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Senior Executive, Access & Licencing
Office of Road and Rail
(by email only)

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First Rail

c.c. Gianmaria Cutrupi

2nd January 2026

Dear David,

First Rail Stirling Limited – Section 17 Application (Rochdale Services)

Below are the FG comments on the NR representations.

The commercial structures of the FirstGroup rail businesses are for FirstGroup to decide upon and are not relevant to this application process. Each agreement is separate, even they do trade under one company brand, and, for commercial reasons, there is no plan to combine them into one agreement with NR.

The main barrier to entry for Open Access operators is the supply of rolling stock. In the case of new (either to route or network) rolling stock, Rolling Stock Companies and Financiers will not seriously engage with applicants until the Rights have been awarded.

This has been known about since the first OA application in 1999 and to avoid Part F being an insurmountable barrier to entry, Rights for OA services are usually awarded by the ORR in advance of Part F being undertaken. This is allowed for in Part F and I quote from of the explanatory notes:

“Where a Vehicle Change is required as a result of a Change of Law or a Direction from a Competent Authority, the normal Vehicle Change procedure will be applied.”

In this case the Competent Authority is the ORR and the Vehicle Change procedure follows the awarding of Rights. It does not excuse the applicant from that process, nor the relevant compatibility processes for bringing a new vehicle type to the Network or part of the Network.

We therefore reject the charge that the Vehicle Change process has not been followed. NR is being premature in insisting that it is concluded before the awarding of Rights. Following any such ORR award, the Part F process will commence.

The use of class 80x is quite deliberate in this respect as, once the real class number is handed down by the Rolling Stock Library, it will form part of the Part F process. This gives NR added protection that units cannot just operate from the awarding of rights.

The assumption that the units will be fitted with batteries “mainly for onboard services” is incorrect. These will be bi-mode units with batteries used for traction, especially in areas where the power supply is or will be restricted. That is the whole point of using batteries in this application.

As a user of a frequent, and for many years daily, user of Euston Station, I dispute the claim that the concourse design does not lend itself to spikes in demand well. The resourcing on, and access to, the platforms is the key determinate here and the under resourcing by TOCs (as compared to BR days) has led to passengers being needlessly held on the concourse. The “new” arrangements to access tube services are painful, they lead to conflicts, and the tube access should ideally revert to the original 1968 configuration.

Lumo proposes to staff up accordingly so that turnround activities can be completed in a timely manner with sufficient resources for a quick turnround when required. It is something that Hull Trains perfected at Hull when we were forced to do it regularly in 12 minutes.

We recognise the WCML is currently performing badly. The figures for the evening peak out of Euston are awful and quite why deserves further attention. Is it the timetable? Is it TOC/FOC resourcing? Is it infrastructure performance?

FirstGroup has a long-standing aversion to “firebreaks” because we feel they are like applying a sticking plaster over a major wound. They are no substitution for a properly constructed timetable with robust published rules, adequate resourcing, and the appropriate contingency plans for times of perturbation (including “cut and run” policies).

They will also stop underutilisation of the WCML, a national resource which the Treasury rightly demands a return on. Extreme risk-averse behaviour, no doubt encouraged by NR individual management objectives, is currently ruling the roost on the WCML. We, therefore, are planning to the current published “legal” Rules.

In the Open Access world, we cannot accept poor or mediocre performance. It has a direct effect on our bottom line. The conflicts that exist in the NR report reflect the differing versions of the databases we are both using and we aim to be compliant with the Rules (especially the restrictions listed in 5.2.2), but it must be recognised that databases change over time and even the May 2026 timetable will alter again before we will commence services.

The points about the various taskforces and industry groups are recognised but these groups operate in a vacuum of their own and their behaviour can be exclusionary, even cartel like as they seek only to accommodate their services (both current and future) and not leave space for others. They also need to be far more pro-active in making

formal applications for new rights, not just expecting to “jump the queue” because they have only produced a plan.

We note the NR comments about some of the drafting and once any directions have been issued, we would like to discuss any necessary contract revisions with NR.

Yours Sincerely

(signed)

Andy Wylie