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Office of Rail and Road
By email only

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By email only

9th October 2026

Dear Chloe,

Network Rail Infrastructure Limited Representations for the proposed 48th Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and CrossCountry Trains Limited dated 8 August 2017.

Purpose

This letter sets out Network Rail's representations on CrossCountry Trains Limited 48th Supplemental Agreement (SA) submitted under Section 22A of the Railways Act 1993 between Network Rail Infrastructure Limited (we, Network Rail) and CrossCountry Trains Limited.

The application was submitted by CrossCountry Trains Limited to ORR on 4th September 2026 and included the Form P and draft Supplemental Agreement. It seeks 10 additional new rights to support six new services (3 weekday, 3 Saturday) included in the PCD2026 timetable and includes the conversion of 81 existing contingent rights to firm rights, which were rights granted in the 38th and 45th Supplemental Agreements. Also, two Saturday rights are to be surrendered. In addition, there are associated amendments to Tables 2.3 "Through Services" and Table 4.1 "Calling Patterns".

The purpose of these representations is to provide ORR with Network Rail's position on the application and the specific access rights sought, supported by the relevant facts, data and evidence set out in this letter.

Network Rail's position is that it can only **partially support** the application. Network Rail can support the existing contingent rights from what was the 38th and 45th Supplemental Agreements on a 6-month contingent basis, with no presumption of continuity, rather than the firm requested. Network Rail supports continuation of the existing rights for a further six months on a contingent basis, on the basis of establishing requirements relating to performance and traincrew-related cancellations, to be recorded in a separate letter to be sent to CrossCountry and copied to ORR.

If ORR were not to agree in line with our representation, 81 contingent rights will lapse, necessitating the removal of services from an already published timetable. This would reduce passenger connectivity, create significant late timetable replanning, disrupt rolling-stock and traincrew plans, and expose the industry to reputational damage. The issue creates late intervention to alter the Working Timetable for December 2026, which increases risk of misalignment with CrossCountry's Rolling Stock and Train Crew Resource Plans and associated performance detriment.

Network Rail cannot support the 10 additional new rights sought within the 48th Supplemental Agreement and the reasons for this are explained later in the letter. Network Rail support the two rights being relinquished by CrossCountry and the amendments to Tables 2.3 and 4.1.

Our position is in line with the reasons set out in sections throughout this letter.

Background

The rights contained in this application were originally part of CrossCountry's 46th SA for PCD2026, which was intended to be submitted to ORR as a section 22 application. However, due to the reasons that will be explained in the following sections, many rights that were in the 46th SA could only be partially supported, therefore XC moved those rights into the 48th SA as a Section 22A.

The rights that remain in CrossCountry's 46th SA S22, includes firm and contingent rights for PCD2026 Glasgow extensions so are entirely located in Scotland. The rights in the 46th are not dependent on the rights within the 48th. These are being supported by Network Rail, and industry consultation for the application closed on 18th September 2026. This is due to be informally submitted to the ORR early in October 2026.

The 48th SA is an application for firm rights to run CrossCountry's PCD2026 timetable including Train Service Requirement Part 3 (TSR3) paths to meet their contractual obligations to the DfT and meet their aspirations from the ECML ESG. There were no rights in the 38th SA that were part of TSR3, 4 rights from the 45th SA are part of TSR3 as well as all 10 of the new rights requested in this application.

Network Rail's position on this application will be addressed by each category stated below:

1. 38th SA - 47 rights originally supported as contingent rights from December 2025 to PCD2026. Granted contingent due to performance concerns at Birmingham New Street;
2. 45th SA – 34 rights originally supported as contingent rights previously granted 6 months from May 2026 to PCD2026; and
3. 48th SA - 10 additional new rights requested in this application.

As part of the 48th SA, CrossCountry are also applying to update Table 2.3 "Through Services" which shows where their rights combine to make through passenger services as well as Table 4.1 "Calling Patterns" which show updates to their calling patterns.

As stated previously the rights requested in the 48th SA are **partially supported** by Network Rail, this representation letter outlines the reasons for this position.

Interested Persons

Network Rail is not aware of any persons categorised by the definition of “Interested Persons” in paragraph 1 of Schedule 4 of the Railways Act 1993 in relation to this application.

Form P Application and Track Access Contract

The rights sought by CrossCountry in this application are within Table 2.1 of Schedule 5, requested on a firm basis and until Track Access Contract (TAC)’expiry. There are also updates to table 2.3, which show where their rights combine to make through passenger services, and Table 4.1, which shows their calling patterns has also been updated.

The rights sought in the 48th SA relate to:

- 81 current contingent rights that expire at the start of PCD2026 for which XC are seeking firm rights. (47 contingent rights from the 38th SA and 34 contingent rights from the 45th SA)
- 10 new rights to support six new services (3 weekday, 3 Saturday) from PCD2026
- Surrender of 2 rights

In the Form P, CrossCountry state that the rights requested in this supplemental agreement follow on from their 38th and 44th SA for December 2025. Network Rail note that the 44th SA isn’t mentioned when listing where the contingent rights come from as all of the rights in the 44th SA expired in May 2026 and any rights they requested for again from the 44th SA went into the 45th SA for May 2026. There were 15 rights from the 44th SA, so running from December 2025 that were then requested again for May 2026 and granted as contingent for one timetable period (i.e. to PCD2026).

Network Rail notes that in their Form P in paragraph 1.5 Executive Summary CrossCountry states “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.” Network Rail would like ORR to be aware that this does not include the rights applied for in the 46th SA therefore any direction ORR gives for this application has to take into account the 46th SA in terms of the rights table used to make the amendments in the Supplemental Agreement.

The rights that CrossCountry have requested are shown in the tables below, these have been split out by the rights that were in the 38th SA (December 2025 – Table 1) and 45th SA (May 2026 Table 2). The rights from the 38th SA and 45th SA were previously granted as contingent rights to expire at PCD2026 and CrossCountry are requesting them as firm rights in this application. Table 3 shows the additional Firm Rights being requested additionally to apply from PCD2026 and Table 4 shows the two rights being relinquished in this application.

Please note that 1 right does not equal 1 service, this varies in each instance due to the nature of CrossCountry’s services and rights structure.

Table 1 – 47 rights requested for this application that are from the 38th SA (December 2025).

