

APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A PASSENGER TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT

ORR ensures that train operating companies have fair access to the rail network and that best use is made of capacity. If a train operator wants to access the national railway network, it will need a track access agreement with Network Rail which requires ORR's approval under the Railways Act 1993. When determining access to the network, we must have regard to our [statutory duties](#), most of which are set out in section 4 of the Act. We must exercise our functions (which include the approval of access contracts) in a way that we consider best achieves those duties.

Use this form to apply to the Office of Rail and Road (ORR) for a passenger track access contract, or an amendment to an existing contract by a supplemental agreement, under sections 17-22A or the Railways Act 1993.

It sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) (and our [making an application](#) guidance in particular) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry [code of practice for track access application consultations](#) for more information.

This form should be completed up to section 10 and sent to consultees along with a copy of the proposed contract or supplemental agreement. Sections 10 and 11 should be filled in after the consultation and before applying to ORR.

We are happy to talk to you informally before you apply. Please contact us [here](#). You can download a copy of this form, and of our model track access contract, from our [website](#). Please ensure that you are using the latest version of this form as published on our website. We may ask for applications which have not used the latest version to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

1. Application Summary

1.1 Beneficiary company name:

XC Trains Ltd

1.2 Facility owner details:

Network Rail: ☒

Region: Southern ☒ Eastern ☒ North West & Central ☒ Wales & Western ☒ Scotland's Railway ☐

Other Facility Owner: ☐ Please state:

1.3 Application under the Railways Act 1993 section:

17 ☐	18 ☐	22 ☐	22A ☒
Supplemental Number:			48
Current contract date:			8 th August 2017
Current contract expiry date:			11 th December 2027

1.4 Applicant status:

Public Service Operator ☒	Public service contract start date:	15 th October 2023
	Public service contract end date:	October 2031
	Name of funder (e.g. DfT, Local Authority):	DfT
	Does the funder support this application?	Yes ☒ No ☐
Open Access ☐		
Charter Operator ☐		

1.5 Executive summary of the proposed contract or amendment:

This application is being progressed as a S22A application.

CrossCountry has developed this application on a without prejudice and subject to contract basis.

The rights requested as part of this supplemental agreement follow on from our 38th and 44th SA for Dec'25 TT. A number of rights proposed were included in our 45th SA for May 26 TT. CrossCountry have a further application currently out for industry, the 46th SA. The proposed 46th SA includes firm and contingent rights for Dec'26 TT for our Glasgow extensions. The rights in the 46th are not dependent on the rights within the 48th.

These rights are required to run our Dec 26 TT including TSR3 paths to meet our contractual obligations to the DfT and meet our aspirations from the ECML ESG and subsequent sprint workstreams. We have a number of contingent rights in our 38th SA that will expire at PCD2026 and will roll these forward and apply for them as firm rights in this 48th SA. We also have a number of rights in our 45th that are contingent and expire at the start of PCD2026 and these are included here to roll forward as firm rights.

As the rights in the 48th are being applied for as firm rights, the baseline is based on the rights listed in Table 2.1 and Table 2.2 in the 45th.

There are updates to our table 2.3, which show where our rights combine to make through passenger services. Table 4.1, which show our calling patterns has also been updated following an internal review.

The below rights are being proposed as part of this 48th SA. This marks an **increase of 10 rights** along with the rolling over of **47 rights** from the 38th SA and **34 rights** from the 45th that were contingent and expire at PCD2026. **These expiring contingent rights are being applied for as firm rights as part of this application** Access rights in this application are across the week and across all of our service groups.

All rights requested are aligned to the Dec 26 TT offer.

Table 2.1

- Additional 10 new rights
- The remainder of rights relate to rolling forward rights that are currently contingent rights that expire at the start of PCD2026 (on our 38th or 45th SA) which we are requesting as firm rights in this application.

Proposed commencement date:	PCD 2026
End date:	PCD 2027
Date approval or directions wanted by:	As soon as possible

1.6 Industry consultation:

Who carried out the consultation?

