

Transport for the North Rail North Committee Agenda

Date of Meeting	Tuesday 13 September 2022
Time of Meeting	11.00 am
Venue	Virtual

Filming and broadcast of the meeting

This meeting is not a formal meeting of the Rail North Committee but is being held as a Consultation Call by the Chief Executive under the delegated powers of the Chief Executive to take action in consultation with Members of the Committee. Following the Consultation Call the Chief Executive will take delegated actions having regard to the consultation.

The Agenda and reports for the Consultation Call are being made available to the public and the Call is being livestreamed on the Transport for the North website to ensure openness and transparency. Members of the Committee will attend the Call virtually.

Item No.	Agenda Item	Page
1.0	<p>Welcome and Apologies</p> <p>The Chair to welcome Members and the public to the meeting.</p> <p>Lead: Chair</p>	
2.0	<p>Declarations of Interest</p> <p>Members are required to declare any personal, prejudicial or disclosable pecuniary interest they may have relating to items on the agenda and state the nature of such interest.</p> <p>Lead: Chair</p>	
3.0	<p>Minutes of the Previous Meeting</p> <p>To consider and note the minutes of the previous meeting as a correct record and to consider any requests for updates on matters contained therein.</p>	5 - 12

	Lead: Chair	
4.0	<p>Rail North Partnership Operational Update</p> <p>To provide an update on operational issues, timetable planning and Industrial Relations.</p> <p>Lead: Gary Bogan</p>	13 - 24
5.0	<p>Manchester Recovery Task Force</p> <p>To update on Platforms 15/16, Tranche 3 infrastructure, service uplift priorities and Blueprint/progress.</p> <p>Lead: Chris Mason</p>	25 - 34
6.0	<p>East Coast Main Line</p> <p>To provide an update on timetable change (May 2023) and infrastructure development.</p> <p>Lead: Caroline Young</p>	35 - 38
7.0	<p>Growing the Railway</p> <p>To set out the vision for growth as a prelude to Strategic Transport Plan development.</p> <p>Lead: David Hoggarth</p>	39 - 46
8.0	<p>Rail Reform</p> <p>To note TfN's response to the Government's consultation on planned legislation.</p> <p>Lead: Jonathan Brown</p>	47 - 66
9.0	<p>Exclusion of the Press and Public</p> <p>To resolve that the public be excluded from the meeting during consideration of Items 10 & 11 on the grounds that:</p> <p>(1) It is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during such item(s), confidential information as defined in S100A(2) of the Local Government Act 1972 (as amended) would be disclosed to them in breach of the obligation of confidence; and/or</p>	

	(2) it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs [listed below] of Schedule 12A of the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	
10.0	<p>Private Minutes of the Previous Meeting</p> <p>To consider the approval and signature of the private minutes of the previous meeting as a correct record and to consider any requests for updates on matters contained therein.</p> <p>Lead: Chair</p>	67 - 70
11.0	<p>Train Operator Business Planning</p> <p>To update the Committee on operator business planning.</p> <p>Lead: Gary Bogan</p>	71 - 82

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Rail North Committee Minutes

**31 May 2022
Virtual**

Present:

Attendee

Cllr Liam Robinson (Chair)
Cllr Craig Browne
Mayor Andy Burnham

Cllr Richard Hannigan
Cllr Charles Edwards
Cllr Keith Little
Mayor Jamie Driscoll
Mayor Oliver Coppard

Cllr Heather Scott
Cllr Susan Hinchcliffe

Local Authority

Liverpool City Region
Cheshire & The Potteries;
Greater Manchester Combined
Authority;
South of Humber;
Lakeland;
Lakeland;
North East Combined Authority;
South Yorkshire Mayoral Combined
Authority;
Tees Valley;
West Yorkshire Combined Authority
and York;

Also in Attendance:

Matthew Rice
Tricia Williams
Matt Golton
Mark Livock
Richard Harper

Network Rail
Northern
Transpennine Express

Officers in Attendance:

Name
Martin Tugwell
Gary Rich
Julie Openshaw
Chris Mason
Gary Bogan
David Hoggarth

Job Title
Chief Executive
Democratic Services Officer
Head of Legal
Interim Head of Investment
Rail North Partnership Director
Strategic Rail Director

**Item Item
No:**

1. Welcome and Apologies

- 1.1 The Chair welcomed Members and no apologies were received. He then specifically extended a welcome to new Committee Members Mayor Coppard and Cllr Ieronimo.

2. Declarations of Interest

- 2.1 There were no Declarations of Interest.

3. Minutes of the Previous Meeting

- 3.1 The minutes of the Consultation Call held on 9 March 2022 were considered for their accuracy.
- 3.2 Cllr Scott stated that she had sent apologies for the meeting, and these had not been recorded.

Resolved:

That subject to the recording of Cllr Scott's apologies that the minutes of the Consultation Call held on 9 March 2022 be noted.