Description	Route	SX Rights	SO Rights	SU Rights
1.7a	Bristol Temple Meads to Birmingham New Street	1		
1.13a	Reading to Birmingham New Street, via Coventry			5
1.13b	Reading to Birmingham New Street, via Solihull	3	4	1
1.15b	Birmingham New Street to Manchester Piccadilly, via Styal	1		
1.18	Birmingham New Street to York, via Doncaster	1		3
1.19	Birmingham New Street to Newcastle, via Doncaster	3	4	3
1.23	Leeds to Newcastle			
1.35	Newcastle to Birmingham New Street, via Doncaster	1	2	
1.42	Manchester Piccadilly to Birmingham New Street	1		
1.44a	Birmingham New Street to Reading, via Solihull	3	3	1
1.44b	Birmingham New Street to Reading, via Coventry			1
1.57	York to Birmingham New Street, via Doncaster	1	2	3
	TOTAL	15	15	17

Table 2 - 34 rights requested for this application that are from the 45th SA (May 2026)

Description	Route	SX Rights	SO Rights	SU Rights
1.13b	Reading to Birmingham New Street, via Solihull	3	1	
1.14	Birmingham New Street to Manchester Piccadilly		1	
1.15b	Birmingham New Street to Manchester Piccadilly, via Styal		1	
1.18	Birmingham New Street to York, via Doncaster	1	1	
1.19	Birmingham New Street to Newcastle, via Doncaster	1		1
1.23	Leeds to Newcastle	1		
1.34	Newcastle to Leeds		1	1
1.35	Newcastle to Birmingham New Street, via Doncaster	5	3	

1.41	Derby to Birmingham New Street		1	1
1.42	Manchester Piccadilly to Birmingham New Street	1		
1.44a	Birmingham New Street to Reading, via Solihull	3	2	
1.44b	Birmingham New Street to Reading, via Coventry			3
1.57	York to Birmingham New Street, via Doncaster	1	1	
	TOTAL	16	12	6

Table 3 - 10 new rights that CrossCountry are requesting as part of this application

Description	Route	SX Rights	SO Rights	SU Rights
1.13b	Reading to Birmingham New Street, via Solihull	1	1	
1.18	Birmingham New Street to York, via Doncaster	1	1	
1.44a	Birmingham New Street to Reading, via Solihull	1	1	
1.56	Birmingham New Street to Derby	1	1	
1.57	York to Birmingham New Street, via Doncaster	1	1	
	TOTAL	5	5	0

Table 4 shows the current rights that CrossCountry hold and intend to remove.

Table 4 – Surrendered rights in this application

Description	Route	SX Rights	SO Rights	SU Rights
1.16	Birmingham to Leeds – separate table		-1	
1.23	Leeds to Newcastle – separate table		-1	
	TOTAL	0	-2	0

Associated Amendments

In Table 2.3 of Schedule 5 the proposed amendments are:

- One new combination 1.13a into 1.16 (1S47 BMH-GLC instead of BMH-MAN)
- 1.7 a or b into 1.14 increased by 1 weekdays (1M42 PLY-MAN instead of PLY-GLC)
- 1.7 a or b into 1.16 or 1.17 reduced by 1 weekdays (1M42 PLY-MAN instead of PLY-GLC)

- 1.13 a or b into 1.14 reduced by 1 weekdays (1S47 BMH-GLC instead of BMH-MAN).

In Table 4.1 of Schedule 5 the proposed amendments are:

- 1.15b added to “Description” for services between Birmingham New Street and Manchester Piccadilly via Wolverhampton, Stafford, Crewe, Wilmslow, Stockport.
- 1.57 added to “Description” for services between Birmingham New Street and York (via Doncaster) via Tamworth, Sheffield, Swinton, Hambleton North Junction.

Network Rail support the above amendments as these apply to rights that already exist or the ones in this application that we are granting as contingent for 6 months. Network Rail does not believe that these amendments are affected by our position of not supporting 10 new rights. However, if CrossCountry believe this is not the case we ask they highlight to us and ORR any amendments required as a result.

CrossCountry acknowledge in their Form P that this application directly competes for capacity on the network across Birmingham, the East Coast and Oxford North Level Crossings, highlighting two known S17 applications: First Rail Stirling (Cardiff - York for PCD2028) and Grand Central (Newcastle - Brighton for PCD2026). They noted it for transparency and Network Rail expand on these competing applications further in the letter.

CrossCountry note in their Form P that concerns were raised around train crew resourcing in CrossCountry’s 45th SA. They state that:

“It was confirmed in response that the Sunday services were 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 have already been seen in the May 2026 timetable.”

Network Rail agrees with this statement, and traincrew is a key element for our position on this application.

In their Form P, under 4.3 Performance, CrossCountry acknowledge challenges with Driver and Train Manager resource availability in recent years and state that significant recruitment is underway and it planned to continue for all grades. Specific reference is made to identifying the number of train crew required to resource the PCD2026 timetable. Network Rail agrees with this statement and is a key element for our position on this application.

CrossCountry indicate that they have measures in place to address overall performance, and make specific reference to a shift to focus on service group-level performance, concentrating on three service groups:

- Bournemouth to Manchester
- Stansted to Birmingham
- Newcastle to Reading

CrossCountry explain their Regional Performance Managers are working with Network Rail to improve performance across regions, highlighting examples of recent mitigations. However, Network Rail has reviewed current performance trends and is not satisfied that train crew resourcing and overall performance has been sufficiently addressed for this 48th SA. The reasons for its concerns are set out below in the Performance section of this letter.

Summary of Network Rail's position

The rights set out in Table 1 (38th) and 2 (45th) of this letter, are those that Network Rail can support on a contingent basis for a period of six months, with no presumption of continuity beyond that period. This support is on the basis that Network Rail will be issuing a separate letter to CrossCountry, with a copy provided to ORR. That letter will set out requirements on performance and traincrew concerns surrounding CrossCountry's services.

Network Rail does not support the 10 additional rights listed in Table 3. The key reasons for not supporting the additional 10 rights is due to competing and interacting applications, performance and Traincrew concerns and further detail of these reasons are outlined further in this letter.

Capacity Assessment (including competing applications)

In line with ORR's letter of 24 April 2024 to the industry on 'Competing and/or complex track access applications for December 2024, May 2025, and December 2025 timetable changes, Network Rail has now submitted all of its final representations on those applications and ORR has directed on all of them. As part of the 'Competing and/or Complex applications' workstream, Network Rail also submitted three relevant General Representations letters to ORR as follows:

- West Coast Mainline (WCML) General Representations dated 07 February 2025
- WCML General Representations dated 25 April 2025
- East Coast Mainline (ECML) General Representations dated 14 March 2025

Whilst this application was not part of that workstream, there are elements of the General Representations letters for the WCML and the ECML which are relevant to this application and, where applicable to particular sections of this letter, references and/or extracts from those letters will be made. Other live applications, which also did not form part of that workstream, are discussed in this letter.

Network Rail acknowledges that all rights contained in this application are associated with services offered in the PCD2026 timetable and that CrossCountry has worked closely with Network Rail to accommodate these paths.

The majority of rights applied for in this application relate to services which have been operating since the December 2025 (38th SA) or May 2026 (45th SA) timetables and reflect the 2 train per hour (tph)

Birmingham-York CrossCountry services which were part of the ECML Event Steering Group (ESG) specification.