Network Rail

Consultation start date: 15/07/2026

Consultation end date: 15/08/2026

Not carried out ☐**1.7 Applicant details**

Facility Owner Company: Network Rail Infrastructure Ltd Contact name: [REDACTED] Job title: [REDACTED] Address: Baskerville House, Centenary Square, Broad St, Birmingham B1 2ND Phone: [REDACTED] E-mail: [REDACTED]	Beneficiary Company: XC Trains Ltd Contact name: [REDACTED] Job title: [REDACTED] Address: Multistory House, 18 The Priory Queensway, Birmingham B4 6BS Phone: [REDACTED] E-mail: [REDACTED]
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1.7 Date of application to ORR: 04/09/2026**1.8 Checklist of documents attached to the application form:**

- Proposed new contract (S17 or S18) or supplemental agreement (S22 or S22A) ☒
- Marked up Schedule 5 (where applicable) ☒
- Marked up comparison to model contract (where applicable) ☐
- All consultation correspondence ☒
- Supporting documentation required for competing services (see section 6.2) ☐
- Other supporting documents, side letters or collateral agreements (please list):

2. Licence and railway safety certificate**2.1 Please state whether:**

- you intend to operate the services yourself; or ☒
- have them operated on your behalf. ☐
 - if so, please name the proposed operating company: N/A

2.2 Does the proposed operator of the services:

(a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and**



(b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.



If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

N/A

3. The proposed contract or amendment

3.1 Application overview: Please detail the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely and fully highlight the changes from the previous version of the contract (in the case of an amendment).

Table 2.1

- Additional 10 new rights
- The remainder of rights relate to rolling forward rights that are currently contingent rights that expire at the start of PCD2026 (**47 rights** from the 38th SA and **34 rights** from the 45th). **These expiring contingent rights are being applied for as firm rights as part of this application**
- Surrender of 2 rights

Weekdays

New services

- 1E30 09:28 Birmingham New Street to York
- 1E60 16:41 Reading to Derby
- 1V88 12:35 York to Reading

Additional rights – note the expiring contingent rights below are being applied for as firm rights as part of this application

1.7a Bristol Temple Meads to Birmingham New Street, +1 firm SX right sought to replace a contingent right from the 38th which are time dated to expire at PCD 26

1.13b, Reading (via Solihull) to Birmingham New Street, +1 firm SX rights sought to support x 1 additional service 1E60 and +3 firm SX rights sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26 and +3 firm SX rights sought to replace 3 contingent rights from the 45th which are time dated to expire at PCD 26

1.15b Birmingham New Street to Manchester Piccadilly (via Styal) +1 firm SX right sought to replace a contingent right from the 38th which are time dated to expire at PCD 26

1.18, Birmingham New Street to York (via Doncaster), +1 firm SX rights sought to support x 1 additional service 1E30 and +1 firm SX right sought to replace a contingent right from the 38th which are time dated to expire at PCD 26 and +1 firm SX right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

1.19, Birmingham New Street to Newcastle (via Doncaster), +3 firm SX rights sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26 and +1 firm SX right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

1.23, Leeds to Newcastle, +1 firm SX right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

1.35, Newcastle to Birmingham New Street (via Doncaster), +1 firm SX right sought to replace a contingent right from the 38th which are time dated to expire at PCD 26 +5 firm SX rights sought to replace contingent rights from the 45th which are time dated to expire at PCD 26

1.42, Manchester Piccadilly to Birmingham New Street, +1 firm SX right sought to replace a contingent right from the 38th which are time dated to expire at PCD 26 +1 firm SX right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

1.44a, Birmingham New Street and Reading (via Solihull), +1 firm SX rights sought to support x 1 additional service 1V88 and +3 firm SX rights sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26 and +3 firm SX rights sought to replace 3 contingent rights from the 45th which are time dated to expire at PCD 26

1.56, Birmingham New Street to Derby, +1 firm SX rights sought to support x 1 additional service 1E60

1.57, York to Birmingham New Street (via Doncaster), +1 firm SX rights sought to support x 1 additional service 1V88 and +1 firm SX right sought to replace a contingent right from the 38th which are time dated to expire at PCD 26 , and +1 firm SX right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

Saturdays

New services

- 1E30 09:28 Birmingham New Street to York
- 1E60 16:41 Reading to Derby
- 1V88 12:35 York to Reading

Additional rights note the expiring contingent rights below are being applied for as firm rights as part of this application

1.13b, Reading (via Solihull) to Birmingham New Street, +1 firm SO rights sought to support x 1 additional service 1E60 and +4 firm SO rights sought to replace 4 contingent rights from the 38th which are time dated to expire at PCD 26 and +1 firm SO right sought to replace 1 contingent rights from the 45th which are time dated to expire at PCD 26