4. Strategic Transport Plan Update

- 4.1 Members received the report from the Strategic Rail Director who outlined the key points of his report.
- 4.2 Addressing the issue of short term or long-term Mayor Burnham stated the need for a short term focus if it is going to be meaningful. He expressed concern about investment in the railway in the North until the end of the decade. He informed the Committee that it is his understanding that no significant capacity enhancements are planned for Central Manchester until the end of the decade. He further stated that in order for the plan to be meaningful it has to set out what the Committee needs as a minimum basic level of service.
- Mayor Burnham believes that a plan is needed which should include a timeline outlining minimum expectations and providing completion dates.
- 4.3 Cllr Hinchcliffe requested an additional point be included on levelling up. She explained that some decisions made regarding the railway are bad for disadvantaged places and she wants to ensure that there is more local understanding on these decisions. She suggested that the point include consulting with local stakeholders when making decisions.
- 4.4 Cllr Browne suggested that a mix of short, medium and long-term deliverables need to be included in order to hold decision makers to account. He also stated that the documents need to reference putting passengers first and not customers.

- 4.5 The Chair agreed with the comments of Members. He explained that the document needs to be a visionary and targeted document focussing on the short, medium and long term with a particular focus on the tangibles setting out what the Committee wants the achievements to be for the next decade and beyond.

Resolved:

That the Committee supports the approach to the rail elements of the Strategic Transport Plan outlined in the report.

5. RNP Operational Update

- 5.1 Members received the report from the Rail North Partnership Director who explained that this had continued to be a difficult period for rail including for the two operators in the North. This is because of high level of staff absence, Industrial Relations issues and the absence of Rest Day Working which had been used to help clear the driver training backlog.

He highlighted a letter that had been received from ASLEF about an error in his previous report to the Committee on the issue of Industrial relations and explained that he will write to Mr. Whelan to clarify his point following the meeting.

- 5.2 Ms. Tricia Williams explained that there is a recovery on rail but demand is suppressed. She stated that the industry is working within financial constraints and is beginning to see some inflationary pressures on costs, and this coupled with industrial relations issues is beginning to impact on service delivery. /She explained that the May timetable has now been introduced with the focus on reliability and certainty for customers including reducing short term cancellations.

She then outlined Northern's progress during the recovery. She explained that demand is now at 88% of pre covid, with commuter demand beginning to improve, and leisure and weekends being the strongest areas of recovery.

She updated the committee on the current situation regarding industrial relations. Members were updated on training which is being impacted by having no Rest Day Agreement. It was highlighted that there were a total of 9000 days to be completed.

- 5.3 Mr. Matt Golton provided an update on TPE's recovery with demand currently 75% of pre covid levels but revenue at 85%.

He then addressed current performance levels and the impact these are having on customers, communities and colleagues. He stated that current performance levels are not acceptable and wants to get back to pre winter performance levels. He outlined the challenges they are facing which include higher than usual sickness levels, loss of driver Rest Day working, the RMT dispute and driver training backlogs.

- 5.4 Mr. Matthew Rice explained that the single biggest impact on performance is the actions of external people, this includes trespassing and theft of copper cable with these having a detrimental impact on services. He informed the Committee that good progress is being made on the Transpennine Route Upgrade (TRU) and on East Coast Main Line enhancements.
- 5.5 Members raised with the operators a number of issues relevant to their areas.
- 5.6 Mayor Driscoll explained that it is the job of Committee Members to develop economic prosperity for their areas and a key element to enabling them to do so is having a functioning transport system which the current situation with the transport system across the North is making this difficult to do. He appealed for there to be adequate investment in the rail industry and urged the Government to fix this because a modern levelled up Northern economy can't be achieved without adequate investment in the rail system.
- 5.7 Cllr Hinchcliffe raised the issue that short term cancellations and reliability issues on TPE are having on people. She also looked for assurances from Northern that the full timetable will be restored by December without any changes or cancellations from existing services and without Covid being used as an excuse. She explained that many people living in the North need to travel into work and therefore time needs to be given for these services to build up their patronage and help local economies to thrive.

In response, Mr. Golton recognised that TPE's performance has been unacceptable. He stated that major reasons for the issues being experienced is due to the loss of flexibility as a result of the dispute with RMT colleagues and the loss of rest day working. He assured the committee that they are working as hard as possible to try and achieve a breakthrough with unions on the industrial relations.

Ms. Tricia Williams stated Northern's commitment to re-instating services, but that they may need be utilised differently [post-covid].

- 5.8 Cllr Browne brought to the attention of the Committee that disabled passengers are being left on platforms at Poynton, he stated that he had received a number of e-mails from residents on this issue. He believes that this is occurring due to a lack of capacity on the trains by the time it arrives in his area.

Ms. Williams stated that she will look into this and get back to him.

Mayor Burnham expressed frustration that the same conversations are being repeated and that the people of the North don't have a reliable railway. He stated that the current issues have been going on for a while

and questioned who is taking responsibility for sorting the situation so that the people of the North can have a reliable rail service.