Some of the rights in this application directly compete for capacity with Grand Central's Newcastle-Brighton Section 17 with an aspirational start date of PCD2026 and First Rail Stirling's Cardiff to York Section 17 aspiring to start PCD2028.

In the following sections we identify if and where the three applications compete:

- ***December 2025 services — 38th Supplemental Agreement***

- Whilst there are Grand Central and First Rail Stirling (Lumo) rights that are seeking to utilise some of the same capacity as CrossCountry services both in existing paths and some relating to the 38th SA, Network Rail does not consider that the rights included in CrossCountry's 38th SA are competing.
- The reason for this position, is that the rights in the CrossCountry 38th were part of the Complex/Competing application and were supported contingent for 1 year based on performance concerns at the time at Birmingham New Street.
- Grand Central and First Rail Stirling did not submit their applications until after the CrossCountry 38th SA was directed by ORR. The rights supported were in line with the proposed ECML December 2025 timetable and the WCML December 2022 Concept Train Plan.

- ***May 2026 services — 45th Supplemental Agreement***

- Additional CrossCountry timetable paths were introduced in the May 2026 timetable. Dated contingent rights were awarded until PCD2026 under the 45th Supplemental.
- CrossCountry in this application are seeking for those 34 rights from the 45th SA (May'26), to be converted from firm to contingent rights to Firm as 29 of these rights compete with Grand Central's Newcastle-Brighton and 17 rights compete with First Rail Stirling's Cardiff to York applications. The rights which are competing with Grand Central and First Rail Stirling are shown below:
- 29 Rights from the 45th SA that compete with Grand Central's application:
 - 1 SX, 1 SO and 0 Su right from Birmingham to York
 - 1 SX, 1 SO and 1 Su right from Birmingham to Newcastle
 - 5 SX, 3 SO and 0 Su rights from Newcastle to Birmingham
 - 1 SX, 1 SO and 0 Su right from York to Birmingham
 - 3 SX, 2 SO and 3 Su rights from Birmingham to Reading
 - 3 SX, 1 SO and 0 Su rights from Reading to Birmingham
 - 1 SO, 1 SU rights from Derby to Birmingham
- 17 Rights from the 45th SA that compete with First Rail Stirling's application
 - 1 SX, 1 SO and 0 Su right from Birmingham to York
 - 1 SX, 1 SO and 1 Su right from Birmingham to Newcastle

- 5 SX, 3 SO and 0 Su rights from Newcastle to Birmingham
 - 1 SX, 1 SO and 0 Su right from York to Birmingham
 - 1 SO, 1 SU rights from Derby to Birmingham
- We have split out the two competing applications, as Grand Central's application are for rights to apply from PCD2026, whereas First Rail Stirling's application are for rights to apply from PCD2028.
 - The rights sought in the applications for CrossCountry, Grand Central and First Rail Stirling are seeking to utilise the same capacity and these are areas where limited capacity exists, therefore there isn't enough capacity for all three operators to be accommodated.
- ***December 2026 additional services – 48th Supplemental Agreement***
 - Network Rail is not supporting the 10 additional rights requested by CrossCountry in this application. Therefore, there could be timetable capacity for distinct train slots in line with the capacity identified for Dec'26. However, please note that even though there would be capacity where these rights aren't supported, as per our narrative for performance, the same concerns on performance at Birmingham New Street would still apply.

Competing CrossCountry and First Rail Stirling rights primarily run between Reading and York and share the same routing between York and Birmingham but have different routings, and origin/terminating location, South of Birmingham - First Rail Stirling intend to operate to/from Cardiff via Gloucester and CrossCountry to/from Reading via Oxford.

Network Rail's position of support for contingent rights for 6 months with no presumption of continuity for the XC rights (with requirements on performance and traincrew), also considers the competing applications and the fact that ORR have not decided on these applications. ORR has informed us they are unlikely to decide prior to the commencement of the PCD2026 Timetable Change Date for the Grand Central and First Rail Stirling applications.

Other interacting aspirations and applications

The rights in the 48th SA have the potential to interact with the following Section 17 and Section 22A applications. The known start dates are noted for each application.

- DB Cargo 115th
- DB Cargo 117th
- Freightliner 35th
- FRWW Paddington – Paignton/Bristol/Exeter (SCD 2028)
- FRWW Paddington – Hereford (PCD2027)
- GBRf 45th (PCD2026)
- Grand Central 35th SA Bradford/Wakefield – London Kings Cross (PCD 2026) - seeking capacity at York and on the ECML
- GWR 113th new station at Filton (PCD2026)
- GWR 128th Bristol – Oxford (SCD2027)

- TfW 52nd Bristol – West Wales (PCD2026)

Applications currently in consultation

There are also applications which have been out for industry consultation but have not been submitted to ORR which have interactions:

- Grand Central Waterloo – Bristol TM (PCD2027)
- Grand Central London St Pancras – Manchester Piccadilly (SCD2029)

Unsupported applications and ORR decision timing

Current S17 applications include First Rail Stirling (Cardiff- York for PCD2028) and Grand Central (Newcastle - Brighton for PCD2026). These applications directly compete for the same capacity CrossCountry are applying for across Birmingham, the East Coast and Oxford North Level Crossings.

Network Rail is not offering support for the rights for these two applications and has submitted its representation letters on each to ORR to outline this:

- First Rail Stirling (Cardiff- York for December 2028) representation sent to the ORR 5th December 2025
- Grand Central (known application Newcastle - Brighton for PCD2026) representation sent to the ORR 30th Jan 2026, updated representation sent 12th May 2026 in respect of North of Oxford Level Crossings.

ECML capacity – relevant to all CrossCountry services that run to/from York:

This application runs through the congested infrastructure declared between Newcastle and Northallerton.¹ Evidence from the ECML General Representations letter of 14 March 2025 and relevant Annexes should also be drawn on for the purposes of this application:

Performance narrative is included for ECML Long Distance High Speed (LDHS) services and York specifically:

“Annex L sets out the significant performance constraints of adding more services over and above the Event Steering Group (ESG) specification at Welwyn in the South, and through York and further North. Network Rail will reflect on applicable performance constraints further in our representations on individual applications.”²

¹ The initial analysis for the declaration of congested infrastructure for the ECML has been published on the Network Rail website. The final report which is the Capacity Enhancement Plan and was published in mid-March 2026 on the Network Rail website, available at: [ECML-Congested-Infrastructure-Capacity-Enhancement-Plan.pdf](#). The initial analysis is available at: [Congested-Infrastructure-Capacity-Analysis-1.1.pdf](#)

² Network Rail, *Network Rail General Representations on Complex and/or Competing Applications interacting on Location ECML Kings Cross - Edinburgh and Leeds*, 14 March 2025, p. 9

Performance

Network Rail's performance concerns are not new and have been consistently identified through its assessment of the rights originally granted under the 38th and 45th Supplemental Agreements.