1.14, Birmingham New Street to Manchester Piccadilly +1 firm SO right sought to replace 1 contingent rights from the 45th which are time dated to expire at PCD 26

1.18, Birmingham New Street to York (via Doncaster), +1 firm SO rights sought to support x 1 additional service 1E30 and +1 firm SO right sought to replace 1 contingent rights from the 45th which are time dated to expire at PCD 26

1.19, Birmingham New Street to Newcastle (via Doncaster), +4 firm SO rights sought to replace 4 contingent rights from the 38th which are time dated to expire at PCD 26 and +1 firm SO right sought to replace 1 contingent rights from the 45th which are time dated to expire at PCD 26

1.34, Newcastle to Leeds, +1 firm SO right sought to replace 1 contingent rights from the 45th which are time dated to expire at PCD 26

1.35, Newcastle to Birmingham New Street, + 2 firm SO rights sought to replace 2 contingent rights from the 38th which are time dated to expire at PCD 26, and +3 firm SO right sought to replace 3 contingent rights from the 45th which are time dated to expire at PCD 26

1.41, Derby to Birmingham New Street, +1 firm SO right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

1.44a, Birmingham New Street to Reading (via Solihull), +1 firm SO rights sought to support x 1 additional service 1V88 and +3 firm SO rights sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26 and +2 firm SO right sought to replace 2 contingent rights from the 45th which are time dated to expire at PCD 26

1.56, Birmingham New Street to Derby, +1 firm SO rights sought to support x 1 additional service 1E60

1.57, York to Birmingham New Street (via Doncaster), +1 firm SO rights sought to support x 1 additional service 1V88 and +2 firm SO right sought to replace 2 contingent rights from the 38th which are time dated to expire at PCD 26 +1 firm SO right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

Surrendered Rights

1.16, Birmingham to Leeds, -1 firm SO rights

1.23, Leeds to Newcastle, -1 firm SO rights

These changes relate to 1E52 which until PCD2025 ran via Wakefield and Leeds however with the introduction of Northern's Yorkshire Flyer service was rerouted via Doncaster with the subsequent rights updated however as an oversight the rights via Leeds were not surrendered at the time. This application corrects that oversight

Sundays

Additional rights note the expiring contingent rights below are being applied for as firm rights as part of this application

1.13a, Reading (via Coventry) to Birmingham New Street, +5 firm SU rights sought to replace 5 contingent rights from the 38th which are time dated to expire at PCD 26

1.13b, Reading (via Solihull) to Birmingham New Street, +1 firm SU right sought to replace 1 contingent right from the 38th which are time dated to expire at PCD 26

1.18, Birmingham New Street to York (via Doncaster), +3 firm SU rights sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26

1.19, Birmingham New Street to Newcastle (via Doncaster), +3 firm SU rights sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26 +1 firm SU right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

1.34, Newcastle to Leeds, and +1 firm SU right sought to replace 1 contingent rights from the 45th which are time dated to expire at PCD 26

1.41, Derby to Birmingham New Street, +1 firm SU right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

1.44a, Birmingham New Street and Reading (via Solihull), +1 firm SU right sought to replace 1 contingent right from the 38th which are time dated to expire at PCD 26

1.44b, Birmingham New Street to Reading (via Coventry), +1 firm SU right sought to replace 1 contingent right from the 38th which are time dated to expire at PCD 26 and +3 firm SU rights sought to replace 3 contingent rights from the 45th which are time dated to expire at PCD 26

1.57, York to Birmingham New Street (via Doncaster), +3 firm Su right sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26

Table 2.3

Following the introduction of additional Newcastle-Reading service groups to meet our TSR3 commitment and as detailed in table 2.1 above, we require a new combination to allow for a Reading to Birmingham (1.13b) right to combine into a Birmingham to Derby (1.56) right to cater for 1 weekday/Saturday service

To facilitate the additional Newcastle to Reading service group services to meet our TSR3 commitment as mentioned above in table 2.1, we need to increase the number of services that combine from 1.57 (York to Birmingham) into 1.44a and 1.44b (Birmingham to Reading) to include the extra services, across Saturday and weekdays. Note these rights to combine already exist and this change is just an uplift in numbers of combinations.

