

FRS new rolling stock - Industry Consultation Responses

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All Consultees
(by email only)

Andy Wylie
Head of Regulation & OA Contracts
First Rail

c.c. David Reed, ORR

6th January 2026

Dear Consultees,

First Rail Stirling Limited – Section 17 Application (New Rolling Stock)

As many of you raised the same points in your comments, these are being dealt with in a composite response, except for the NR representations to the ORR, which have been dealt with separately.

Many thanks to those that have supported our application. We quite understand and expect the former franchised operators not to be supporting the application, on Competition Act grounds if nothing else. For the avoidance of doubt, we have not colluded with any other TOC/FOC in formulating these proposals.

Many of you mentioned abstraction. We are quite content for the ORR to apply its usual tests as part of the evaluation process. We would like to point out that if any of you are using MOIRA in coming to any abstractive conclusion, the algorithms within it will usually produce abstraction figures of between 74% and 91%, depending on the application. Reality is somewhat different.

As the Hitachi units will be battery/electric bi-modes, we anticipate that the use of battery power will be used in areas of poor power supply, thus easing the planned standing load for Network Rail. These units will be fitted with ETCS as standard.

We are anticipating that our train provider will be procuring maintenance on our behalf so details of exactly where they will be stabled will be up to them, all to become clearer as the contractual discussions take place. We will just drive them to the relevant depot. We are very familiar with Hitachi units and anticipate them being a very reliable, high performing unit with plenty of operational redundancy.

The awarding of rights does not prevent those rights being terminated if a “better use” can be found for the section of railway concerned. This process is clearly set out in part J of the Network Code. So, the ORR awarding rights to First Rail Stirling does not prevent any strategic rail plan being implemented in the future.

Finally, there were so some comments about the existing contract being “novated”. If these rights are awarded, this contract simply replaces the existing one. This s.17 process is the usual route for un-agreed Open Access applications that involve a longer term as the s.22a process cannot be used for any such extension to term.

Yours Sincerely

(signed)

Andy Wylie

Lucinda Jones
Franchise & Access Support Manager
System Operator
Network Rail

Cc: Andy Wylie
Head of Regulation and Open Access Contracts
First Rail

01 December 2025

Dear Lucinda,

First Trenitalia West Coast Rail Limited response to Industry Consultation: First Rail Stirling Limited's application to introduce new trains on it's London to Stirling Route, alongside an extension of existing access rights.

Note: Background on FTWCRL can be found in the appendix of this letter.

1) Disclosure & Transparency:

For openness & transparency, we believe it prudent to highlight that whilst FTWCRL is an affiliate company of First Rail Stirling (LUMO) through parent FirstGroup, this response has been compiled independently by FTWCRL colleagues without any influence from either those parties.

FTWCRL's response to LUMO is assessed as if it were any other Open Access Application to ensure consistency and compliance with both the Network Code and competition legislation.

2) Context:

Thank you for the opportunity to respond to this new application for First Rail Stirling Limited's proposed amendment to it's existing access rights, requesting an extension of existing rights from 2030 through to 2038.

FTWCRL has assessed LUMO's proposal objectively and consistently with other Open Access applications submitted in recent years, giving due consideration to the commencement of High-Speed (HS2) services on the West Coast Main Line (WCML), Network Capacity and Infrastructure, Performance and Revenue.

Regrettably, we cannot at this time offer our support to this application and require further information to make a fully informed assessment. This is for the following reasons:

3) HS2 Implications of Open Access Applications.

As the ORR set out in 2018 [\[Link\]](#), there is significant investment being made by the Secretary of State for Transport into the railway infrastructure through the HS2 programme, inclusive of the new infrastructure and the Conventional Rail Network (CRN). A dedicated Train Service Specification is being developed to utilise the infrastructure available across both.

West Coast Partnership Development (WCPD), part of West Coast Partnership, is the Shadow Operator for Integrated Services on the HS2 and CRN (WCML); made up of the High Speed and Intercity Services that are due to operate to and from London from the 2030s once the HS2 infrastructure is complete. Part of WCPD's role is to provide advice to the Secretary of State through the Department for Transport on the optimised Train Service Specification for the applicable routes, which will in turn lead to the specification for future train services, enabling an economic and financial return on the substantial investment.

Advice from the industry was provided to the Department for Transport following the Network North announcement setting out the available capacity on the WCML and an outline Train Service Specification for that capacity. This baseline is now being optimised by WCPD for the Secretary of State in conjunction with HS2 Ltd and Network Rail and has identified several options for use of the capacity across the route.