For the 38th Supplemental Agreement, Network Rail highlighted the inherent performance risk associated with CrossCountry's long-distance services, where delay arising on one route can be transmitted across multiple routes and regions. Concern was identified at Birmingham New Street, where CrossCountry's On Time and T-3 performance was below the desired level and minor delays could escalate across the wider network. Network Rail therefore supported rights operating through, originating or terminating at Birmingham New Street on a time-limited contingent basis, rather than as firm rights, to allow the impact of the December 2025 timetable and wider service changes to be monitored.

These concerns continued into the 45th Supplemental Agreement. Network Rail identified performance risk around Sheffield and the North and East, alongside the need to assess the performance of the phased East Coast Main Line timetable once fully introduced. Network Rail also had continuing concerns about traincrew resilience and the interaction of the additional services with congested infrastructure and other access applications. For these reasons, the majority of the rights were supported for six months on a contingent basis, providing an opportunity to monitor actual outcomes before considering any longer-term position.

The performance evidence now available from operation of the December 2025 and May 2026 timetables must therefore be considered against this established background. The relevant rights were deliberately granted on a contingent basis because of identified uncertainty over timetable robustness, performance at key locations, traincrew resilience and the potential for CrossCountry's long-distance services to transmit delay across the network. The analysis below demonstrates that these concerns have not been sufficiently resolved to support the conversion of those rights to firm rights at this stage.

Performance of Services Supported by Rights Originating in the 38th Supplemental Agreement

The rights originating in the 38th Supplemental Agreement were supported on a contingent basis owing to Network Rail's concerns regarding performance at Birmingham New Street and the potential for delay generated by CrossCountry's long-distance network to be transmitted across multiple routes and regions. The purpose of the contingent rights was to allow the actual performance consequences of the December 2025 timetable to be observed before any longer-term position was established.

Network Rail has therefore reviewed the observed performance of all services supported by rights originating in the 38th Supplemental Agreement across both the December 2025 and May 2026 timetable periods (Table 5). This analysis demonstrates that there has been a material shift in performance outcomes following introduction of the May 2026 timetable.

For context, wider CrossCountry Inter City T-3 performance averaged 67.6% during operation of the December 2025 timetable period before reducing to 53.7% following introduction of the May 2026 timetable, representing a deterioration of 13.9 percentage points.

Table 5 – T-3 Performance of Services Supported by Rights Originating in the 38th Supplemental Agreement

Day Type	Service	December 2025 Timetable	May 2026 Timetable	Change	Commentary
Weekday	1M69 Bristol Temple Meads – Birmingham New Street	72.5%	68.5%	-3.9pp	
Weekday	1M88 Reading – Manchester Piccadilly	68.7%	50.0%	-18.7pp	
Weekday	1E64 Reading – York	61.3%	42.0%	-19.3pp	
Weekday	1E44 Reading – Newcastle	53.8%	29.6%	-24.2pp	
Weekday	1E52 Reading – Newcastle	60.6%	35.1%	-25.5pp	
Weekday	1E85 Southampton Central – Newcastle	60.8%	42.5%	-18.3pp	
Weekday	1V87 Newcastle – Reading	59.3%	47.8%	-11.5pp	
Weekday	1G92 Manchester Piccadilly – Birmingham New Street	77.1%	57.9%	-19.3pp	
Weekday	1V82 Newcastle – Reading	77.3%	72.5%	-4.9pp	
Weekday	1V91 Newcastle – Reading	59.1%	44.2%	-14.8pp	
Weekday	1V96 York – Reading	66.7%	56.1%	-10.6pp	
Saturday	1E36 Reading – Newcastle	57.1%	46.5%	-10.6pp	
Saturday	1E44 Reading – Newcastle	69.0%	62.2%	-6.8pp	
Saturday	1E52 Reading – Newcastle	81.6%	59.5%	-22.2pp	
Saturday	1E85 Reading – Newcastle	78.0%	61.5%	-16.5pp	
Saturday	1V87 Newcastle – Reading	73.4%	55.4%	-18.0pp	
Saturday	1V89 Newcastle – Reading	78.7%	51.7%	-27.0pp	
Saturday	1V81 Derby – Reading	N/A	81.5%	N/A	No December timetable

					observation
Saturday	1V82 York – Reading	81.8%	76.3%	-5.4pp	
Saturday	1V91 Newcastle – Reading	58.8%	64.0%	+5.1pp	
Sunday	1E48 Reading – York	45.0%	59.4%	+14.4pp	Limited December timetable sample
Sunday	1E52 Reading – Newcastle	59.4%	37.5%	-21.9pp	
Sunday	1E56 Reading – York	59.0%	77.8%	+18.7pp	
Sunday	1E60 Reading – Newcastle	N/A	46.4%	N/A	No December timetable observation
Sunday	1M68 Reading – Birmingham New Street	N/A	42.9%	N/A	No December timetable observation
Sunday	1E44 Reading – Newcastle	73.5%	67.5%	-6.0pp	
Sunday	1E40 Birmingham New Street – York	30.0%	66.7%	+36.7pp	Limited December timetable sample
Sunday	1E64 Reading – Newcastle	62.4%	39.3%	-23.1pp	
Sunday	1V32 Birmingham New Street – Reading	59.4%	100.0%	+40.6pp	
Sunday	1M32 York – Birmingham New Street	100.0%	65.0%	-35.0pp	Limited December timetable sample
Sunday	1V85 York – Reading	N/A	35.6%	N/A	No December timetable observation
Sunday	1V87 York – Reading	N/A	61.8%	N/A	No December timetable observation

Results based on a limited December timetable sample should be interpreted with caution and afforded less evidential weight than results based on a broader and more representative operating sample.

The route-level evidence demonstrates that performance outcomes have not been uniform across the services supported by the 38th rights. A small number of services have demonstrated comparatively strong resilience following introduction of the May 2026 timetable.

In particular, 1V82 Newcastle – Reading remained the strongest performing weekday service, reducing

from 77.3% to 72.5% T-3, whilst 1M69 Bristol Temple Meads – Birmingham New Street reduced from 72.5% to 68.5% T-3. Both services remained materially above the wider CrossCountry Inter City benchmark and experienced significantly less deterioration than the wider operator.

Similarly, 1V96 York – Reading reduced from 66.7% to 56.1% T-3 and remained above the wider CrossCountry Inter City average following introduction of the May 2026 timetable.

However, many services did not sustain the performance achieved during operation of the December 2025 timetable. The most significant deterioration occurred on 1E52 Reading – Newcastle, which reduced by 25.5 percentage points on weekdays and 22.2 percentage points on Saturdays. Significant deterioration was also recorded on 1E44 Reading – Newcastle, 1E64 Reading – York and 1E85 Southampton Central – Newcastle. These services now perform materially below both their December 2025 timetable position and the wider CrossCountry Inter City benchmark.

