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Dear Jonathan,

Alliance Rail Holdings Section 17 application

Many thanks for providing London Midland with the opportunity to comment on your Section 17 application for new services on the WCML between Blackpool and Euston.

Firstly an observation - I note that the Section 18 application that Alliance Rail had previously submitted to the ORR (approved in August 2015), sought firm access rights for paths between Blackpool and Queens Park, but then with contingent rights into Euston. This was because Network Rail was unwilling to sell firm rights into Euston due to the capacity and performance uncertainties of HS2. By now seeking firm rights for services between Blackpool and Euston, this application requests an even greater specification of rights than previously sought yet using slower equipment.

As you will be aware Alliance Rail's Section 18 application for rights on the WCML was predicated heavily on the conclusions of Network Rail's WCML capacity report, published in October 2013, which concluded that at least one additional off-peak path per hour was available on the WCML with an acceptable performance impact, however this conclusion was based on using a Class 390 (with tilt) timing load. The Network Rail report stated that '*other rolling stock options would be required to have the equivalent operating characteristics*' in order to work.

Could you therefore please provide a copy of any outputs from the stated independent capacity modelling that was agreed between Alliance Rail and Network Rail, so that we can fully understand what assumptions have been made - particularly about platforming at Euston under the EMM Option layout? The Form P for this latest application states that '*the train plan developed for the London to Blackpool service is fully compliant with the train planning rules*', yet we have some significant concerns as to how the proposed paths could possibly work. Looking at the paths shown in the Form P, Alliance Rail's latest application uses paths in the Up Direction that are fundamentally different from the previous proposal (no doubt to take account of the slower SRTs and longer dwell times that would be required for loco-hauled equipment), but these new paths don't seem to work at Euston. For example the Up direction slots assume a Euston arrival at xx:00, which is currently used by a WCTL Manchester-Euston service. Also it is difficult to see how the proposed 18:01 arrival can run into Euston at all as there appears to be no platform available (in the post-EMM layout there are two fewer platforms). Even if there was a platform available for this service's arrival it is difficult to see how the proposed 1 hour 32 minute layover in the PM peak (to form the 19:33 departure) could possibly be accommodated. Equally there appears to be no throat capacity availability at that time to achieve a shunt to either the Up sidings, Middle roads, Camden or to Wembley.

It would appear then that the arrival slots for the proposed services into Euston would need to be changed back to align with the previously proposed 125 mph slots e.g xx:27 to xx:30 in order to work, yet it is not clear what impact this would have on services when back-timed north of Rugby, if indeed they could possibly work at all.

You may be aware that in July 2015 London Midland made an application to SOAR to extend the duration of our own access rights to December 2022, yet Network Rail's formal position was that it could not agree to sell access rights on the WCML into Euston beyond 2018 until the outcome from the HS2 modelling had been completed, which is due to be completed in August 2017. We therefore do not believe that it would be appropriate to approve the rights proposed by Alliance Rail at least until that modelling work is complete, or more practically until the December 2018 timetable has 'bed-in'. On this basis, I was interested to note that apparently the Network Rail SOAR panel is 'minded to support' this application subject to route compatibility and Vehicle Change, despite the capacity or performance work having not yet been completed. I would challenge Network Rail as to what information it could possibly have used to draw this conclusion - if Network Rail has effectively already made a decision about selling capacity on the WCML without quantifying the performance risks then not only does this contravene its own Access Rights policy, but is also clearly discriminative.

Finally under EU rules, contracts longer than 5 years must be justified by the existence of commercial contracts, specialised investments or risks. Alliance Rail's previous Section 18 application included a considerable investment in new, 125mph tilting train sets with high reliability, plus investment in stations, in order to justify a 10-year contract. Could you therefore advise why you consider a 7-year contract should be justified on the basis of operating services with refurbished rolling stock that is now more than 25 years old?

Yours Sincerely,



James Carter
Network Access Manager