

TTP2712 (Attercliffe Plain Line Track Renewal)

XC Trains Ltd. Sole Reference Document

1. DETAILS OF PARTIES

1.1 The names and addresses of the parties to the reference are as follows: -

- (a) **Cross Country Trains Limited** (04402048) whose Registered Office is at XC Trains Limited, Admiral Way, Doxford International Business Park, Sunderland, SR3 3XP [XCTL] ("the Claimant")
- (b) **Network Rail Infrastructure Limited** whose Registered Office is at Waterloo General Office, London, SE1 8SW (NRIL) ("the Defendant")
- (c) Crosscountry correspondence address: 5th Floor, Multistory, 18 Priory Queensway, Birmingham B4 6BS
Network Rail correspondence address: Floor 2B George Stephenson House | Toft Green | York YO1 6JT

2. THE CLAIMANT'S RIGHT TO BRING THIS REFERENCE

2.1 This matter is referred to a Timetabling Panel ("The Panel") for determination in accordance with Condition D4.6.2 (c) (e) (f) (j) of the Network Code.

3. CONTENTS OF REFERENCE

The Sole Reference includes:-

- (a) The subject matter of the dispute in Section 4;
- (b) A detailed explanation of the issues in dispute in Section 5;
- (c) In Section 6, the decisions sought from the Chair in respect of
 - (i) legal entitlement, and
 - (ii) remedies;
- (d) Appendices and other supporting material.

4. SUBJECT MATTER OF DISPUTE

- 4.1 This is a dispute regarding the construction of the Woodburn Junction walking route during the 5-day Attercliffe blockade (Attercliffe Plain Line Track Renewal) from 00:30 Monday 2nd February until 05:30 Saturday 7th February.
- 4.2 As outlined in D4.6.2 of the Network Code, the impact of not having the Walking Route does not: (c) maintain and improve train service performance; (e) maintaining and improving an integrated system of transport for passengers and goods; (f) the commercial interests of Network Rail (apart from the terms of any maintenance contract entered into or proposed by Network Rail) or any Timetable Participant of which Network Rail is aware; (j) enabling operators to utilise their assets efficiently.

This dispute arises over section D4.6.2 (c) (e) (f) (j) of the Network Code as XCTL have outlined the reasons for the requirement of the walking route in response to working with Network Rail to complete the access at Attercliffe. Fundamentally XCTL have worked to ensure a train service can run albeit to a reduced frequency but also working to cater for the expected passenger demand because of this. As the walking route is not constructed by the end of 2025, this now presents a serious passenger handling, safety and reputational risk if XCTL cannot run the service level as planned.

- 4.3 As detailed in section 4.4, XCTL have a recorded timeline of the walking route requirement and key decision points to ensure that it is constructed for the blockade.

4.4

- In November 2024 XCTL requested for a walking route to be built for the Attercliffe viaduct blockade in version 2 of the ARP (**Appendix A**)
- March 2025: Email sent to confirm that walking route needs to be built for November 2025 (**Appendix B**)
- On 4th August 2025 NRIL raised there were funding issues, but not stated what exactly they were
- On 6th August 2025, the possession was disputed at the CPPP stage (**TTP2712**) “XCTL will require a walking route at Woodburn Jn to allow a through route for XCTL between Chesterfield and Wakefield/Doncaster when Sheffield is not available. The walking route must be long enough to accommodate a 10 - car Voyager and will need to be in place for Autumn so it can be signed off with reps before Christmas. The walking route is vital in preventing significant passenger handling issues. XCTL will continue to work with NRIL on the completion of the study and the walking route but will hold this access in dispute pending an acceptable study and successful completion of the walking route that meets XCTL requirement”
- Then on 7th August 2025 an email was sent to confirm that there is no plan in place to build the walking route at Woodburn Jn and XCTL provided the implication of this to Network Rail (**Appendix C**)
- Tuesday 2nd September 2025 – XCTL Raised the dispute (**TTP2712**) to a hearing stage with Tamzin and conversations with NRIL were had to see whether funds can be transferred between North and East Route and TRU to facilitate the construction of a walking route. After clarification of the walking route being built XCTL requested for the hearing to be cancelled but leave the dispute in place in case any further discussion did not finally resolve all the issues currently in dispute (**Appendix J**)
- 4th September 2025: NRIL still were not confident enough if there was funding available for the walking route and other options were explored with XCTL, such as learning the Old Road diversionary route and having route conductors. However, this was not feasible due to crew constraint, Industrial Relations issues, lack of route knowledge and scale/size of a new route learning exercise at this stage ahead of the block taking place.