The route-level evidence therefore shows a mixed picture. A small number of services have maintained relatively favourable performance, but many services supported by rights from the 38th Supplemental Agreement have not sustained the performance levels observed during the December 2025 timetable.

Birmingham New Street assessment

Route-level performance alone does not resolve the concerns that led Network Rail to support these rights on a contingent basis. Network Rail's principal concern was performance through Birmingham New Street, including the risk that delay could be imported into, generated within, or exported from the station across the wider network.

Network Rail has therefore separately assessed T3 performance at Birmingham New Street for the services supported by rights from the 38th Supplemental Agreement (Table 6, Table 7 and Table 8).

Table 6 – Weekday Birmingham New Street T-3 Performance

Service	December 2025 Timetable	May 2026 Timetable	Change	Commentary
1M69 Bristol Temple Meads – Birmingham New Street	60.2%	43.8%	-16.4pp	
1M88 Reading – Manchester Piccadilly	54.6%	34.6%	-20.1pp	
1E64 Reading – York	57.0%	27.3%	-29.7pp	
1E44 Reading – Newcastle	76.4%	29.2%	-47.2pp	
1E52 Reading – Newcastle	65.4%	27.6%	-37.8pp	
1E85 Southampton Central – Newcastle	60.8%	40.5%	-20.3pp	
1V87 Newcastle –	43.0%	28.4%	-14.6pp	

Reading				
1G92 Manchester Piccadilly – Birmingham New Street	74.3%	59.0%	-15.2pp	
1V82 Newcastle – Reading	39.8%	27.8%	-12.0pp	
1V91 Newcastle – Reading	36.5%	20.5%	-16.0pp	
1V96 York – Reading	36.3%	20.5%	-15.8pp	

Table 7 – Saturday Birmingham New Street T-3 Performance

Service	December 2025 Timetable	May 2026 Timetable	Change	Commentary
1E36 Reading – Newcastle	56.2%	33.3%	-22.9pp	
1E44 Reading – Newcastle	68.4%	70.6%	+2.2pp	
1E52 Reading – Newcastle	87.5%	60.0%	-27.5pp	
1E85 Reading – Newcastle	90.0%	68.8%	-21.2pp	
1V87 Newcastle – Reading	54.5%	52.9%	-1.6pp	
1V89 Newcastle – Reading	76.2%	64.7%	-11.5pp	
1V82 York – Reading	68.8%	73.3%	+4.6pp	
1V91 Newcastle – Reading	50.0%	56.2%	+6.2pp	

Table 8 – Sunday Birmingham New Street T-3 Performance

Service	December 2025 Timetable	May 2026 Timetable	Change	Commentary
1E48 Reading – York	75.0%	33.3%	-41.7pp	Limited December timetable sample
1E52 Reading – Newcastle	44.4%	60.0%	+15.6pp	
1E44 Reading – Newcastle	70.0%	60.0%	-10.0pp	
1E40 Birmingham New Street – York	100.0%	66.7%	-33.3pp	Limited December timetable sample
1E64 Reading – Newcastle	54.5%	0.0%	-54.5pp	
1V32 Birmingham New Street – Reading	77.8%	100.0%	+22.2pp	
1M32 York – Birmingham New	100.0%	25.0%	-75.0pp	Limited December timetable sample

Street				
1E60 Reading – Newcastle	N/A	16.7%	N/A	No December timetable observation
1M68 Reading – Birmingham New Street	N/A	0.0%	N/A	No December timetable observation
1V85 York – Reading	N/A	40.0%	N/A	No December timetable observation
1V87 York – Reading	N/A	50.0%	N/A	No December timetable observation

Results based on a limited December timetable sample should be interpreted with caution and afforded less evidential weight than results based on a broader and more representative operating sample. Birmingham New Street results are derived solely from observations recorded at Birmingham New Street and therefore may be based on fewer observations than the corresponding route-level assessment.

Every assessed weekday service deteriorated at Birmingham New Street following introduction of the May 2026 timetable.

Importantly, the decline at Birmingham New Street was generally greater than the corresponding journey-level decline. Whilst 1V82 Newcastle – Reading reduced by only 4.9 percentage points on an end-to-end basis, its Birmingham New Street performance reduced by 12.0 percentage points, from 39.8% to 27.8%. Similarly, 1M69 Bristol Temple Meads – Birmingham New Street reduced by only 3.9 percentage points end-to-end but declined by 16.4 percentage points at Birmingham New Street.

The deterioration was particularly acute on:

- 1E44 Reading – Newcastle, which fell from 76.4% to 29.2% (-47.2pp);
- 1E52 Reading – Newcastle, which fell from 65.4% to 27.6% (-37.8pp); and
- 1E64 Reading – York, which fell from 57.0% to 27.3% (-29.7pp).

The May 2026 timetable results also demonstrate that nine of the eleven weekday services achieved less than 45% T-3 at Birmingham New Street. Southbound services operating from York and Newcastle towards Reading were particularly weak, with 1V91 Newcastle – Reading and 1V96 York – Reading each recording only 20.5% T-3, whilst 1V82 Newcastle – Reading achieved 27.8% T-3.

Saturday performance presents a more mixed picture. Whilst some services improved, including 1V82 York – Reading and 1V91 Newcastle – Reading, material deterioration remains evident on 1E52 Reading – Newcastle, 1E36 Reading – Newcastle and 1E85 Reading – Newcastle. Although Saturday performance is generally stronger than weekday performance, it does not offset the scale of deterioration observed on weekdays.

The Sunday evidence is more variable owing to smaller sample sizes. Nevertheless, it identifies significant deterioration on 1E48 Reading – York, 1E64 Reading – Newcastle and 1M32 York – Birmingham New Street, alongside some improvements on 1E52 Reading – Newcastle and 1V32 Birmingham New Street – Reading.

Performance of Services Supported by Rights Originating in the 45th Supplemental Agreement

The rights originating in the 45th Supplemental Agreement were supported on a contingent basis owing to Network Rail's concerns regarding traincrew resilience, performance in the North and East, the phased introduction of the East Coast Main Line timetable and the uncertainty associated with the introduction of services on the Camp Hill line, as well as taking into account competing applications. Unlike the rights originating in the 38th Supplemental Agreement, the majority of these services only entered operation following introduction of the May 2026 timetable and therefore do not have an earlier operating period against which performance can be assessed. The purpose of the contingent rights was therefore to allow the initial operation of these services and their interaction with the wider timetable to be observed before any longer-term position was established.

