

TransPennine Express
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11 July 2017

Dear Chris,

Industry Consultation: GNWR access rights to operate between London and Blackpool commencing from the Subsidiary Timetable change in May 2019

Thank you for your letter in response to the above consultation. We have commented on the points that you have made below:

Paragraph 2 states: *“TPE would need to fully understand the outputs of the Network Rail capacity and performance analysis that proves that there is availability of capacity to meet the application prior to any acceptance of this proposal”*. With regard to capacity and performance analysis, this work is in hand. In addition Alliance Rail has commissioned an independent timetable consultant to work to an agreed remit with Network Rail. Network Rail are currently assessing this work and plan to report back shortly. The initial output of this independent work was included in our form P in Annex A.

In addition you also ask: *“TPE needs visibility that NR has conclusively assessed the deliverability regarding the specific rights sought”*. The timetable analysis conducted by our independent consultant has looked at capacity in terms of making use Network Rail’s contractual flex where necessary. This analysis has been provided to Network Rail for their review and has been provided on Network Rail’s flexing sheet template. This assessment shows where timetable clashes have been identified and has provided solutions to Network

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Rail so they can make use of their flex. The independent assessment has confirmed that these rights can be accommodated and that they are deliverable. The remit to our consultant stressed the importance of the train paths to be compliant in terms of the Train Planning Rules and to be contractually compliant with each Train Operators access rights. The output from this work is a fully compliant timetable.

Paragraph 3 states: “*TPE would also like to understand the proposed availability of capacity under degraded or restricted operation and application of decision criteria for restrictions of use;*” The answer to this question depends largely upon the circumstances of the extent of degraded, restricted operation or the Restriction of Use and is not something which we can answer in general terms. Should GNWR be successful then we would engage in the normal industry process that would determine a fair allocation of capacity in accordance with the legal and contractual framework. Part of this framework will be the Decision Criteria and the whole Network Code part D process.

Finally, we note that some of your comments are directed towards Network Rail. As this application is not supported by Network Rail (it is a section 17 application), the points you have raised are for the applicant to answer. Network Rail will no doubt note your comments and should this application be made as a section 17 application they will provide their view to the ORR through the section 17 process. We are grateful for your comments and we have answered these to the fullest of our ability.

Yours Sincerely



Jonathan Cooper

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