These paths would be predominately High-Speed Services, effectively replacing several long-distance services currently operated by Avanti West Coast on the WCML south of Colwich. Options for the use of the capacity that is freed up south of Colwich are the subject of a separate assessment by WCPD for H.M. Government.

In April 2018, the ORR responded to a letter from the Department for Transport which stated that open access proposals which directly extend into the timeframe of when High-Speed services are operating would need to be looked at explicitly, inclusive of an assessment of impact. Whilst dates surrounding HS2 services have changed since the letter was published, this guidance remains relevant and should still apply.

This would mean that any new services introduced now from London to new destinations, may, if only granted rights until the HS2 programme is completed, need to be time bound. This could have consequences for those communities served by these new services.

LUMO's application seeks to gain an extension of its current access arrangements until 2038, an 8-year extension.

We believe that, in the context of the ORR's 2018 regulatory statement on the future operation of HS2 [\[Link\]](#) in respect of Open Access and the start of High-Speed services on the conventional network, LUMO's application should be reconsidered for operation beyond the start of HS2 operations on the West Coast Mainline. At paragraph 38 of its 2018 regulatory statement, ORR states that its focus will particularly be on Open Access applications that extend into the period of HS2 services, and in particular the impact that those applications have on the HS2 operations.

4) Network Capacity Implications from Changes to the Proposed Equipment:

i. Network Capacity

FTWCRL notes that this application does not seek to alter the existing quantum of rights which LUMO hold for the West Coast Main Line.

ii. Impact to Network Capacity from Changes to the Proposed Equipment

Our main concern rests with the proposal to introduce a further bi-modal traction onto the West Coast Main Line whilst power supply challenges remain – an issue which has had a detrimental effect on FTWCRL's own commercial ambitions and ability to utilise existing contingent rights in respect of our second hourly Liverpool service.

Whilst noting that current estimates for resolution of the traction power issues at Bushey & Acton Lane, and between Crewe & Weaver Junction are due to be resolved by the proposed commencement of this extension, we remain concerned that should these enhancements not take place within the timeframe, and should LUMO be granted their extension with the addition of new bi-modal rolling stock, that there could be an additional burden for existing operators to contend with.

FTWCRL has extensive experience of WCML power supply considerations, having worked collaboratively with Network Rail in recent years through the restoration of service levels after the pandemic. This has included replacement of diesel trains on Anglo-Scottish services, and towards the recent introduction to service of class 805 bi-mode units and class 807 EMUs on other routes.

FTWCRL note Network Rail's NW&C Power Supply Annual Statement 2024 v05 including its Red/Amber/Green categorisation in support of our comments on power supply. Further to this, we note the Early Indicator warnings received in July 2024 for Willenhall, Washwood Heath, Crewe and Weaver Jn feeder areas, and the subsequent Notice of Congested Infrastructure for the Crewe & Weaver areas in November 2025. Further Early Indicator of Congested Infrastructure notices were also issued for the Crewe station area and south thereof.

In the light of our experience with the Class 805 and Class 807 trains (which are very closely related to Lumo's existing Class 803 product), and our 2020 study into non-diesel operation options including batteries, we believe that Network Rail should, notwithstanding path availability, raise power supply issues with LUMO that may preclude their access to the WCML, particularly;

1. The power supply adequacy for operation of additional electric services through the Network Rail “RED” power supply zone in the Acton Lane feeder station area of supply. This extends from Euston to North Wembley Neutral Section in both directions and is already at the current limits of electrical supply standards such that in degraded N-1 conditions an operational mitigation is agreed for use which restricts train power consumption. This would impact all LUMO’s proposed services on arrival and departure at London Euston if operated via electric traction power.
2. The power supply adequacy for operation of additional electric services through the Network Rail “RED” power supply zone in the Weaver Junction feeder station area of supply. This extends from Weaver Junction to Crewe (Crewe North Neutral Section) in both directions and is at the voltage limits of electrical supply standards, with no operational mitigation to date agreed for use. This would impact LUMO’s proposed service between Crewe & Warrington Bank Quay.
3. There are known weaknesses in WCML diversionary power supply adequacy in the Willenhall (RED) and Washwood Heath (AMBER) feeder station areas and the capability of the Lumo trains to operate over appropriate diversionary routes, including these, in degraded operations would need to be proven.

Whilst FTWCRL is generally supportive of the utilisation of electric traction due to its environmental sustainability credentials when compared with diesel traction, we are concerned that this application would increase power draw at key locations which will, at the time of proposed operations commencing, be operating alongside AWC’s full 10tph service provision.