Table 4.1

Updates have been applied throughout table 4.1 to ensure the data reflects current operating practice.

3.2 Safety risks: Please explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate).

Level Crossing risks have been highlighted at Holmes (Rotherham), East Mids, and Oxford. However, East Mids have safety concerns around the impact of the small incremental changes that occur over time and the cumulative impact that they bring on already high-risk 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 however noting as part of the ECML ESG and subsequent sprint workstreams XC stipulated its intentions to run an hourly Newcastle to Reading service of which this application does not take us above. There are aspirations from open access operators that interact with the XC application including Grand Central's aspiration for Newcastle to Brighton.

3.3 Contract duration: For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the [Railways \(Access, Management and Licensing\) Regulations 2016](#).

N/A

3.4 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): Please explain any areas of the application which have **not** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

This application interacts with Grand Central's S17 Newcastle to Brighton application. Network Rail has previously identified these proposals as interacting with each other regarding capacity on parts of the network, particularly across the ECML, Birmingham area and Oxford corridor.

Whilst a number of the services associated with this proposal have previously been reflected in industry timetable development workstreams and the ECML timetable development process, Network Rail considers that further evidence is required to demonstrate the long-term performance sustainability of these rights before a permanent position can be established.

Concerns were raised around traincrew resourcing in CrossCountry's 45th SA. It was confirmed in response that the Sunday services are challenging due to rules governing train crew. ORR advised that "CrossCountry needs to ensure its plans are in place sufficiently in advance of service delivery and in this case ensure that traincrew resourcing issues do not impact on network performance". Network Rail does not consider that sufficient evidence has yet been provided to demonstrate that traincrew resource plans are robust enough to support the full quantum of rights sought for the duration of the application. Challenges around this and to performance were initially seen in the May 2026 timetable. A number of initiatives around industry alongside TOC on self performance and processes around traincrew governance and assurance are being implemented to resolve these challenges.

3.5 Bespoke provisions (departures from ORR's model access contracts)

Does the proposed contract include any departures from ORR's model access contract:

Yes

☐

No

☒

If yes, please set out and explain any:

- areas where the drafting of the application changes ORR's published template access contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

N/A

- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model access contracts, including the financial implications (e.g. establishment of an access charge supplement or rebate).

N/A

- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

N/A

3.6 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our [website](#) fully up to date? If not, please explain why not.

Contract has been consolidated up to the 45th SA. The 45th includes contingent rights for May'26 which are being rolled over in this application.

4. The impacts of the proposal

4.1 Benefits: please set out what specific benefits the proposal will achieve. Please describe the benefits to passengers and any impact on other operators, including freight operators.

The Dec 2026 timetable builds on the uplifts since May 2023 timetable by enhancing the journey opportunities and connectivity for our long-distance customers. The uplift in the Reading-Newcastle service group satisfies an increased level of passenger demand which will benefit XCTL and the industry, reducing crowding and associated performance issues.

The increase in seating capacity across all routes has direct linkages to the comfort requirements of our Customer Proposition, with more choice of seats and luggage storage for customer journeys. It provides greater journey choice through frequency and connection opportunities across this route which supports the convenience element of our Customer Proposition.

We have expanded the size of our fleet with the acquisition of additional Class 221 Voyagers with the first sets having entered service from the commencement of the June 2024 timetable. These have improved our total passenger capacity provided by our timetable in phases. This enables some strengthening of existing services and sufficient rolling stock for the proposed additional services.

4.2 Capacity: How have you satisfied yourself that there is enough network capacity for the services in the proposal? Please include details on all relevant capacity considerations, including but not limited to track, platform availability, and power supply traction.

All rights contained within this application are associated with services offered in the Dec 2026 TT noting the vast majority are rolled over paths that have operated in recent TTs. We have worked closely with NR to accommodate the new paths and are grateful for the support of NR's Capacity Planning colleagues for their support during the TT development process. This application directly competes for capacity on the network across Birmingham, the East Coast and Oxford North Level Crossings and alongside current open access S17 applications for First Rail Stirling (Cardiff- York for Dec 28) and Grand Central (Newcastle- Brighton). This is noted here for transparency so that ORR are aware and can make an informed decision.