Table 9 – T-3 Performance of Services Supported by Rights Originating in the 45th Supplemental Agreement

Day Type	Service	T-3
Weekday	1E32 Reading – York	44.6%
Weekday	1E36 Reading – Newcastle	29.4%
Weekday	1E44 Reading – Newcastle	29.6%
Weekday	1E85 Southampton Central – Newcastle	42.5%
Weekday	1M88 Reading – Manchester Piccadilly	50.0%
Weekday	1E63 Plymouth – Newcastle	42.3%
Weekday	1M72 Newcastle – Birmingham New Street	44.9%
Weekday	1M91 Newcastle – Birmingham New Street	65.5%
Weekday	1V82 Newcastle – Reading	72.5%
Weekday	1V89 Newcastle – Reading	59.6%
Weekday	1V91 Newcastle – Reading	44.2%
Weekday	1G71 Manchester Piccadilly – Birmingham New Street	65.5%
Weekday	1V81 Birmingham New Street – Reading	86.3%
Weekday	1V84 Birmingham New Street – Reading	73.6%
Weekday	1V90 York – Reading	50.7%
Saturday	1E32 Reading – York	61.7%
Saturday	1E36 Reading – Newcastle	46.5%
Saturday	1E44 Reading – Newcastle	62.2%
Saturday	1E68 Reading – Newcastle	54.1%
Saturday	1E85 Reading – Newcastle	61.5%
Saturday	1H88 Birmingham New Street – Manchester Piccadilly	60.5%
Saturday	1M71 Edinburgh – Birmingham New Street	67.1%
Saturday	1M72 Newcastle – Birmingham New Street	41.2%*
Saturday	1M91 Newcastle – Birmingham New Street	41.4%*
Saturday	1V91 Newcastle – Reading	64.0%
Saturday	1V81 Derby – Reading	81.5%
Saturday	1V84 Derby – Reading	57.3%
Saturday	1V90 York – Reading	61.6%

Sunday	1E60 Reading – Newcastle	46.4%*
Sunday	1V52 Newcastle – Plymouth	47.6%
Sunday	1V83 Derby – Reading	59.4%*
Sunday	1V81 Birmingham New Street – Reading	100.0%*
Sunday	1V85 York – Reading	35.6%*
Sunday	1V87 York – Reading	61.8%*

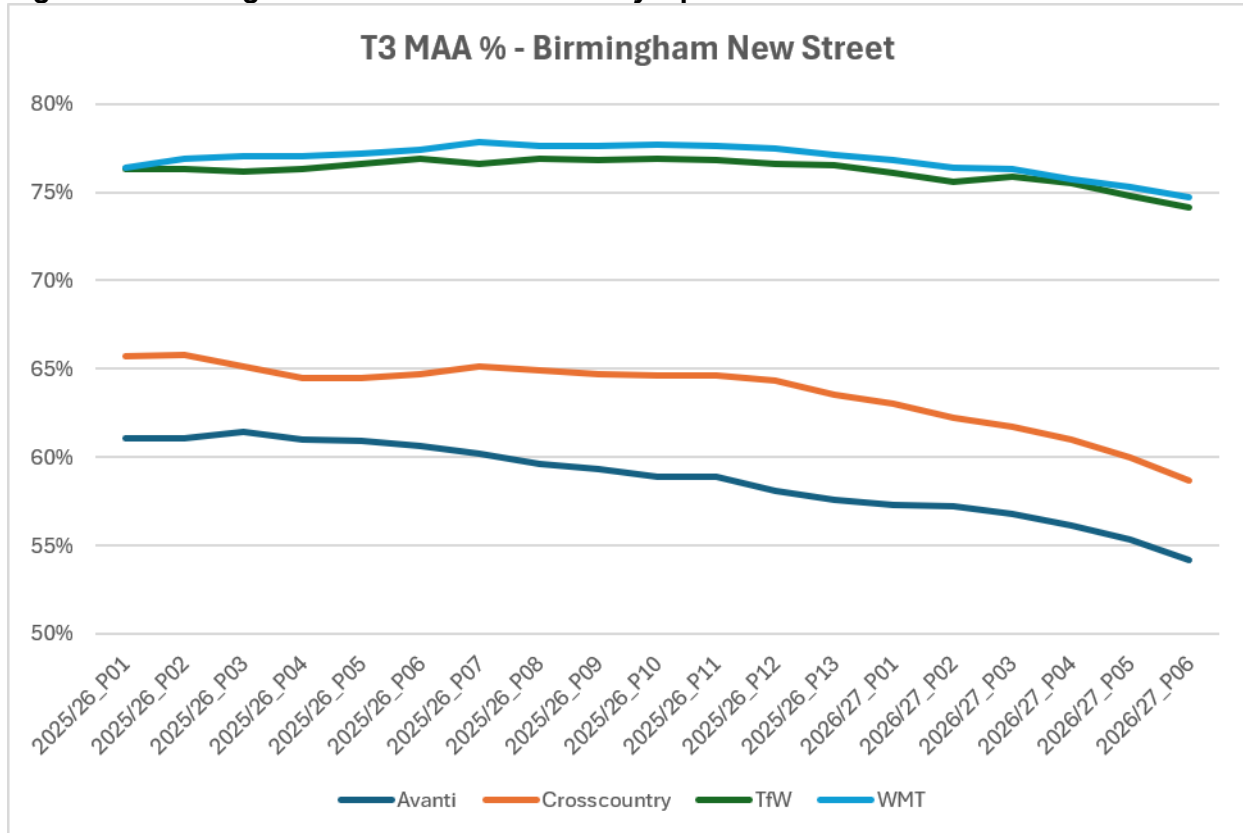
* Limited operating sample. Results should be interpreted with caution.

The route-level evidence demonstrates (Table 9) that performance outcomes across the services supported by the 45th rights are mixed. A number of services have demonstrated acceptable levels of performance, particularly services such as 1V81 Birmingham New Street to Reading and 1V82 Newcastle to Reading. However, other services have performed less strongly, including 1E36 and 1E44 from Reading to Newcastle, which recorded T-3 performance of 29.4% and 29.6% respectively.

Wider CrossCountry Performance Context

Network Rail recognises that performance across parts of the network has been affected by wider operational challenges during the period under review. However, the purpose of the contingent rights was not to require CrossCountry to outperform the wider industry, but to provide evidence that the specific concerns identified when the rights were granted had been sufficiently resolved. The evidence currently available does not provide that assurance.

This is reflected not only in the performance of the services supported by the contingent rights but also in wider CrossCountry performance trends. CrossCountry cancellation MAA increased from 7.3% immediately prior to introduction of the December 2025 timetable to 7.6% immediately prior to introduction of the May 2026 timetable and has subsequently increased further to 8.2% by Period 6 of 2026/27. Similarly, wider CrossCountry Inter-City T-3 performance reduced from 67.6% during operation of the December 2025 timetable period to 53.7% following introduction of the May 2026 timetable, a decline of 13.9 percentage points.

Figure 1 – Birmingham New Street T-3 MAA by Operator

The continued deterioration in performance at Birmingham New Street is particularly significant. Birmingham New Street was a principal factor underpinning Network Rail's support for contingent rights through the 38th Supplemental Agreement and remains a critical location within the CrossCountry network. Birmingham New Street also forms a key part of the operating geography for many of the services supported by the 45th rights and the additional rights sought through the 48th Supplemental Agreement.