We therefore ask for confirmation of the following points from both Network Rail and LUMO:

From Network Rail, in that it can demonstrate that it has a high enough degree of confidence that it’s power supply upgrades are deliverable within the currently understood timeframe, and that it either does or doesn’t have the capacity to support additional trains operating on electric power through all affected areas.

From LUMO, in that if there is not enough power supply, or that further congested infrastructure is declared, that there will be an agreement to implement a power change-over for the duration of the affected area operating on either diesel or battery electric power.

5) Infrastructure

We note that there are a combination of non-HS2 related infrastructure changes that are both due to take place during the proposed extension period, or caused by the changed in specified equipment. FTWCRL are keen to clarify some items in this regard.

A key network capacity consideration is the deployment of ETCS from 2032 onwards, affecting West Coast Main Line North. Are LUMO able to confirm that the proposed changes to the specified equipment will also be compatible with the changes to the infrastructure in respect of ETCS?

Further to this and noting the bi-modal capabilities of these new trains, are LUMO able to confirm whether there will be any changes to existing infrastructure in respect of balises, which may or may not have an impact on AWC's and other operators' fleets?

6) Performance

The December 2022 timetable went through rigorous performance modelling to understand the impact of the timetable re-write and identify any improvements. This included several sensitivity tests for additional Avanti Liverpool services, Grand Union services (now First Rail Stirling – LUMO), and East West Rail services.

FTWCRL note that there was no performance analysis completed on the paths within this application against the newly proposed traction. We would be keen to understand how these services interact with services on the WCML once they become operational, and how this could change with a new fleet. FTWCRL is particularly interested in the extent to which TOC on TOC delay and industry punctuality measures would be improved.

FTWCRL would like to understand what mitigations LUMO would propose to support protecting performance on this key critical part of the network for all rail users. We also have concerns over platform capacity at Euston, particularly as we expect HS2 works to reduce platform capacity during the proposed period of operation. We would like to understand how LUMO would look to adapt its operation in the event of reduced station capacity.

7) Rolling Stock Characteristics and Maintenance:

i. Viability of Rolling Stock to meet the SRT

FTWCRL has no specific objections to the proposed rolling stock in respect of Sectional Running Times, noting that this is like AWC's Class 805 & Class 807, and SRTs would likely match our own profiles.

ii. Train Maintenance Facilities

It is not clear from the LUMO application where it's trains would be maintained. Given the geographical overlap, FTWCRL would anticipate that this would utilise existing space on depots already used for AWC services.

FTWCRL understand several Light Maintenance Depots (LMDs) on or near the WCML are at capacity; if there were to be any overlap, we would be seeking confirmation from the Depot Facility Owner's that the additional proposed services would not be to the detriment of provisions for AWC services. Depot capacity is of equal concern as Network capacity in this regard.

We are concerned that this application would lead to an increased pressure on available depot facilities and maintenance slots required for AWC's fleets. FTWCRL would like to understand how LUMO would intend to utilise depot capacity, including slots onto & off depots, and where these would be located, demonstrating how it would not be detrimental to the performance and maintenance of existing train fleets from other operators, inclusive of us and others already utilising those depots.

iii. Sustainability & Environmental factors

FTWCRL has no specific objections to the proposed fleet on either sustainability or environmental factors.

8) Demand and Revenue – Current and Future:

FTWCRL remain concerned with the level of abstraction that LUMO are likely to draw from its services. Internal modelling suggests that annually this will be a high seven figure number.

FTWCRL is operating on a National Rail Contract as directed by the Secretary of State; we believe LUMO needs to provide more consideration in this regard, given the potential cross-over with High-Speed services which are due to commence operations on the conventional network prior to the end of the proposed dates in LUMO's application.

In this respect, we ask that the ORR weighs heavily it's duties under **Section 4.5(c)** of the Railways Act 1993 in considering the funds available to the Secretary of State both now and under the future operating environment for High-Speed services.

9) Conclusion:

FTWCRL has assessed LUMO's proposal objectively and consistently with other Open Access applications submitted over the past few years, giving due consideration to the commencement of High-Speed (HS2) services on the WCML, Network capacity, Infrastructure and Revenue.

FTWCRL believes that further consideration is required, especially respective of the start of High-Speed services on the conventional network & subsequent network capacity, in addition to power supply constraints on the WCML. We also ask that the ORR considers its duties under Section 4.5(c) in respect of the funds available to the Secretary of State when making its decision.