XC have dependencies with new Rights that cover the following geography:

Birmingham NS – Bristol TM: 1.17

Birmingham NS – Manchester Picc: 1.14, 1.15b, 1.42

Birmingham NS – Reading: 1.13a, 1.13b, 1.41, 1.44a, 1.44b, 1.56

Birmingham NS – Newcastle: 1.18, 1.19, 1.23, 1.34, 1.35, 1.57

These interact with the following unsupported S17 and S22a applications:

Avanti 36th/39th Liverpool/Blackpool/Chester – Euston: Birmingham NS – Manchester Piccadilly. Potential interaction at Stafford.

First Rail Stirling Cardiff – York: Gloucester – Birmingham – York.

First Rail Stirling Euston – Rochdale: Birmingham NS – Manchester Picc. Potential interaction at Stafford.

FRWW Paddington – Paignton/Bristol/Exeter: Potential interactions at Reading.

FRWW Paddington – Hereford: Potential interactions at Reading.

GBRf 45th: Likely to be interactions with various headcodes.

Grand Central Newcastle – Brighton: Newcastle – Reading.

Grand Central Bradford/Wakefield – London Kings Cross: Potential interactions in the Doncaster area.

Grand Central Cleethorpes – London Kings Cross: Potential interactions in the Doncaster area.

GWR 113th new station at Filton: Potential interactions in the Bristol area.

GWR 128th Bristol – Oxford: Potential interactions in the Bristol and Oxford areas.

TfW 52nd Bristol – West Wales: Potential interactions in the Bristol area.

WSMR Wrexham – London Euston: Potential interactions in the Water Orton area.

There are also the following known applications out for consultation which XC rights may interact with:

Grand Central Waterloo – Bristol TM: Potential interactions at Reading.
Grand Central London St Pancras – Manchester Piccadilly: Derby – Sheffield area and Stockport – Manchester Piccadilly.

4.3 Performance: What is the impact on network performance? Please outline your assurance process that shows that any performance risk is tolerable in comparison to the benefits of the application. Please explain any risk mitigations. Please attach any associated evidence to support your case.

Resource Position

Whilst there have been challenges with Driver and Train Manager resource availability in recent years, significant recruitment has been taking place and is planned to continue for all grades. Each traincrew depot is receiving the appropriate number of trainees to build the establishments required by the timetable. Several depots already have the appropriate productive headcount.

Work continues to identify the required number of traincrew to deliver our future timetable aspirations although uncertainties around granting of track access rights create challenges to our long term forecasting, recruitment and training plans. We have plans in place to deliver this ready for the Dec 26 timetable change. We work closely with Industry PMO to manage the risk, whilst internally are rolling out our 7 point plan as requested by the DfT to improve our resource related performance, reduce traincrew related cancellations in the short term whilst developing long term traincrew forecasting and assurance processes to future proof our resource position and prevent short term shocks to service delivery.

Performance

Our four Regional Performance Managers continue to work in their respective regions to improve performance wherever they can. Some examples of their recent work include:

- Creating regulation policies across the East Coast Mainline (Doncaster, York, Newcastle, and Edinburgh) to protect our performance which is threatened by the extra LNER services running this timetable.
- Improved regulation policies on the approach to Sheffield to ensure paths are kept through the congested Sheffield to Leeds section.
- Ongoing reviews at Sheffield station with other TOCs to improve efficiency of platforming, creating a more productive station.
- Local government collaboration and infrastructure to prevent trespass at known hotspot areas.
- Modernising signal infrastructure between Bournemouth and Southampton and ensuring that signallers always raise the barriers at Brockenhurst level crossing with plenty of time to spare.
- Agreed with Network Rail and Great Western Railway for our services to leave Plymouth first if their service is late. This avoids our Anglo-Scots following the service all the way to Taunton and losing its path all the way to Scotland and minimises overall industry delay.

This year marks a clear change in direction for the CrossCountry performance strategy. While the strategy will continue to align with revised Network Performance Board (NPB) requirements, the primary focus will shift to service group-level performance. Initially, this will concentrate on three service groups—either because they account for the majority of CrossCountry Time to 3 (T3) failures so far this year, or, in the case of Newcastle–Reading, due to the proposed uplift in services within the May 2026 timetable that requires additional attention.

By placing greater emphasis on service group impact, we will strengthen engagement with the Network Rail routes each group operates across. This approach enables more targeted, data-driven discussions, supports a deeper understanding of the underlying performance drivers at a granular level, and allows us to make more effective use of the Whole System Model to identify the interventions that will deliver meaningful performance improvement.