He further stated the need for consistent performance levels and not one where there are patches of good performance followed by a collapse.

Whilst sympathising with operators that some of the issues being experienced are out of their control he added many aren't. He highlighted the lack of infrastructure and how they are unable to support the timetable ambitions of the Committee. He also questioned what the industry is doing to create a more reliable railway for the North when they are struggling to run reliable services on a reduced timetable.

In response to Mayor Burnham Ms. Williams stated that she is unable to put a timescale on improvements but explained that they are working hard to ensure that there is a focus on training as they believe this is the key to enabling them to work more flexibly and allow them to deploy resources where required in order to restore services.

On the issue of industrial relations she stated this is not in their power but they are working hard to find resolutions to the issues.

- 5.9 Mr. Golton stated that they need to recreate the stability that they had during the summer of 2021 where their performance was excellent. He offered the Committee assurances that they are doing everything they can to achieve this.
- 5.10 On the issue of infrastructure Mr. Rice stated that this is one part of the jigsaw and everyone needs to work together and continue to push for sensible targeted investment and growth.
- 5.11 Cllr Edwards stated that it is the most disadvantaged that are most likely to suffer from cancelled services as they have no other form of transport to use. He highlighted the impact of the industrial action on passengers and requested that the Committee and TfN adopt a robust position on the industrial action that gets all parties around the negotiating table and encourages a way forward that doesn't require industrial action.

The Chair stated that he wants all parties to get around the table to resolve the issues urgently without placing blame on specific people in order to find a speedy solution.

- 5.12 The Chair highlighted the importance of a strong focus being put on the build back from Covid. On the issue of industrial relations he further stated that it is imperative that the Government steps in, in order to avoid a national strike. He then highlighted the need for the DfT to give to operators more flexibility to negotiate on more local issues. The Committee were informed that the Chair of TfN is due to meet with the Rail Minister and he will be asked to take the messages of the Committee with him in order that these issues can be resolved.

- 5.13 The Chief Executive stated that there is a strong and clear message to give when the Chair meets with the Rail Minister. He explained that Officers continue to have dialogue with DfT and the messages from the Committee would also be relayed to them. This item will also be included on the 30 June Board agenda.

Resolved:

That the report be noted.

6. ECML Services and Infrastructure

- 6.1 Members received the report from the Interim Head of Investment and Planning who highlighted the key elements of the report.
- 6.2 The Chair explained that the Committee are awaiting Government proposals on this issue and once these have been agreed briefings will be held for Officers and Members so that actions can be taken forward quickly.
- 6.3 Mayor Driscoll stated that within the Integrated Rail Plan (IRP) there are a number of mentions of schemes that will increase capacity on the East Coast Mainline to a potential seventh or eighth path however, in order for this to happen all the trains would need to run at the same speed and stop at the same places.
- He further explained that leaders across the area are working on a cross party basis and requested that the Committee endorse the creation of the East Coast Mainline Programme Board.
- 6.4 Cllr Scott stressed the importance of reinstating the timetable following the last consultation as well as the urgency of the upgrade of the line from York.
- 6.5 Cllr Hinchcliffe welcomed the progress that had been made on the proposals to improve capacity on the northern approach to York Station she also welcomed the joint work to develop the joint proposals in Bradford and Shipley to help the commitment for additional services between Bradford and London.
- She requested an update on the publication of RNEP.
- The Strategic Rail Director stated that he has been informed that this will be published soon but has not been given a date.
- 6.6 Mayor Coppard enquired about the Leeds Area study and asked if a deadline had been set. The Interim Head of Investment Planning stated that this should be issued soon however DfT have not published the Terms of Reference.

- 6.7 Mayor Burnham stated that the conversation needs to change and get back to a railway that supports economic growth in all cities and regions in the North. He stated that Ministers need to start re-attending TfN meetings.
- 6.8 The Chair requested that an item on this needs including on the next Board agenda and asked that a Minister or the Secretary of State be in attendance.
- 6.9 The Chief Executive echoed Members comments on the importance of receiving the Terms of Reference for the Leeds Area study. He stated that in order to move this work forward quickly TfN's role on the co-sponsorship Board can be used to make these key points to the DfT.

Resolved:

- 1) That the Committee notes the update on industry work to introduce a revised timetable on the East Coast Main Line.
- 2) That the Committee notes the work to develop a Blueprint to restore connectivity to and from the north of the East Coast Main Line on the same model as that being successfully applied to the Manchester congestion hotspot and the need to develop appropriate member and officer level governance arrangements
- 3) That the Committee notes the update on the Leeds Area Study.

7. Exclusion of the Press and Public

To resolve that the public be excluded from the meeting during consideration of items 8,9 and 10 on the grounds that:

(1) It is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during such item(s), confidential information as defined in S100A(2) of the Local Government Act 1972 (as amended) would be disclosed to them in breach of the obligation of confidence; and/or

(2) it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs [where necessary listed below] of Schedule 12A of the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

8. Private Minutes of the Previous Meeting

- 8.1 The private minutes of the Consultation Call held on 9 March 2022 were considered for their accuracy.