Figure 1 demonstrates that CrossCountry's T-3 MAA at Birmingham New Street stood at 64.8% immediately prior to introduction of the December 2025 timetable in 25/26 Period 10. This reduced to 63.1% immediately prior to introduction of the May 2026 timetable in 26/27 Period 2 and has subsequently fallen further to 58.7% by Period 6 of 2026/27, representing a deterioration of 4.4 percentage points over the period in which the 45th contingent rights have been in operation and 6.1 percentage points over the period of both 38th and 45th rights.

Whilst performance at Birmingham New Street has declined across a number of operators, the purpose of the contingent rights was not to require CrossCountry to outperform other operators. Rather, it was to provide evidence that the specific concerns identified when the rights were granted had been sufficiently resolved. The evidence currently available does not demonstrate that performance at Birmingham New Street has improved to the extent necessary to support conversion of contingent rights to firm rights or to support the grant of additional rights.

The concerns originally identified regarding performance in the North and East also remain relevant. Whilst the contingent rights were not granted solely because of performance at individual locations, CrossCountry performance at key locations on those routes has continued to deteriorate since introduction of the May 2026 timetable. T-3 MAA at Sheffield reduced from 56.7% immediately prior to introduction of the May 2026 timetable to 52.0% by Period 6 of 2026/27, whilst T-3 MAA at York reduced from 61.0% to 58.8% over the same period. Whilst these measures do not demonstrate causation, they reinforce the need for further operational evidence before Network Rail can conclude that the original concerns associated with performance in the North and East have been satisfactorily addressed.

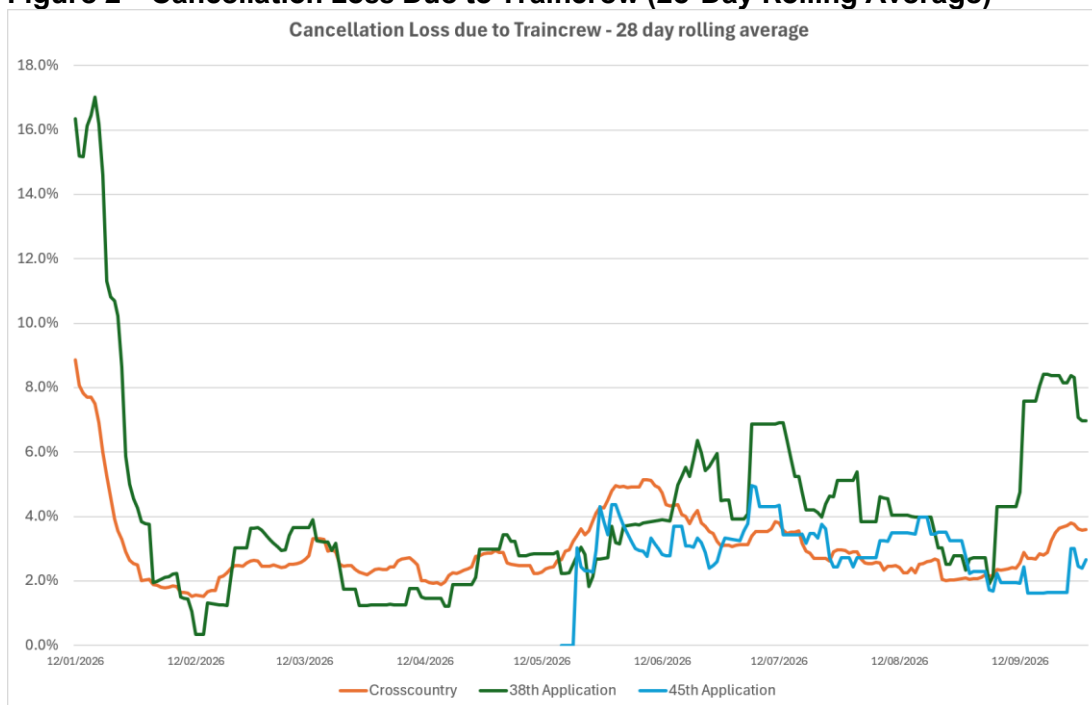
Taken together, the wider CrossCountry performance evidence does not demonstrate that the concerns underpinning Network Rail's previous support for contingent rights have been sufficiently resolved. Performance at Birmingham New Street has deteriorated, wider CrossCountry cancellation performance has worsened and performance at key locations in the North and East has declined. Against that background, Network Rail does not consider that the performance evidence currently available supports either conversion of the existing contingent rights to firm rights or the grant of the additional rights sought through the 48th Supplemental Agreement.

Traincrew Resilience

Network Rail's previous position identified traincrew resilience as a material area of risk associated with these rights. The purpose of the contingent period was in part to provide evidence that CrossCountry's traincrew resource plans were capable of supporting operation of the timetable on a sustainable basis.

Whilst the services supported by the 45th rights have experienced lower traincrew-related cancellation loss than those supported by the 38th rights, traincrew remains a material contributor to service loss across both groups of services. Across services supported by the 38th and 45th rights combined, traincrew-related causes account for 40.8% of total cancellation loss.

Figure 2 – Cancellation Loss Due to Traincrew (28-Day Rolling Average)



Industry PMO, at the time of writing this letter, continues to record CrossCountry's traincrew resource as an ongoing red risk. A reduction in CrossCountry cancellations resulting from traincrew-related causes remains the critical measure being tracked in relation to this risk.

Figure 2 demonstrates that traincrew-related cancellation loss has remained a consistent feature of operation of the services supported by the 45th rights since their introduction. Whilst the observed levels are lower than those affecting services supported by the 38th rights, the evidence does not demonstrate that the traincrew resilience concerns previously identified by Network Rail have been sufficiently resolved.

Therefore, Network Rail does not yet consider CrossCountry has provided enough evidence to show that its traincrew resource plans are robust enough to support the full rights sought. This statement only pertains to the traincrew factors and does not include the reasons of contingent support owing to the other reasons detailed in this representation.

Camp Hill and Eastern Region Considerations

The contingent rights were also supported because Network Rail considered further evidence was required regarding interaction with both the new Camp Hill service group and the phased introduction of the East Coast Main Line timetable.

In relation to Camp Hill, the concern was not the performance of West Midlands Trains services themselves, but the uncertainty associated with the introduction of a new line of route and the interaction between those services and the wider timetable. Operational evidence now demonstrates that interactions between CrossCountry services supported by these rights and Camp Hill services are occurring in live operation. While the evidence currently available is insufficient to draw firm conclusions regarding causation or long-term performance impacts, it demonstrates that the timetable interactions originally identified as an area of uncertainty are now being observed in service and require further assessment before a longer-term position can be reached.