The three service groups are:

- **Bournemouth to Manchester – 38,235 T3 failures**
- **Stansted to Birmingham – 24,643 T3 failures**
- **Newcastle to Reading – 6,022 T3 failures**

4.4 Maintenance and renewals: Are there any implications for the facility owner's maintenance and renewal activities?

None

5. The expression of access rights

5.1 Changes to rights: please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please attach a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

The below rights are being proposed as part of this 48th SA. This marks an **increase of 10 rights** along with the rolling over of **47 rights** from the 38th SA and **34 rights** from the 45th that were contingent and expire at PCD2026. **note the expiring contingent rights below are being applied for as firm rights as part of this application** Access rights in this application are across the week and across all of our service groups.

All rights requested are aligned to the Dec 26 TT offer.

A marked up rights table has been provided in Appendix 1 of this application.

Table 2.1

- Additional 10 new rights
- The remainder of rights relate to rolling forward rights that are currently contingent rights that expire at the start of PCD2026 (**47 rights** from the 38th SA and **34 rights** from the 45th) and they are being applied for as firm rights in this application.
- Surrender of 2 rights

Weekdays

New services

- 1E30 09:28 Birmingham New Street to York
- 1E60 16:41 Reading to Derby
- 1V88 12:35 York to Reading

Additional rights

1.7a Bristol Temple Meads to Birmingham New Street, +1 firm SX right sought to replace a contingent right from the 38th which are time dated to expire at PCD 26

1.13b, Reading (via Solihull) to Birmingham New Street, +1 firm SX rights sought to support x 1 additional service 1E60 and +3 firm SX rights sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26 and +3 firm SX rights sought to replace 3 contingent rights from the 45th which are time dated to expire at PCD 26

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1.56, Birmingham New Street to Derby, +1 firm SX rights sought to support x 1 additional service 1E60

1.57, York to Birmingham New Street (via Doncaster), +1 firm SX rights sought to support x 1 additional service 1V88 and +1 firm SX right sought to replace a contingent right from the 38th which are time dated to expire at PCD 26 , and +1 firm SX right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

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Additional rights

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1.35, Newcastle to Birmingham New Street, + 2 firm SO rights sought to replace 2 contingent rights which are time dated to expire at PCD 26, and +3 firm SO right sought to replace 3 contingent rights from the 45th which are time dated to expire at PCD 26

1.41, Derby to Birmingham New Street, +1 firm SO right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

1.44a, Birmingham New Street to Reading (via Solihull), +1 firm SO rights sought to support x 1 additional service 1V88 and +3 firm SO rights sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26 and +2 firm SO right sought to replace 2 contingent rights from the 45th which are time dated to expire at PCD 26

1.56, Birmingham New Street to Derby, +1 firm SO rights sought to support x 1 additional service 1E60

1.57, York to Birmingham New Street (via Doncaster), +1 firm SO rights sought to support x 1 additional service 1V88 and +2 firm SO right sought to replace 2 contingent rights from the 38th which are time dated to expire at PCD 26 +1 firm SO right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

Surrendered Rights

1.16, Birmingham to Leeds, -1 firm SO rights

1.23, Leeds to Newcastle, -1 firm SO rights

Sundays

Additional rights

1.13a, Reading (via Coventry) to Birmingham New Street, +5 firm SU rights sought to replace 5 contingent rights from the 38th which are time dated to expire at PCD 26

1.13b, Reading (via Solihull) to Birmingham New Street, +1 firm SU right sought to replace 1 contingent right from the 38th which are time dated to expire at PCD 26

1.18, Birmingham New Street to York (via Doncaster), +3 firm SU rights sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26

1.19, Birmingham New Street to Newcastle (via Doncaster), +3 firm SU rights sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26 +1 firm SU right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

1.34, Newcastle to Leeds, and +1 firm SU right sought to replace 1 contingent rights from the 45th which are time dated to expire at PCD 26

1.41, Derby to Birmingham New Street, +1 firm SU right sought to replace a contingent right from the 45th which are time dated to expire at PCD 26

1.44a, Birmingham New Street and Reading (via Solihull), +1 firm SU right sought to replace 1 contingent right from the 38th which are time dated to expire at PCD 26