Resolved:

That the private minutes of the Consultation Call held on 9 March 2022 be noted.

9. Manchester Recovery Task Force Update

- 9.1 The report was received by Members who were then invited to ask questions and make comments.

Resolved:

That the report of the Rail North Partnership Director be noted.

10. Train Operator Business Planning

- 10.1 The report was received by Members who were then invited to ask questions and make comments.

Resolved:

That the report of the Rail North Partnership Director be noted.

Meeting: Rail North Committee

Subject: Rail North Partnership Operational Update

Author: Gary Bogan, Rail North Partnership Director

Sponsor: David Hoggarth, Strategic Rail Director

Meeting Date: Tuesday 13 September 2022

1. Purpose of the Report:

1.1 To update the Committee on operational rail matters, including performance, and to ask Members to note the information in the report. Representatives from FirstGroup, Northern Trains, TransPennine Express (TPE) and Network Rail will attend the meeting. Readiness for the Manchester Task Force-led timetable changes in December 2022 is covered in a separate report at Agenda Item 5.

2. Recommendations:

2.1 It is recommended that the Committee notes the information in the report and the actions that Transport for the North and Rail North Partnership (RNP) are taking to ensure operators have robust post pandemic recovery plans in place and to provide them with support and guidance to respond to current issues in the best way possible for passengers.

2.2 It is recommended that Committee members discuss the current issues with representatives of the industry attending the meeting.

3. Overview and Avanti West Coast

Overview

- 3.1 Train operations in the North (and elsewhere) continue to be impacted by industry-wide issues including Industrial Relations (including ongoing and potential future strikes), higher than average levels of sickness and training backlogs caused by covid. These issues are combining to create a very challenging environment for operators and unacceptable levels of performance and disruption for passengers. It is clear that for performance to improve to sustainable levels, the training backlog has to be addressed and this needs to be managed alongside the ongoing impact industrial action, sickness and the loss of rostering flexibility previously afforded by driver rest day working is having on daily performance through full or part cancellations.
- 3.2 In the North of England strikes took place on 21 and 23 June 2022, 27 July 2022 and 18 and 20 August 2022. Drivers who are members of ASLEF at Northern and TPE have voted for strike action in the widening series of disputes over pay. (Other operators had previously had similar ballot results.) The latest ballots mean 12 UK train operators now have mandates to strike. ASLEF has announced its members will strike at all these operators on 15 September 2022, with TSSA members also taking action short of strike on that date at TPE. RMT members will be taking strike action on 15 and 17 September 2022 and TSSA members will be undertaking further action on 26 and 27 September 2022 at Network Rail.

- 3.3 Transport for the North is using its role and influence in the Rail North Partnership (RNP) to seek solutions to the underlying issues as well as short-term mitigations. RNP is using its contractual relationship with Northern and TPE to develop appropriate recovery plans, implement them once approved and hold the operators to account for delivery against them.
- 3.4 Representatives from FirstGroup (Avanti West Coast), Northern, TPE and Network Rail have agreed to attend the meeting to discuss the issues and their recovery plans with members.

Avanti West Coast

- 3.5 As a result of a shortage of available drivers, Avanti announced on 8 August 2022 that they would be temporarily amending their West Coast services from 14 August 2022. Avanti are temporarily running four trains an hour from London Euston, one to each of Glasgow, Liverpool, Manchester and Birmingham. Every two hours trains will run through to Edinburgh, via the West Midlands. There will be a shuttle service between Crewe and Holyhead, plus a through service between Euston and Chester once a day. This amended timetable will be in place until further notice.
- 3.6 The revised timetable has an adverse impact in the North; particularly Manchester (where the previous service of 3 trains an hour has been reduced to 1 train per hour), but also severely reducing connectivity between Crewe/Chester and North Wales. While Avanti's contract is not managed through RNP, Transport for the North has met representatives from Avanti and DfT to highlight the impacts on the North and seek reassurances that a plan to restore services at the earliest opportunity is being produced. A verbal update will be provided at the meeting.

4 TransPennine Express and Northern Recovery Plans

- 4.1 Against a backdrop of stronger recovery of passenger demand in the North, performance is below target levels (see Appendix 1), due to the impact of sickness, training, industrial action and the loss of driver rest day working flexibility. That said, the December 2022 timetable will see more train miles provided by Northern and TPE services than before covid.
- 4.2 RNP has been working with Transport for the North, TPE and Northern to develop plans for each operator to return to a sustainable footing. RNP is working with operators to transform ways of working to provide a sustainable and responsive foundation for growing back reliably and making sure operators have the resources, including through large-scale recruitment, to run reliable services and increase services as resources allow.
- 4.3 RNP has also begun work with DOHL (the holding company for the Operator of Last Resort), Transport for the North, DfT and the operators to develop plans, originally put forward by Northern, for a Rail Academy for the North – a multi-location training academy for our (and potentially other) operators, which will both offer people across the North the opportunity to develop the skills needed for careers in rail and provide operators with a sustainable supply of skilled staff for future growth.
- 4.4 Transport for the North met the rail minister to outline its concerns on performance and recovery and has continued to meet with DfT and operators to

push for greater clarity on future plans and certainty for passengers where services are disrupted.