- 5th September 2025: Meetings were arranged with Sponsors, NRIL and XCTL to discuss requirement of the walking route and when it needs to be built by. An email was sent to state that the walking route needs to be built for December (pre-Christmas 2025) so that our Ops Standard team can go out and do a safety check and if there are any issues these to be resolved in enough time before the blockade (**Appendix E**)
- 12th September- XCTL agreed that the TRU team will lead on this and a supplier will carry out survey and design work and should be complete in the next 2-3 weeks (**Appendix E**)
- 26th September- Sponsors advised the design would be complete first two weeks of October 2025 and physical work will begin at the end of October through December awaiting programme confirmation (**Appendix F**)
- 29th September an email was sent to confirm the delivery of the walking route by December 2025 (**Appendix F**)
- 24th October meeting: Design teams were drawing on research insights to inform and refine their proposal as discussions were ongoing to support the completion by Christmas 2025 following on from meeting held on 5th and 12th September stating that walking route needed to be completed by Christmas 2025 which was stated in the notes in the meeting from 12th September (**Appendix E**)
- 14th November meeting: the civil design elements were due this week and different options were being discussed e.g. GRP walkway or gravel walkway, and these were already agreed by XCTL Driver Training Manager (**Appendix G**).
- 2nd December a HAZID session was set up to discuss potential hazards in relation to the walking route, and the method of working was discussed.
- 9th December meeting the GRP was ordered, and, in the meantime, they will do some prep work such as dropping materials and levelling the ground. It was also advised that the physical construction of the walking route would now begin on the 3rd January 2026 and walkout would be arranged.
- 17th December meeting was set to discuss lighting options as a permanent solution could not be implemented and XCTL advised as long as it meets the LUX requirement, we are happy to use any lighting. A visit was planned for week commencing 12/01/2026 and it was confirmed that 30m of walkway and some of the lighting would have been installed by then (**Appendix H**)
- 5th January XCTL sent an email to arrange a walk out week beginning 12th January 2026, however it was mentioned that the project has not started the work and will begin the construction of the walkway on 12th January and asked for the visit to be rearranged for the 19th January (**Appendix I**)
- 7th January meeting arranged to discuss the delay, XCTL was advised this was due to challenges with the design and the assurance process taking longer than expected and stated that the walking route will now be complete by 31st January and first walk out being scheduled for 19th January, which is way too late for XCTL health and safety team (**Appendix I**). XCTL shared their concerns and requested that works commence as early as possible and that site visits are brought forward so that the walking route can be signed off before the 28th January for finalising driver diagrams for the blockade.

It was then agreed that the walkout would now be arranged on 15th 22nd and 27th being the final walkout.

See Appendix L for timeline

5. EXPLANATION OF EACH ISSUE IN DISPUTE AND THE CLAIMANT'S ARGUMENTS TO SUPPORT ITS CASE

5.1 Woodburn Junction Walking route: In November 2024 XCTL agreed to the Attercliffe blockade on the basis that a walking route would be constructed. This walking route is a critical dependency and formed a fundamental part of XCTL acceptance of the blockade. The walking route is required to enable drivers to change ends at Woodburn Junction and be routed via Broughton Lane and enabling XCTL to operate double sets to mitigate overcrowding, noting we are the only operator running through services during this blockade, therefore our operating method is essential to the core passenger handling plan of the blockade with the industry. On 7th August 2025, XCTL was advised by NRIL that there is currently no funding available on the North & East route to deliver this walking route and that the TRU project team had no plan on building this walking route for the Attercliffe block but were under the impression it was only for the Thornhill blockade in 2027, representing a change to the basis on which the blockade was accepted.

Following several discussions, an agreement was reached on 12th September that the walking route would be delivered, with XCTL advising that it must be completed by Christmas 2025 to allow sufficient time for XCTL's Health and Safety team and Union rep colleagues to undertake the required inspections and approvals. On 26th September It was advised at that time that the design would be completed within the first two weeks of October, with construction works commencing at the end of October and continuing through to December.

On the 9th December XCTL were subsequently advised that works would commence on 3rd January 2026, enabling Health and Safety inspections to take place during the week commencing 12th January, with a further inspection planned for the week commencing 26th January following any remedial work identified in the inspection, these dates were again not achieved. This was due to the design not being issued in line with the programme, resulting in the walking route not being constructed by December as agreed.

On 5th January 2026, XCTL was advised that the walking route would not be completed until 31st January, with works now planned to begin in the week commencing 12th with the first site visit scheduled for the week commencing 19th January with the H&S reps but noting the walking route can only be signed off when completed. These revised dates raise significant concerns, as it does not provide sufficient time for XCTL to complete the necessary safety assurance and formally sign off the walking route ahead of the 28th January deadline for finalising driver diagrams for the blockade. Considering the repeated failure to meet agreed timescales, XCTL requested that works commence as early as possible and that site walkouts be brought forward to mitigate further risk. It was subsequently agreed that walkouts could be arranged on 15th and 22nd January (again, noting the walking route can only be signed off when completed) with the walking route final inspection and sign off by 27th January subject to successful completion of works by those dates; however, there remains ongoing uncertainty as to whether even these revised dates will be achieved but also this poses significant operational risk to XCTL. At the end of w/c 26th January should the H&S team and Union reps identify any issues with the completed walking route or not be able to sign it off for any reason then we will not be able to operate our train service as it would be too late to complete remedial work and also schedule a further final sign off before the blockade starts on Monday 2nd February. At this stage it will also be too late to make meaningful change to the plan, and we risk significant passenger handling issues alongside negative reputational damage.