1.44b, Birmingham New Street to Reading (via Coventry), +1 firm SU right sought to replace 1 contingent right from the 38th which are time dated to expire at PCD 26 and +3 firm SU rights sought to replace 3 contingent rights from the 45th which are time dated to expire at PCD 26

1.57, York to Birmingham New Street (via Doncaster), +3 firm Su right sought to replace 3 contingent rights from the 38th which are time dated to expire at PCD 26

Table 2.3

Following the introduction of additional Newcastle-Reading service groups to meet our TSR3 commitment and as detailed in table 2.1 above, we require a new combination to allow for a Reading to Birmingham (1.13b) right to combine into a Birmingham to Derby (1.56) right to cater for 1 weekday/Saturday service

To facilitate the additional Newcastle to Reading service group services to meet our TSR3 commitment as mentioned above in table 2.1, we need to increase the number of services that combine from 1.57 (York to Birmingham) into 1.44a and 1.44b (Birmingham to Reading) to include the extra services, across Saturday and weekdays. Note these rights to combine already exist and this change is just an uplift in numbers of combinations.

Table 4.1

Updates have been applied throughout table 4.1 to ensure the data reflects current operating practice.

5.2 Flexing rights: Please explain any limitations on the facility owner's flexing rights in the proposal and the rationale for such limitations.

None

5.3 Specified equipment: Please explain any changes to specified equipment (rolling stock). Has the vehicle and route acceptance procedure in the Network Code (Part F) has been completed? Please explain whether you have, or will have, the rolling stock necessary to exercise the rights.

N/A

5.4 Contractual obligations: Are the proposed services necessary to fulfil obligations under a public service contract? For publicly contracted operators seeking additional access rights, we will expect to see evidence of funder support for the specific rights and of operators' intent and ability to operate the new services.

The proposed services are required to fulfil contractual obligations contained in the XC National Rail Contract signed October 2023 and form part of the Train Service Requirements (TSR).

5.5 Public funding: Other than the DfT, Welsh Government or Transport Scotland, are the proposed services subject to financial support from central or local government including PTEs. If so, please give details.

N/A

5.6 Long Term Planning Process: Is the Long Term Planning Process (or similar devolved authority or regional service delivery project) relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

N/A

6. Competing passenger services:

We would expect to apply the 'not primarily abstractive' test to:

- (i) a new open access service which would compete with franchised services and so impact on the public sector funder's budget;
- (ii) a new franchised service which would compete with an existing franchised service, where we would expect to focus the test on areas where the competing franchised services are operated on behalf of different funders or where for some other reason there are particular concerns over the impact on a funder's budget; and
- (iii) a new service, which might be open access or franchised, which would compete with an existing open access service and which, if it caused the existing open access operator to withdraw from the market, could reduce overall competition on the network.

6.1 Please state if your application is for a competing passenger service, and if so please describe the nature of the competition:

All rights requested are associated with services offered for Dec 26 TT. This application directly interacts with capacity on the network across Birmingham, the East Coast and Oxford North Level Crossings as current open access S17 applications for First Rail Stirling (Cardiff- York for Dec 28) and Grand Central (Newcastle- Brighton). Additionally, there are known aspirations for Alliance Rail (Cardiff- Edinburgh for Dec 29). This is noted here for transparency so that ORR are aware and can make an informed decision.

6.2 For competing services, please also confirm that you have attached as part of your submission to ORR the following:

- Business plan, including details of:
 - forecasts of passenger traffic and revenues, including forecast methodology;
 - pricing strategies;
 - ticketing arrangements;
 - rolling stock specifications (e.g. load factor, number of seats, wagon configuration); ☐
 - marketing strategy;
 - estimated elasticities of the services (e.g. price elasticity, elasticity with respect to quality characteristics of the services).
- Demand forecasting (including associated spreadsheet models) demonstrating modelled generation : abstraction ratio. ☐
- Indicative timetables, including associated .spg files ☐

7. Incentives

7.1 Train operator performance: please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving operator performance.

Resource Position

Whilst there have been challenges with Driver and Train Manager resource availability, significant recruitment has been taking place and is planned to continue for all grades. Each traincrew depot is receiving the appropriate number of trainees to build the establishments required by the timetable. Several depots already have the appropriate productive headcount.

We have identified the required number of traincrew to deliver the Dec 26 timetable, and we have plans in place to deliver this ready for the timetable change.