Eastern Region – ECML Timetable Introduction

The December 2025 timetable introduction took lessons learnt and mitigations from previous timetable changes by adopting a phased introduction, with some passenger train services not running from day one. As a result, the timetable was not operating in its full form until 30 March 2026 and therefore had a bedding-in period.

Network Rail requires sufficient performance data, allowing for root cause analysis across all geographical areas of the ECML (King's Cross, Edinburgh and Leeds), including off-route locations with interacting traffic flows, to determine the scope and nature of any performance mitigations required going forward. Network Rail considers that six months of performance data, together with a reasonable period for detailed analysis, is necessary to understand performance outcomes against the Control Period 7 performance targets agreed with ORR prior to introduction of the December 2025 timetable.

The earliest point at which Network Rail can commence this detailed performance assessment is October 2026. Accordingly, Network Rail does not consider that sufficient evidence is yet available to

conclude that the original performance concerns associated with the phased ECML timetable introduction have been fully addressed.

Performance Conclusions

The evidence from operation of the services supported by the 38th and 45th Supplemental Agreements does not provide sufficient assurance to support either conversion of the existing contingent rights to firm rights or the grant of the additional rights sought through the 48th Supplemental Agreement.

For the 38th rights, the material deterioration at Birmingham New Street demonstrates that the principal concern identified in Network Rail's original representations remains unresolved.

For the 45th rights, initial service-level performance is mixed, traincrew resilience remains an industry red risk, and insufficient evidence is yet available to reach a settled conclusion regarding interactions with Camp Hill services or the fully introduced East Coast Main Line timetable.

Network Rail cannot, therefore, support the additional rights sought through the 48th Supplemental Agreement. However, Network Rail supports continuation of the existing rights (which expire PCD2026) for a further six months on a contingent basis, taking into account that the services are in the PCD2026 published timetable. Network Rail's position is also based on establishing requirements relating to performance and traincrew-related cancellations which will be recorded in a separate letter.

Level Crossing Risk - North of Oxford Level Crossings

CrossCountry are seeking rights that were in both the 38th and 45th SA that cross Sandy Lane, Yarnton Lane and Tackley Level Crossings (north of Oxford LX's). In our representations for competing and complex applications (ORR's letter of 24 April 2024) for rights being sought which would run over Level Crossings North of Oxford we stated:

"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. Network Rail would require all three level crossings (LX's) to either be closed or sufficient mitigations deployed to address the risk before being able 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."

Furthermore, we also stated in our representation letters "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."

Further to those competing and complex representations, and specifically in Grand Central's Section 17 (Brighton - Newcastle) representation letter submitted to ORR 30 January 2026 Network Rail stated:

"It is understood that on most days, freight traffic uses existing timetable paths lightly enough to allow short term use of those paths. Nevertheless, for further access rights to be granted, Network Rail expects an equivalent reduction in rights elsewhere across the north of Oxford level crossings. To clarify, the restriction applies only to the sale of new access rights; although there is available capacity and not all Working Timetable paths are frequently used, if all access rights were exercised simultaneously along with any new ones, it would result in an unacceptably high number of services operating north of Oxford level crossings."

There are currently six known applications which are seeking access rights over these Level Crossings namely:

- Grand Central Section 17 (submitted to Industry and ORR)
- CrossCountry 48th SA (submitted to Industry and ORR)
- GBRf 45th SA (submitted to Industry and ORR)
- DB Cargo 106th SA (being consulted on with Network Rail)
- DB Cargo 115th SA Section 22A (submitted to Industry and ORR)
- Freightliner 35th SA (submitted to Industry and ORR)

As stated in Network Rail's representation dated 30 January 2026, on Grand Central's Section 17 application, "...for further access rights to be granted, Network Rail expects an equivalent reduction in rights elsewhere across the north of Oxford level crossings." In line with that statement, Network Rail is now able to accommodate more rights than originally anticipated. This is because some freight rights affecting the north of Oxford level crossings have been relinquished, which has created additional scope for Network Rail to support further access rights at those crossings. However, the freight rights now being sought exceed the rights that have been relinquished through previous relinquishments. As a result, the relinquishments do not create sufficient capacity to accommodate the full quantum of freight rights sought across the relevant applications. Although the relinquishment of those freight rights was known at the time of Network Rail's January 2026 representations on Grand Central's Section 17 application, it was omitted from those representations by oversight. That omission would not, however, have changed Network Rail's overall position at the time.

Network Rail remains unable to accommodate the full quantum of rights being sought across all six applications. As previously set out in Network Rail's representation on Grand Central's application, CrossCountry's PCD2026 applications and Grand Central's Section 17 application are competing rather than interacting. Network Rail cannot accommodate both applications from a capacity and performance perspective, irrespective of the position at the north of Oxford level crossings.

Conclusion

Based on the evidence and analysis provided throughout these representations, Network Rail is only partially supporting CrossCountry's Section 22A application. Network Rail recognises the role these

rights play in supporting CrossCountry's PCD2026 timetable aspirations; however, the application must be considered in the context of existing capacity constraints, ongoing performance concerns, traincrew availability concerns, competing and interacting applications, and the position in relation to the north of Oxford level crossings.

Network Rail in its representations is supporting the existing contingent rights from the 38th and 45th Supplemental Agreements on a 6-month contingent basis only, with no presumption of continuity. This approach provides a proportionate position while allowing time for performance to be monitored, mitigations to be developed, and the wider access position to be better understood. As mentioned, a separate letter will be sent to CrossCountry (copied to ORR) establishing requirements relating to performance and traincrew-related cancellations.

Network Rail's position takes into account that 81 contingent rights will expire PCD2026, necessitating the removal of services from an already published timetable resulting in an impact on passengers, rolling stock and train crew plans.

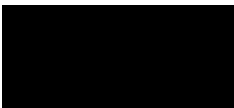
In addition to the above, Network Rail is not supporting the additional 10 new rights sought within the 48th Supplemental Agreement. As set out in this letter material performance risk at key locations including Birmingham New Street and the East Coast Main Line, and wider operational uncertainty, including traincrew constraints has led Network Rail to its position on these 10 new rights.

Network Rail therefore considers that its proposed position allows the established services associated with the 38th and 45th Supplemental Agreements to continue on a time-limited contingent basis, while providing a further period of time in which performance, traincrew resilience and the effect of competing applications can be monitored.

Network Rail asks ORR to take account of the capacity constraints, performance evidence and continuing traincrew concerns set out in these representations when determining the application. Network Rail will continue to work collaboratively with CrossCountry, ORR and wider industry parties to monitor performance, assess emerging evidence and consider any future position on rights where the relevant capacity, performance and traincrew issues can be satisfactorily addressed to support a reliable, resilient and deliverable timetable for passengers and the wider network.

Please do not hesitate to contact me if there is any further information you require.

Yours sincerely,


Customer Manager
System Operator