Without the walking route, XCTL will not be able to operate the proposed Train Plan. We would not be able to substitute the double sets for single sets as the impact of a single set would create a level of unimaginable crowding whereby the Driver would not be able walk safely through the train to change direction. Our option would therefore be having to terminate all of our services either side of the block (noting significant platform capacity issues impacting even our ability to do this at the likes of Sheffield, Leeds or York) and thus severing the only through train service to operate during this blockade having significant passenger handling issues, affecting 12 northbound and 11 Southbound services a day.

XCTL will be the only operator running between Derby and Leeds during the blockade along with providing the only direct link from the South West of England to the North East of England and Scotland, which will result in

unmanageable levels of overcrowding, significant passenger handling risk. Drivers are unable to change end within the train on passenger services due to agreements with Driver Company Council because of potential overcrowding and there being no guaranteed route through the train for drivers. This would result in XCTL cancelling all services. This will require an exceptional large number of emergency rail replacement buses with the cost of this being significant due to being at emergency rates and adding another flow of rail replacement increase complexity and capacity issues at Sheffield interchange. Based on pre-planned rates, the cost of buses across the blockade will be a significant amount (**Appendix K**). It also excludes any additional costs such as coordinators, off-site parking at each location and signage which would also be required. XCTL would not be able to confirm these additional costs until it has all been planned but now noting that due to timescales, any road transport will need to be procured on an emergency rate, which will be more than the initial quoted estimate.

XCTL do not have sufficient Driver resource to be able to double resource all our services to avoid the need for Drivers to have to walk through the train to change ends at Woodburn Jn.

The absence of the walking route would create major fleet cycling issues due to the Oxford blockade happening at the same time, preventing units from returning to their home base at Central Rivers (near Burton on Trent) which is the only location we have on our network where maintenance can be done and would affect the maintenance place that has been built by our fleet team. We don't have the spare train crew resource to run trains ECS via Woodburn Jn as single sets to get them to Central Rivers for maintenance so all units north of the block would be unable to get maintenance for the whole possession without the walking route.

Additionally, terminating at Leeds and Sheffield as previously mentioned carries significant implications, due to the lack of platform availability, causing further passenger handling challenges. Furthermore, XCTL will receive significant negative customer and stakeholder feedback due to the cancelled services. Due to the emergency nature in which this would have to be managed given the timescales NRIL have imposed on us with the delays to the construction of the walking route, the passenger handling impacts will be exasperated across the entire industry with significant crowding, delay and bus replacement. XCTL will incur significant costs through the delay repay along with significant revenue loss from being unable to operate these services.

6. DECISION SOUGHT FROM THE CHAIR

- 6.1 XCTL are seeking assurance that the walking will be built in time ahead of the block and successfully signed off by our Health & Safety representatives. We acknowledge at this point in time and given the collaborative industry approach thus far to deliver this piece of work that to remove the access would not be a palatable option.
- 6.2 XCTL believe Exceptional Circumstances apply to this case in line with 5.3.1 of the Network Code. Our argument for such is based around the timescales we are currently facing with regards to this matter which leave very little scope to enact meaningful planned changes to our plan (TTP1706 and TTP1708

set precedent) and thus if the walking route is not completed and signed off we will be faced at that stage with no option but to manage the situation under an emergency control arrangement which will incur a great deal of management time and cost, a detrimental passenger handling impact (for the industry) and lead to a number of short notice delays and cancellations as a result along with significant reputational damage.

As a result of a non-successful outcome for XCTL and the walking route has not been built in time for Health and Safety representatives to inspect and sign off for use during the Blockade starting Monday 2nd February 2026, XCTL would expect Network Rail to cover all associated cost relating to an emergency plan. In addition to this, XCTL expect Network Rail to cover all reasonable costs including but not limited to delay repay claims, service cancellation and delay minutes, revenue loss, additional management and Train Service Control hours to manage the implications and any costs associated to fleet stabling. Moreover, as a result of service cancellation, XCTL expect Network Rail to cover the costs of providing additional Road Transport for passengers, including but not limited to vehicles, coordinators and road transport mileage.

7. APPENDICES

The Claimant confirms that it has complied with Access Dispute Resolution Rule H21.

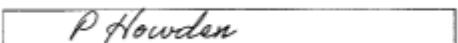
All appendices are bound into the submission, and consecutively page numbered. To assist the Panel, quotations or references that are cited in the formal submission are highlighted (or side-lined) so that the context of the quotation or reference is apparent.

Any information only made available after the main submission has been submitted to the Panel will be consecutively numbered, so as to follow on at the conclusion of the previous submission.

8. SIGNATURE

For and on behalf of XCTL Limited

Signed



Print Name

Paul Howden

Position

Planning Manager

Date

20/01/2026