- 4.5 RNP has additionally approved TPE's recruitment of additional driver trainees this year, building on its already significant pipeline of trainees.
- 4.6 Operators' recovery will be measured by constant monitoring of performance across the network to see if timetable adjustments are supporting service stabilisation, monitoring of sickness levels to see if trends are improving or degrading, and reporting of recruitment plans and levels of recruitment through performance dashboards.
- 4.7 A review of South and North Transpennine route timetables is also currently being carried out by RNP with TPE to establish whether selected temporary minor reductions in services may also help stabilise the performance position on those routes.

TransPennine Express

- 4.8 Throughout the year, TPE has seen ongoing high levels of sickness, greater than anticipated levels of drivers leaving the business and a very substantial volume of driver training required to recover from Covid-related competency loss and to meet the demands of enhancement programmes (principally TRU and MRTF) and timetable changes.
- 4.9 This has impacted service performance, with the situation compounded by diminished rostering flexibility from the loss of driver rest day working since December 2021 and strike action by the RMT which has impacted the rate at which training can be delivered. The scale of strike action has now grown with action being planned by TPE staff who are members of TSSA and ASLEF.
- 4.10 RNP has been working with the operator and stakeholders to resolve the underlying issues and improve the service for passengers.
- 4.11 As a temporary solution, and subject to strict conditions, TPE is introducing a revised timetable from mid-September 2022 for services it operates on the West Coast Main Line. The amended timetable entails reductions in services back to a similar level provided pre-May 2022, but complemented by additional bus services in Cumbria and the Scottish Borders. The operator wants to give greater levels of travelling certainty for passengers and the regions TPE serves, on the basis that passengers prefer a reliable service to the offer of a choice of more trains that may well not run.
- 4.12 It is important to state that these temporary reductions are being made for operational stability and certainty only and are not being made for budgetary reasons. Those affected services remain part of the core timetable the operator will be required to operate once the core issues affecting performance, such as realising the benefits of ongoing and additional training, have been addressed. RNP has insisted that the reduced timetable must be for as short a period as possible, and that, in the management of the services, fleet and staff on this line, restoring service levels is TPE's priority. The operator will seek to reintroduce services from the December 2022 timetable change, with remaining services reintroduced by May 2023.
- 4.13 There will be a focus on the provision of accurate and timely information to passengers about the changes to be implemented and any issues with delivery of the new timetable.

- 4.14 TPE will continue to work with Transport for the North members and stakeholders to understand the impact of the timetable in practice and consider any improvements or enhancements to better align the passenger offer with passengers' particular requirements or experiences.
- 4.15 TPE will continue to work with RNP, Transport for the North and DfT to develop a recovery plan to address the underlying issues which have triggered the need for this change.
- 4.16 TPE's industrial relations issues, which are a significant factor in the operator's poor performance, continue. TSSA members have voted (73 percent on a 63 per cent turnout) for strike action, as have ASLEF members (97 per cent on a turnout of 82 per cent).
- 4.17 Looking forward, TPE continues to make headway with its significant driver training programme and is recruiting additional driver trainees. With the May 2023 timetable change, TPE is looking to add additional York – Scarborough services for holiday traffic (Fridays and weekends / bank holidays), as well as extending its Manchester – Huddersfield service to York via Wakefield and Castleford.

Northern Trains Ltd.

- 4.18 At the last meeting of the Committee, concern was expressed about timetable changes made by Northern in May 2022, when it made a number of service reductions to improve reliability, pending progress on training that had been curtailed during covid. (The backlog was then compounded by high sick rates earlier in the year.)
- 4.19 While performance has worsened in recent weeks due to other issues, the revised timetable introduced by Northern in May 2022 has operated more robustly than before the change and has given passengers greater certainty. Transport for the North members have continued to push for restoration of the lost connectivity, and Northern has recently confirmed that the majority of services will be restored from the December 2022 timetable change.
- 4.20 RMT's Northern members joined the union's national strikes in June 2022, July 2022 and August 2022. ASLEF members at Northern have voted (96 per cent on a turnout of 86 per cent) for strike action. ASLEF has since announced action across 12 operators for 15 September 2022 and RMT for 15 and 17 September 2022.
- 4.21 Northern launched its latest flash sale on 30 August 2022, with one million advance purchase tickets available. Adult tickets cost £1 (50p for those aged 5-15). Tickets were available to buy from 30 August 2022 to 2 September 2022, for journeys between 6 September 2022 and 20 October 2022 (excluding half term), on routes with capacity, with relevant restrictions on certain routes during weekends and for major events. More than 100,000 tickets were sold in the first 48 hours of the sale.
- 4.22 Performance continues to be an acute challenge, with T-3 (the measure of trains arriving within 3 minutes) generally 1-2 percentage points below target. Passengers are still experiencing significant service disruption through on-the-day cancellations. While Northern had removed services from the train plan to mitigate the impact it is still making a large number of traincrew and operations-related cancellations per period – the majority occurring in the North West, in the context of a challenging industrial relations environment. The situation is unlikely

to improve quickly; RNP is working with Northern on developing possible options to improve the situation.

