010 & 22180011	1.44a	Birmingham New Street	Reading (via Solihull)	Solihull, Leamington Spa, Heyford, Oxford	6	5	1	N/A	N/A	N/A	4	5	1	7	8	2	CrossCountry are seeking +5 SX firm rights. The TAC currently shows that CrossCountry have 4 SX firm rights and we expect a total of 7 to be required to operate the December 2025 Timetable. Network Rail is partially supportive, it can only support +3 SX on a contingent basis, time dated for one year, with no presumption of continuity, as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable. CrossCountry are seeking +5 SO firm rights. The TAC currently shows that CrossCountry have 5 SO firm rights and we expect a total of 8 to be required to operate the December 2025 Timetable. Network Rail is partially supportive, it can only support +3 SO rights on a contingent basis, time dated for one year, with no presumption of continuity, as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable. CrossCountry are seeking +1 SU firm right. The TAC currently shows that CrossCountry have 1 SU firm right, and we expect a total of 2 to be required to operate the December 2025 Timetable. Network Rail is partially supportive, it can support the +1 SU right on a contingent basis, time dated for one year, with no presumption of continuity. Rights for description 1.44a are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports.	Partially support rights requested, but only as contingent rather than firm			
CrossCountry	38	EH01	22180010 & 22180011	1.44b	Birmingham New Street	Reading (via Coventry)	Coventry, Leamington Spa, Heyford, Oxford			5	N/A	N/A	N/A	17	16	13		17		CrossCountry are seeking +5 SU firm rights. The TAC currently shows that CrossCountry have 13 SU rights, and we expect a total of 17 to be required to operate the December 2025 Timetable. Network Rail is partially supportive, it can only support +4 SU rights on a contingent basis, time dated for one year, with no presumption of continuity, as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable. Rights for description 1.44b are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports.	Partially support rights requested, but only as contingent rather than firm			
CrossCountry	38	EH01	22180012 & 22180013	1.48a	Birmingham New Street	Bristol Temple Meads	Direct	1	1		N/A	N/A	N/A	26 +1 contingent	26 +1 contingent	19	28	28		CrossCountry are seeking +1 SX firm right. The TAC currently shows that CrossCountry have 26 SX firm rights and 1 contingent right to end of contract, taking the total to 27. We expect a total of 28 to be required to operate the December 2025 Timetable. Therefore, Network Rail is partially supportive, it can support the +1 SX right, on a contingent basis, time dated for one year, with no presumption of continuity. CrossCountry are seeking +1 SO firm right. The TAC currently shows that CrossCountry have 26 SO firm rights and 1 contingent right to end of contract, taking the total to 27. We expect a total of 28 to be required to operate the December 2025 Timetable. Therefore, Network Rail is partially supportive, it supports the +1 SO right on a contingent basis, time dated for one year, with no presumption of continuity. Rights for description 1.48a are supported on a contingent basis only due to the performance concerns at Birmingham New Street which are expanded on in the letter that this annex supports.	Partially support rights requested, but only as contingent rather than firm			
CrossCountry	38	EH02	22260000 & 22260000	2.7	Birmingham New Street	Cambridge		6	6		2	1	1	2	2	1	2	1		CrossCountry are seeking to reduce their firm SX rights by -5 to 0. However, the TAC currently shows that CrossCountry have 2 SX firm rights, therefore they don't have 5 firm rights to relinquish. We expect a total of 2 rights to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Therefore, Network Rail is not supportive of the reduction as the 2 rights currently held are required by CrossCountry to operate the December 2025 Timetable.	No Support for reducing their rights by 5. Partially support as supportive of reducing the SO rights by 1 only.			
CrossCountry	38	EH02	22260000 & 22260000	2.8	Birmingham New Street	Stansted Airport	Water Orton, Nuneaton, Leicester, Stamford, Peterborough, Ely, Cambridge	6	6		15	15	9	14 +1 contingent	14 +1 contingent	9	15	15		CrossCountry are seeking +6 SX firm rights. The TAC currently shows that CrossCountry have 14 SX firm rights and 1 SX contingent right to end of contract, and we expect a total of 15 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Therefore, Network Rail does not support the +6 additional SX firm rights as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable. CrossCountry are seeking +6 SO firm rights. The TAC currently shows that CrossCountry have 14 SO firm rights and 1 SO contingent right to end of contract, and we expect a total of 15 to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Therefore, Network Rail does not support the +6 additional SO firm rights as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.	No Support			
CrossCountry	38	EH02	22260000	2.10	Stansted	Cambridge	Direct	1	1		3	4	4	3	4	4	3	4		CrossCountry are seeking +1 SX firm right. The TAC currently shows that CrossCountry have 3 firm SX rights and we expect a total of 3 to be required to operate the December 2025 Timetable. In addition, we also expected a total of 3 SX for the proposed ECML December 2025 Timetable. Therefore, Network Rail does not support the +1 additional SX firm right as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable. CrossCountry are seeking +1 SO firm right. The TAC currently shows that CrossCountry have 4 firm SO rights, and we expect a total of 4 to be required to operate the December 2025 Timetable. In addition, we also expected a total of 4 SO for the proposed ECML December 2025 Timetable. Therefore, Network Rail does not support the +1 additional SO firm right as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.	No Support			
CrossCountry	38	EH02	22260000 & 22260000	2.11	Cambridge	Birmingham New Street		4	4		1	1	0	1	1	0	1	1		CrossCountry are seeking +1 SX firm right. The TAC currently shows that CrossCountry have 3 firm SX rights and we expect a total of 3 to be required to operate the December 2025 Timetable. In addition, we also expected a total of 3 SX for the proposed ECML December 2025 Timetable. Therefore, Network Rail does not support the +1 additional SX firm right as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable. CrossCountry are seeking +1 SO firm right. The TAC currently shows that CrossCountry have 4 firm SO rights, and we expect a total of 4 to be required to operate the December 2025 Timetable. In addition, we also expected a total of 4 SO for the proposed ECML December 2025 Timetable. Therefore, Network Rail does not support the +1 additional SO firm right as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.	No support			
CrossCountry	38	EH02	22260000 & 22260000	2.12	Stansted	Birmingham New Street	Cambridge, Ely, Peterborough, Stamford, Leicester, Nuneaton, Water Orton	5	5		16	15	10	15 + 1 contingent	14 +1 contingent	10	16	15		CrossCountry are seeking +5 SX firm rights. The TAC currently shows that CrossCountry have 15 SX firm rights and 1 contingent right, to end of contract, and we expect a total of 16 rights to be required to operate the December 2025 Timetable. This quantum is in line with the proposed ECML December 2025 Timetable. Network Rail does not support any additional SX rights for description number 2.12, as otherwise this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable. CrossCountry are seeking +5 SO rights. The TAC currently shows that CrossCountry have 14 SO firm rights and 1 contingent right, to end of contract and we expect a total of 15 to be required to operate the December 2025 Timetable. Network Rail does not support any additional SO rights for description 2.12. CrossCountry hold the required quantum of SO rights to enable the December 2025 Timetable. In addition, we also expected a total of 15 SO rights for the proposed ECML December 2025 Timetable. Therefore, Network Rail is not supportive of any additional rights as this would provide CrossCountry with more capacity than required to operate the December 2025 Timetable.	No Support			