Following our assessment of LUMO's application to extend its existing access rights alongside changing its proposed rolling stock, and whilst recognising the importance of healthy competition on the network for the benefit of the passenger, FTWCRL is unable to support the application in its current form at the present time.

Should concerns regarding these issues be addressed, we would be happy to re-assess this application in the future.

Please get in touch with any questions in the meantime.

Yours sincerely,

Andy Doyle

Andy Doyle

Head of Operational Readiness

Avanti West Coast

From: Cross Country Trains
Sent: 25 November 2025 10:52
To: Network Rail
Subject: RE: First Rail Stirling S17 Application – Industry Consultation

Hi Lucinda,

Due to no issues being raised at CrossCountry during the consultation period, we have no objections to your proposed supplemental agreement.

Kind Regards

Martin Haffner, Track Access Manager, CrossCountry
Address: 5th Floor, Multistory, 18 The Priory Queensway, Birmingham, B4 6BS



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Department
for Transport

Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Tel: 07798 741868

Email: [REDACTED]

12 December 2025

Lucinda Jones, Franchise & Access Support Manager
by email: [REDACTED]

Dear Lucinda,

First Rail Stirling S17 Application

Thank you for sharing the above track access application from First Rail Stirling, and for providing the Department for Transport the opportunity to respond to this industry consultation.

The Government's view is that open access can provide benefits such as improved connectivity and choice for passengers but can also increase costs to taxpayers and create additional performance pressures. Open access services must genuinely add value for customers and the overall rail system and not inhibit the efficient operation of the network or divert significant revenue from existing operators – all of which are currently supported by the taxpayer in some form. The Secretary of State was clear on the importance of this in her 6 January letter to the Office of Rail and Road (ORR), and this remains the case.

In addition we would ask and expect that ORR be mindful of the reforms set out in the Railways Bill, now in Parliament, particularly the future role of Great British Railways (GBR) to be a directing mind with responsibility for deciding the best use of network capacity. ORR will of course need to consider any access decisions, including extensions to existing contracts, before the formal stand-up of GBR very carefully and in line with its existing legal duties. In particular we would expect ORR to give full consideration to any extensions of a longer duration against these wider government policy positions.

With regard to this application from First Rail Stirling, we would make a number of further observations for the ORR's consideration. I should reiterate that the Department did not support the previous iterations of the original applications submitted by Grand Union Trains to operate services on this route, and raised concerns over performance and abstraction impacts. These concerns remain valid, and we would seek reassurance from the regulator that these impacts over a potential longer access contract are suitably understood and acknowledged.

Services on this route have not yet commenced and were originally consulted upon and approved on the basis of the existing access contract to 2030. As such, this proposed extension to begin in 2030 for a service not yet in operation is necessarily less well-evidenced at this stage. While the procurement of five new trains would represent welcome investment by First Rail, ORR will need to consider carefully how an extension to 2038 would be necessary to ensure the profitability of the service, why investor confidence would be undermined without such an extension, or any conditionality between service implementation and the investments proposed.

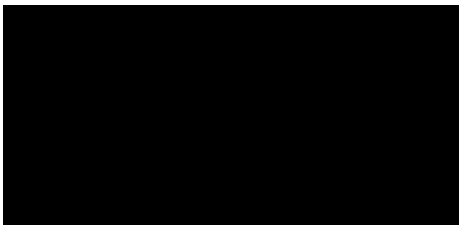
This proposed rolling stock could have an impact upon performance, for both passengers and other users of the network. Power supply on the West Coast Main Line (WCML) is already a

significant issue with systems currently operating at very near capacity. Network Rail has already stated it is unable to accommodate short-term committed electric traction uplifts on the WCML without compromising performance, and on 26 November 2025 issued a further declaration of congested infrastructure on all lines of the WCML between Crewe and Weaver Junction. It is clear that in the longer-term, further intervention would be necessary to support the growth of electric traction. While this application intends to make use of new-build battery/electric bi-mode rolling stock rather than conventional electric traction, the impacts of sporadic and enhanced power draw when charging batteries must be fully considered and potential performance risks. This is already the case at the southern extremity of the WCML at Euston where power constraints are especially acute, but recent declarations highlight impacts across WCML more broadly. These impacts must be fully considered in any decision that is reached.

Therefore, due to the reasons explained above, **the Department for Transport does not support this application.**

Please do not hesitate to get in touch if you have any questions about the Department's response or the points raised.