- 4.23 The first installation of the long-term solution to the previously reported CAF (train manufacturer) trains Yaw Damper issue is now complete. This is being monitored before full rollout across the remainder of Northern's CAF fleet. An important milestone in Northern's rolling stock strategy was achieved in the period, as the oldest trains (Class 150) replacement draft plan was produced for review. The entire fleet of CAF diesel trains has had seat covers replaced, with 10,000 covers supplied as part of the Trains Deep Clean project. The CAF electric trains are already being refitted, with other trains to follow.
- 4.24 Northern recently briefed RNC members' officials on plans for the December 2022 timetable.

5 **Other Updates**

Transpennine Route Upgrade (TRU)

- 5.1 Following publication of the Integrated Rail Plan, TRU programme funding has increased to around £9bn. Work to better connect passengers in the North between Manchester, Huddersfield, Leeds and York is due to be completed in the next 10 years. The programme aims to transform the Transpennine route into a high-performing, reliable railway, bringing more frequent, more reliable, faster, greener trains.
- 5.2 The 76-mile Transpennine line serves 23 stations, crosses over and dips under more than 280 bridges and viaducts, passes through 6 miles of tunnels and crosses 29 level crossings. As well as electrification of the entire route, TRU involves station improvements and a new signalling system.
- 5.3 The programme is funded by the Department for Transport and delivered by Network Rail, working with TPE, Northern, freight operators and combined authorities across the region, as well as the businesses across the North that make up the TRU supply chain.
- 5.4 Work during 2022 is focused on weekends between April 2022 and September 2022, with some disruption planned over the Jubilee bank holiday weekend in the Manchester Victoria area. However, while 2022 is a period of 'lighter' disruptions, the operators continue to work collaboratively to refine and develop Customer Handling plans and deployment of Customer Delivery Managers (an industry resource), in preparation for the more disruptive periods expected from 2023 onwards.
- 5.5 Communications to staff and public, including around the installation of the first overhead wires, a video of the project vision and Huddersfield station's 175th birthday, are ongoing. Network Rail will be providing an update to Transport for the North's Board at the meeting on 29 September 2022.

Cross Country Trains

- 5.6 The operator's focus has been on maintaining close relationships with industry colleagues to deliver a robust service, where possible, during the recent extreme weather conditions and several days of industrial action. These have caused higher levels of disruption for passengers, and CrossCountry is looking to strengthen contingent arrangements to deliver the best service possible during disruption.

- 5.7 Special workstreams have been set up with key stakeholders to address specific performance issues focussing on service recovery and mitigation of trespassing and cable-theft.
- 5.8 During the recent service delivery challenges at TransPennine, CrossCountry has supported passengers by providing ticket acceptance and amended stopping patterns to serve Reston on a temporary basis.
- 5.9 CrossCountry has recently launched the Customer and Communities Investment fund to support projects that have a local or regional benefit, or address an area of social need, in the places and communities served across its routes. Applications are open until 12 September 2022.

East Midlands Railway (EMR)

- 5.10 EMR's December 2022 timetable sees very little change compared to what is in the base timetable today. The primary barrier to further service introductions for EMR is the shortage of diesel rolling stock, as mentioned in previous updates. EMR is continuing to work with the Department for Transport and fellow train operators to release trains as swiftly as possible.
- 5.11 There are no further planned instances of strike action affecting EMR at this point. As before, EMR will receive 14 days' notice of any strike action from the RMT or TSSA unions. ASLEF is currently balloting its members; this ballot closes on 19 September 2022. The earliest their members could be asked to take action is 3 October 2022, and the indication is that any strike action would take place between then and 18 March 2023.
- 5.12 EMR's new advertising campaign, featuring the brand mascot Miles, has now launched. The campaign will further help support recovery of the rail industry by driving consideration and awareness of travelling by train with EMR, focussed on reaching commuter and business audiences as they return from annual leave. This will air on ITV, Sky and on-demand channels (ITV, All4) in EMR's mainline region and Sky and on-demand channels in EMR's Connect region. TV will also be supported with radio and digital activity.

