

## 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:

Grand Central Railway Company (GC)

## 1.2 Facility owner details:

Network Rail:	<input checked="" type="checkbox"/>				
Region:	Southern <input type="checkbox"/>	Eastern <input checked="" type="checkbox"/>	North West & Central <input type="checkbox"/>	Wales & Western <input type="checkbox"/>	Scotland's Railway <input type="checkbox"/>
Other Facility Owner:	<input type="checkbox"/>	Please state:			

## 1.3 Application under the Railways Act 1993 section:

17 <input type="checkbox"/>	18 <input type="checkbox"/>	22 <input type="checkbox"/>	22A <input checked="" type="checkbox"/>
Supplemental Number:			28th
Current contract date:			01 August 2014
Current contract expiry date:			Principal Change Date (PCD) 2027

## 1.4 Applicant status:

Public Service Operator <input type="checkbox"/>	Public service contract start date:	
	Public service contract end date:	
	Name of funder (e.g. DfT, Local Authority):	
	Does the funder support this application?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Open Access <input checked="" type="checkbox"/>		
Charter Operator <input type="checkbox"/>		

## 1.5 Executive summary of the proposed contract or amendment:

This proposal is seeking access rights for GC to operate the following additional services every day:

- Two return services (one on Sundays) between Bradford and London.
- One late evening service London to Wakefield Kirkgate.
- One passenger service in each direction between Wakefield and Bradford.
- Conversion of one existing Empty Coaching Stock (ECS) path a day in each direction to a passenger service between Wakefield and Bradford.
- As part of the North East service group, one daily service in each direction between York and London. This will support a reduction in traincrew lodging overnight in London.

The proposal is also seeking rights for up to four North East services a day in each direction to call additionally at Seaham, and for some additional Peterborough calls in each service group.

Proposed commencement date:	Subsidiary Change Date (SCD) May 2025
End date:	PCD December 2027
Date approval or directions wanted by:	09 <sup>th</sup> August 2024

## 1.6 Industry consultation:

Who carried out the consultation?	Network Rail (NR) (due to commence 22/05/2024)		
Consultation start date:	22/05/2024	Consultation end date:	22/06/2024
Not carried out <input type="checkbox"/>			

## 1.7 Applicant details

Facility Owner	Beneficiary
Company: Network Rail Contact name: Mark Garner Job title: Customer Manager Address: Floor 4B George Stephenson House, Toft Green, York, YO1 6JT  Phone: [REDACTED] E-mail: [REDACTED]	Company: Grand Central Contact name: Chris Brandon Job title: Head of Business Development and Programmes Address: Suite 2A, 20 George Hudson Street, York YO1 6WR  Phone: [REDACTED] E-mail: [REDACTED]

1.7 Date of application to ORR:

20/05/2024

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):

Draft Weekday (SX) Timetable information provided

## 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:

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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
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### 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).

#### Introduction

GC has been operating Open Access (OA) services between the North East and London since 2007 and between West Yorkshire and London since 2010. Since services were introduced, GC has successfully introduced incremental service growth on both routes and is now seeking further incremental service changes through additional services into West Yorkshire and additional station calls in the North East (Seaham).

This application is made in line with the process set out in the ORR letter dated 24<sup>th</sup> April 2024, and proposes to introduce the additional rights sought within the May 2025 timetable period, subject to the timings of the implementation of the East Coast Mainline (ECML) Event Steering Group (ESG) timetable. The application seeks to utilise additional capacity on the ECML and therefore meets the criteria as set out by ORR.

GC has participated fully in the ECML ESG process. At the start of 2024, it was fully anticipated that the ESG timetable would be implemented in December 2024, providing a revised base for GC to consider its future growth aspirations against.

Alongside preparation of its timetable bid for December 2024, which was based on the ESG timetable, GC had commenced work on its future growth plans, anticipating that an application would be submitted later in 2024, with the expectation of introduction of additional services within the May 2025 timetable. The further delay to the ESG implementation, and subsequent process set out by ORR, has meant that the GC application has been brought forward in order to meet the specified timescales.

#### Access Rights Sought

Under its 28<sup>th</sup> Supplemental Agreement, GC is seeking the following additional access rights to be included in Schedule 5 of its Track Access Agreement.

##### Monday - Saturday

- 2 additional return services between Bradford and London Kings Cross utilising the existing calling pattern.
- 1 additional return service between York and London Kings Cross (early morning and late evening service).
- 1 additional service between London Kings Cross and Wakefield (late evening).
- 2 new passenger services each morning between Wakefield and Bradford using one existing ECS path and one new path.
- 2 new passenger services each evening between Bradford and Wakefield using one existing ECS path and one new path.
- Station calls to be added at Seaham in 4 North East services in each direction.
- Peterborough calls to be included in one new West Yorkshire service and in one further existing service in each direction.
- A Peterborough call in the additional North East services.