Yours sincerely,



Alex Szyjanowicz
Deputy Director, Rail Reform

Lucinda Jones
Franchise & Access Support Manager,
Network Rail
The Quadrant, Elder Gate, Milton Keynes, MK9 1EN

Cc: [REDACTED], [REDACTED] & [REDACTED]

1st December 2025

Dear Lucinda

First Rail Stirling – Section 17 Application

Thank you for the opportunity to comment on First Rail Stirling's S17 application.

LNER wishes to make the following points on this proposal:

1. LNER queries the contractual validity of First Rail Stirling Limited directly replacing the existing Stirling route contract with extended agreement ending date but all other details to remain constant. The application reads as if a two-step process is being combined into one-step (contract extension and a Novation). The application reads as if it is a new contract rather than a Novation, which seems irregular to maintain several of the conditions of the existing contract but able to extend the agreement expiry date.
2. LNER challenges the extension of the Stirling route access agreement to 2038 in this format. LNER understands the reasoning provided of obtaining investment for new battery electric bi-mode trains but queries the format of the application.
3. Section 2.2 states that that 'Lumo holds the necessary license and safety certificates, but it is intended that this company will procure its own before start of operations'. This statement is jarring as the application states this is intended to be a replacement of the current access agreement to First Rail Stirling Limited, surely, they will be required to hold all relevant and necessary licenses and safety certificates to operate and not rely on the previous access agreement Train Operator. This implies that depending on the circumstances either East Coast Trains or First Rail Stirling can step forward to fulfil the contractual requirements which seems irregular.

Based on the confusing nature of the application, LNER objects to the application and requires further information to review their position.

Yours sincerely,



Olivia Richardson
Track & Station Partnership Manager

From: Northern Railway
Sent: 01 December 2025 11:02
To: Network Rail
Subject: RE: First Rail Stirling S17 Application – Industry Consultation

Hi Lucinda,

Northern don't have any particular objections to this proposal, as the access rights have already been directed by the ORR previously. However we wish to note that the duration that First Rail are seeking is well beyond the set up of GBR and longer than any franchised operator received under the old franchising model.

Thanks,

Kate

[Northern Railway]

From: Transport Focus
Sent: 04 November 2025 15:24
To: Network Rail
Subject: Re: First Rail Stirling S17 Application – Industry Consultation

Hi Lucinda

Thanks for this proposed amendment to First Rail Stirling Ltd's track access contract, which would extend it to 2038. No substantive comment from us at this stage - we support the introduction of new rolling stock and recognise the need for certainty, but would wait until the new services are up and running to make an informed view on changes to the agreement.

Best regards

Martin

Martin Clarke
Rail technical advisor

Transport Focus
The independent transport user watchdog



Lucinda Jones
Network Rail
By Email Only

27th November 2025

Dear Recipient,

Re: First Rail Stirling S.17 Stirling

Thank you for providing West Midlands Trains (hereafter “WMT”) with the opportunity to comment on the Section 17 application submitted by First Rail Stirling.

WMT is the custodian of local, regional, and inter-regional train services between the West Midlands, West Coast and London, with a responsibility for 58.1 million passenger journeys a year and does so in close collaboration with parties including Avanti West Coast, CrossCountry, Chiltern Railways, Great Western Railway, Transport for Wales, Transport for West Midlands, Network Rail, and Freight Operators.

WMT is unable to support the proposal from FRS in its current form. Whilst WMT understand the current position of FRS rights to use class 222 services for testing, we are concerned about the proposed timeline and the lack of detail included to ensure the bi-mode class 80X will be available for service in time. The second concern that WMT wish to raise is due to there being no current performance information supplied, it is difficult to understand the potential performance and revenue benefits or risks that this proposal will have on the railway, specifically in line with the proposed calling pattern via the Trent Valley and West Coast Main Line South.

Performance data is also required to understand whether the extension of rights will work alongside future projects such as the completion of HS2 where capacity will once again increase in already busy areas of the network.

Yours sincerely

Charlie Green
Track Access Contract Manager

London Northwestern & West Midlands Railways
Registered address:
St Andrews House
20 St Andrew Street
London
EC4A 3AG

Registered number: 9860466
VAT number: 278 2688 49



From: West Yorkshire Combined Authority
Sent: 03 November 2025 15:24
To: Network Rail
Subject: RE: First Rail Stirling S17 Application – Industry Consultation

Good afternoon

On the basis that we assume there to be no impacts on the East Coast Mainline, we as West Yorkshire Combined Authority would confirm we haven't got any comments to make on this one at present.

Many thanks as ever

Regards
Mick Sasse

Michael Sasse
Rail Development Manager
West Yorkshire Combined Authority