LNER (London North Eastern Railway)

- 5.13 New data shows LNER saw the most customers return to its services when compared with pre-pandemic usage than any other operator. The findings, published by the Office of Rail and Road, show that LNER recorded relative usage of 83 per cent in the year from April 2021 to March 2022, up 63 percentage points compared with the previous year, meaning LNER has topped the table for four consecutive quarters.
- 5.14 LNER also revealed the findings of new research commissioned to give an insight into what the future of business travel looks like, which showed that 89 per cent of office workers are confident that face-to-face meetings will become the norm again by the end of the year.
- 5.15 LNER launched its Green Guide 2, an inspirational guide for destinations to help those making eco-changes to their travel, as research undertaken following the July 2022 heatwave showed nine of out ten people (89 per cent) feel that climate changes has contributed to the hot weather.

- 5.16 LNER Customer and Community Investment Fund applications for the next round of funding have been received.
- 5.17 Looking ahead, Network Rail's upgrade works will see Carlisle diversions in place in September 2022 and October 2022, while planned upgrade works to the East of Newcastle Central Station will be carried out by Network Rail from 1-9 October 2022 with an impact on a number of operators and services.

First Hull Trains

- 5.18 Hull Trains has been affected by the recent industrial action by RMT and ASLEF, resulting in a reduced service on some weekdays and at weekends. The company remains committed to a resolution of the disputes but also requires reforms around productivity and pensions to secure the future of the business. While revenues have been impacted, more services are being operated on strike days, as contingent staff are helping to support services.
- 5.19 The operator has been impacted more recently by the hot weather and significant infrastructure-related events which illustrate some of the issues with overhead lines on the East Coast Main line.
- 5.20 The company is continuing to evolve its product offer, introducing a new 'Seat Picker' service, which allows customers to select their own seats for their journey. A number of additional connections tickets have also been created, offering passengers better value long distance fares on specific connecting services.
- 5.21 Finally, the Hull Trains team has been shortlisted at the National Rail Awards in the categories of Outstanding Team of the Year, Best in Class Fleet and Outstanding Personal Contribution, so will await the final results in September 2022.

6. Corporate Considerations

Financial Implications

- 6.1 There are no direct financial implications arising from this report.

Resource Implications

- 6.2 There are no direct resourcing implications to Transport for the North arising from this report.

Legal Implications

- 6.3 There are no apparent legal implications arising from this report.

Risk Management and Key Issues

- 6.4 Risk implications are included in this report.

Environmental Implications

- 6.5 This report does not constitute or influence a plan or programme which sets the framework for future development consents of projects listed in the EIA Directive and therefore does not stimulate the need for SEA or EIA. Passenger rail has an essential part to play in achieving our decarbonisation objectives within Transport for the North's Decarbonisation Strategy, particularly around reducing private car vehicle mileage.

Equality and Diversity

6.6 There are no equality or diversity issues arising from the report.

7. Appendices

7.1 Appendix 1. Performance Update

Glossary of terms, abbreviations and acronyms used

Please include any technical abbreviations and acronyms used in the report in this section. (Please see examples below.) This will provide an easy reference point for the reader for any abbreviations and acronyms that are used in the report.

- | | |
|----------|--|
| a) RNP | Rail North Partnership |
| b) TPE | TransPennine Express |
| c) NTL | Northern Trains Ltd |
| d) NPS | Transport Focus National Passenger Survey |
| e) CSAT | Customer Satisfaction Survey |
| f) RMT | National Union of Rail, Maritime and Transport Workers |
| g) ASLEF | The Associated Society of Locomotive Engineers and Firemen |
| h) TSSA | Transport Salaried Staffs' Association |

Appendix 1.

Performance Update

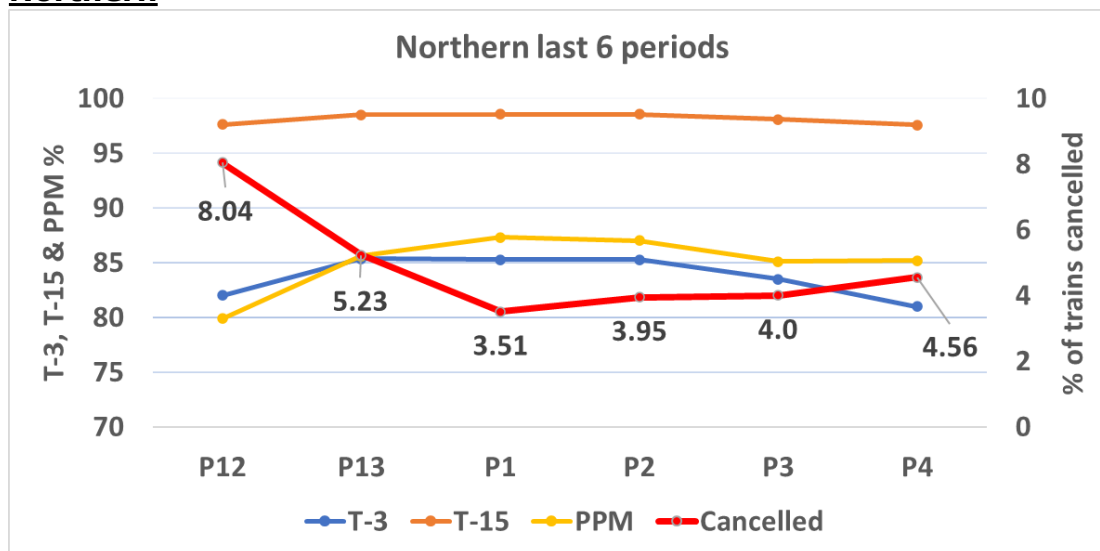
The graphs below and overleaf highlight the train performance for both Northern and TransPennine Express.