##### Sunday

- 1 additional return between Bradford and London Kings Cross.
- 1 new return service between York and London.
- Peterborough calls in some services.

A marked-up version of Schedule 5 is provided alongside this application showing the changes proposed.

### **Application Approach**

GC expected the ESG timetable to be implemented and bid the December 2024 timetable in line with this. It had also already begun work on additional expansion opportunities, with all timetable development work being undertaken against the ESG timetable as the base. GC's original specification for the ESG timetable allowed for further expansion but resources were then not available to allow the timetable gaps in the West Riding service group to be filled. With an expected timetable implementation date of May 2022 GC decided to defer any proposals for timetable enhancement until the ESG timetable had commenced.

The subsequent delay to the implementation of the ESG timetable has led to some uncertainty around the base timetable that will likely be in place for the 3 timetable periods set out in the ORR process of 24<sup>th</sup> April (Dec 24, May 25, Dec 25). On this basis and recognising that the ESG timetable represents the likely greatest quantum of service on the ECML, the GC application and timetable has been developed against the ESG base.

**The draft timetable has been shared with NR, and NR has been asked to commence industry consultation on behalf of GC on 22<sup>nd</sup> May 2024.**

### **Rationale**

The GC West Riding Service group was introduced in 2010 and currently provides 4 return services per day serving Bradford Interchange, Low Moor, Halifax, Brighouse, Mirfield, Wakefield Kirkgate, Pontefract Monkhill, Doncaster, Peterborough and London Kings Cross.

The current timetable is inconsistent with early morning services from Bradford bunched together, a large gap between the mid-morning and afternoon services and no early morning departure from London Kings Cross. This leads to a number of operational inefficiencies in terms of unit and crew utilisation as well as a sub optimal customer proposition.

West Yorkshire Combined Authority (WYCA) published its latest Rail Strategy in January 2024. GC has adapted its original enhancement plans to reflect parts of the Rail Vision developed by WYCA. This Vision includes:

- Regular services between the Five Towns area and Bradford (without changing at Leeds) and
- A new hourly Pontefract to Doncaster (originating in Leeds)

This proposal increases the number of direct GC services each way between Wakefield and Bradford from 4 to 8, doubling this local service and facilitating commuting and day trips to Halifax and Bradford. It also provides at least three additional services a day between Pontefract and Doncaster.

In addition to the above issues with the current timetable, GC has long held an intention to provide an early morning and late evening service in order to remove some of the need for train crew and units to lodge in London overnight.

The restructure of the ECML timetable through the ESG process provides the opportunity for the existing gaps in the current GC West Riding timetable to be plugged and also support the removal of some lodging requirements.

The current West Riding service group, starts and terminates services at Bradford Interchange, with units stabled at Crofton TMD overnight. This current operation leads to inefficient ECS moves between Crofton (Wakefield) and Bradford. It is proposed that some of these ECS movements are converted into useful passenger services, providing Long Distance rolling stock quality to more local routes and generating revenue using capacity already occupied by GC services.

GC has also identified sufficient time in some of its proposed ESG train paths where additional station calls could be accommodated at Seaham (between Sunderland and Hartlepool). This would provide new direct services between Seaham and London, making good use of existing capacity and providing significant passenger benefits through price competition and new direct services.

In January 2024, GC introduced a limited number of station calls at Peterborough in each of its service groups. Passenger response to these calls has been positive and GC is seeing demand not just on its services to London but also for journeys between Peterborough and West Yorkshire and especially the North East. These additional station calls were introduced on the basis of sufficient pathing time existing in current services to allow the calls to be made with no impact on end-to-end journey times. The timetable proposed provides additional opportunities to call GC services at Peterborough, further bringing the benefits of competition as well as significant improvements in journey time between Peterborough and some destinations in the North East and West Yorkshire.

**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).

No safety risks identified. GC is currently operating across the routes proposed.

**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](#).

To the end of the current contract.

**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.

NR is aware of GC's proposals but has indicated that, at this stage, it is unable to support the application. The further delay to the ESG timetable and the subsequent process and deadline set out by ORR has meant that it has not been possible to undertake sufficient work with NR in advance of this submission.

GC is committed to the process set out and will engage with NR fully in order to validate the capacity requirements and agree terms with NR if possible.



### 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.

The version on the ORR website is conformed as at 04<sup>th</sup> March 2024 including the 23<sup>rd</sup> Supplemental Agreement. The version does not include the 27<sup>th</sup> Supplemental Agreement (PR23 Implementation). NR has provided a copy of the full consolidated agreement to GC and ORR.

## 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 introduction of additional return services between West Yorkshire and London, will provide additional new direct journey opportunities between stations in West Yorkshire and London at more regular times throughout the day, reducing end to end journey times when considering times of the day where GC does not currently operate and removing the requirement to interchange.