Performance

The services will continue to be monitored in the same way as they currently are. This is in line with the Joint Performance Strategy. Our Regional Performance Managers will work with Network Rail to resolve any issues that may play out during the course of the timetable.

Fleet Position

Previously, XCTL has informed the DfT that Fleet Reliability will reduce over time, noting the aging profile of our rolling stock. We have looked to mitigate this by installing Performance Regimes in our Contracts to incentivise our fleet maintainers.

Since then, we've had some settling down of the numbers following the conversion from MTIN to Mp701D as the industry standard of measuring fleet reliability, but do not anticipate much in the way of an upward trajectory of these figures. The Turbostar Mp701D MAA now sits at 9,896 whereas the Voyager Mp701D MAA now sits at 21,192. It's likely that reliability improvement measures will look to stabilise current reliability rather than enhance this noting the age profile of the fleets.

Fleet refurbishment programmes are currently underway for both the Turbostar and Voyager fleets.

7.2 Facility owner performance: please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving the facility owner's performance.

Nothing specific at a high level is required for the service uplift proposed.

7.3 Monitoring of services: Will all proposed services be monitored for performance throughout their journey? If not, please explain.

The services will continue to be monitored in the same way as they currently are, in line with the Joint Performance Strategy

7.4 Performance regime changes (for applications under sections 17 or 22A only): where applicable, please provide justification for any changes to Schedule 8 of the track access contract in the proposal. If necessary, please provide any relevant information in support of the changes proposed.

N/A

8. Enhancement

8.1 Enhancement details: where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has

been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework).

N/A

8.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with the [investment framework](#), and summarise the level and duration of payments, and the assumed rate of return.

N/A

9. Other

9.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide evidence that this process has been completed.

The 46th SA is being reviewed by NR currently and will later be submitted for consultation as a S22 for Dec'26 TT. The 46th SA contains firm rights for additional services between Edinburgh and Glasgow.

9.2 Side letters and collateral agreements: please confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it.

N/A

9.3 Confidential redactions: please list any information that you have redacted from any documentation sent to consultees. If there has been no pre-application consultation, please list any information you want us to exclude from publication. Please provide full reasons for any redactions.

N/A

10. Pre-application consultation

10.1 The consultation:

If consultation has not been carried out, explain why not. If it has, please list the consultees.

n/a

Who conducted the consultation?

NR on behalf of XC with XC responding to all consultees.

List all consultees who responded and include their responses and any associated documentation or correspondence between the parties.

West Yorkshire Combined Authority (WYCA), Grand Central (GC) (Two responses), Chiltern Railways, West Midlands Trains (WMT) (via NR initially) and Northern Rail (via NR),

10.2 Resolved issues: please explain any issues raised by consultees which have been resolved.

We responded to WYCA on 20/07/26 and received response they were content with our response.

We responded to Grand Central on 04/08/26, a further response was received on 14/08/26 which we responded to 24/08/26. As at submitting of this application we have not received a response to our final response from GC.

We responded to West Midlands trains on 19/08/26 and had a further response for further data on 24/08/26 which we responded to on the same day, there was a further request for information on 26/08/26 that we responded to on the same day, we received a further request on a point of clarity from WMT on 01/09/26 that we responded to on 03/09/26.

We responded to Chiltern Railways on 19/08/26 and had a response from them they were content with the information provided on 26/08/26.

No response was required to Northern.

All responses are attached with this application.

10.3 Unresolved issues: Please explain any issues raised by consultees which have **not** been satisfactorily resolved and why you think these issues should not stop ORR approving the application.

n/a – noting the Grand Central (GC) notes in section 10.2 above

10.4 Subsequent Changes: Have any changes been made to the proposal following consultation?

Following the first Grand Central response our form P was updated slightly and reissued mid-way through the consultation with some minor changes to wording to draw out key details clearly.

11. Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.

For agreed applications under section 18 or 22, Network Rail should complete the information below. For disputed applications under section 17 or 22A, the beneficiary should complete it.

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

Signed Date ...03/09/2026.....

Name (in caps) Job title Planning Manager.....

For (company) XC Trains Limited.....

12. Submission

12.1 What to send: please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, **in plain Microsoft Word or Open Document Text format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

12.2 Where to send it:

Email: track.access@orr.gov.uk