The additional West Riding services proposed by GC, will provide a more regular service throughout the day, at approximately two-hourly intervals, making return journeys more attractive to GC passengers encouraging additional passengers to the rail network. Previous work has indicated that long-distance open access services operating at two-hourly intervals make optimum use of both paths and resources.

Whilst the additional return services will provide significant additional journey opportunities and benefits to passengers, the proposal also seeks to deliver operational benefits and make as efficient use of capacity as possible.

The provision of an early morning York to London service (operating as a 10-car unit) will remove some of the requirement for crews lodging in London overnight. This will allow for better staff resource allocation.

GC is also proposing to convert some existing ECS movements to useful passenger services making more efficient use of capacity.

The additional calls at Peterborough will build on the GC services already operating out of Peterborough, providing further additional direct journey opportunities between Peterborough, West Yorkshire and the North East with journey time savings of over an hour in some cases when compared to travelling with other operators and changing trains.

In addition to benefits to passengers, GC will create additional jobs in the West Yorkshire area as a result of the increased headcount requirements.

**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.

GC has fully engaged with the ESG process and has been heavily involved in its development. GC has undertaken its own timetable development activity, identifying additional paths within the ESG timetable which could accommodate the services proposed. It will continue to work with NR in order to validate the timetable produced.

The services proposed will be operated with Class 180 or Class 221 rolling stock. Both stock types are diesel traction and therefore no power supply constraint would exist for these services.

**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.

ESG timetable performance modelling indicated that, in nearly all instances, GC's services are likely to be more punctual than in the current timetable. Since the proposed additional services mostly follow the same timetable structure that applies throughout the day GC expects no performance detriment if the new services are approved and implemented.

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

GC will be operating a small increase in its quantum of service which may impact on NR's maintenance and renewal activity. However, the quantum increase is insignificant in comparison to the general service level increase as a result of the ESG implementation.



## 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.

GC is proposing the following additional services to be included in Table 2.1 of schedule 5.

A marked up copy of the relevant schedule 5 tables is appended to this application.

### Current

	Weekday	Saturday	Sunday
Bradford - London	4	4	4
London - Bradford	4	4	4
London - Wakefield	0	0	0
London - York	0	0	0
York - London	0	0	0
Bradford - Wakefield	0	0	0
Wakefield - Bradford	0	0	0

### Proposed

Weekday	Saturday	Sunday
6	6	5
6	6	5
1	1	0
1	1	1
1	1	1
2	2	2
2	2	2

GC is also proposing the following additional station calls to be included in Table 4.1 calling patterns. The table below represents an increment to the current quantum of station calls (where specified) within the current Track Access Agreement.

### Seaham

Sunderland - London	All Week	4 calls per day
London - Sunderland	All Week	4 calls per day

### Peterborough

Sunderland - London	Sunday	1 call per day
London - Sunderland	Sunday	1 call per day
Bradford / Wakefield - London	Monday - Saturday	Additional 2 calls per day
London - Bradford / Wakefield	Monday - Saturday	Additional 2 calls per day
Bradford - London	Sunday	2 calls per day
London - Bradford	Sunday	2 calls per day

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

GC is not proposing any changes to NR's flexing rights.

**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.

GC will operate the additional unit diagram required with Class 180 or Class 221 units. Both unit types are route cleared, included in GC's Track Access Agreement and operating on the routes proposed for new services.

**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.

Not applicable. GC is an open access operator.

**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.

No.

**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.

GC has been fully engaged in the development of the ECML timetable recast as a member of the ESG. The additional services proposed have been developed against the ECML ESG timetable as a base.

## 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:

GC will introduce additional services between London and West Yorkshire. This will lead to additional competition with Franchise and other Open Access operators specifically at Doncaster and competition with Franchise operators at Bradford, and Wakefield albeit at alternative local stations.

GC will also provide additional direct competition at Peterborough station, although the proposals are targeted more at providing improved journey opportunities between Peterborough and the North East and West Yorkshire.

Indirect competition will be created on the majority of other flows; however, GC will provide additional direct services and / or significant improvements to journey times vs existing opportunities to travel.

GC is confident that the application will pass the ORR's NPA test and will demonstrate significant additional passenger benefits.

The required NPA analysis and business case will be provided under separate cover.

**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.

Additional station calls proposed make use of existing pathing time and therefore convert this to useful station calls.

**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.

Not applicable.

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

There is no change to the monitoring of services arising from this proposal.

**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.

Not applicable.

## 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).

The proposal does not require any enhancements.

**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.

GC 24<sup>th</sup> Supplemental Agreement – submitted in line with the development of the ESG timetable in order to convert existing contingent rights to firm rights.

**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.

The whole proposal has been submitted.

**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.

No redactions have been made to the information provided.