The data is reported under the new performance metrics:

- T-3 (arriving within 3 minutes of timetable)
- T-15 (arriving within 15 minutes of timetable)
- Cancellations (% of trains cancelled v scheduled to run)

Although Public Performance Measure (PPM) is no longer a reporting metric, it has been included as a visual guide (data for PPM is extracted from the Office of Rail and Road webpages).

Northern

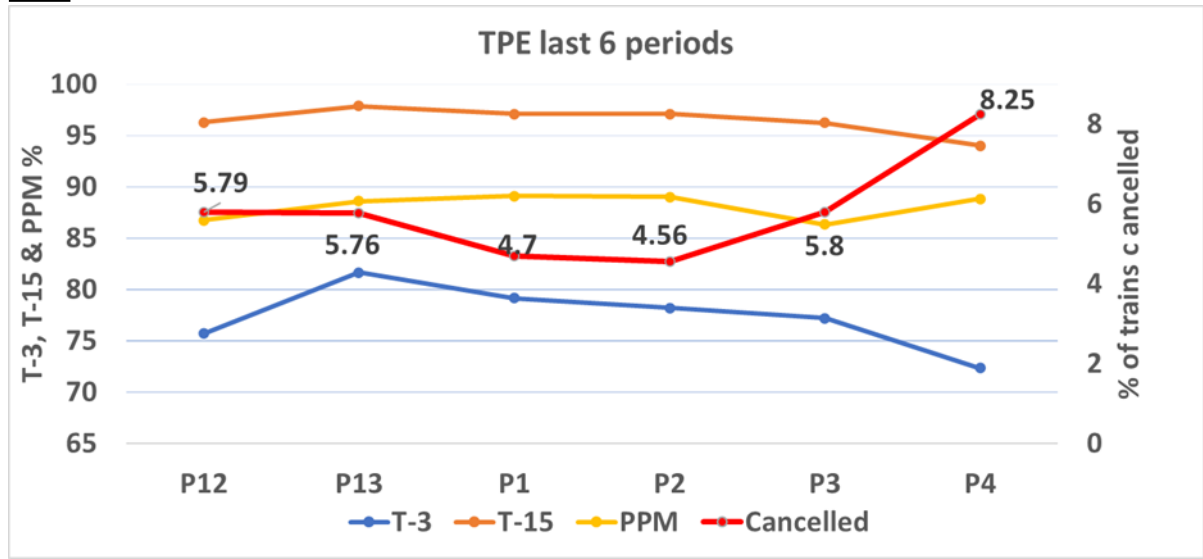


Performance saw improvement from period 12 to P2 but decreased from P2 to P4 due to COVID-19 and internal IR disputes.

The proportion of trains running to T-3 has declined along with PPM, cancellations have improved since the last report (P10-P12) but has increased slightly since P1 to P4.

PPM is no longer an official measure; analysis shows that the PPM tracked T-3 and currently sits at 85.2% for period P4.

TPE



TPE performance was stable until P2 but has decreased since to P4. T-15 has remained consistently in the 90% range throughout the past 6 periods. However, T-3 tracked mostly under 80%. PPM has mostly been in the high 80s% and currently sits at 88.8% for P4. Cancellations has been tracking mostly above 5% and peaked at 8.25% in P4.

The main reason for the downward trend of cancellations is due to the loss of flexibility previously afforded by driver rest day working agreement. TPE continues to reduce train services through implementing planned service reductions before 22.00 hours the previous day and these services do not reflect in the overall performance of cancellations.

Customer Service Scores

Northern's customer metrics were only very slightly improved from the all-time lows set last period. Net Promoter Score (NPS) and Customer Satisfaction (CSAT) analysis is clear that cancellations dominate customer feedback and impact on satisfaction with other areas of the service.

NPS has increased slightly from its lowest ever point in period 3 but remains well off target. The downward trend appears to have levelled off, but the performance impacts of industrial action and hot weather continue to be a break on improvement.

Several areas have been identified for improvement: Help Points will be refreshed in October this year, and the roll out of backing posters should improve customer perception, while seat covers are currently being replaced across many of the fleet which will drive improvements in this area.

For TPE, despite its poor operational performance, NPS remains positive, although in the most recent periods CSAT has fallen (to +15% from a long-term average of +30% NPS), and complaints remain relatively low, even by historic standards.

Under the Service Quality (SQR) regime, TPE is achieving good results - above average for those operators who are under the SQR regime. In P4, TPE exceeded the benchmarks in 6 of

the 9 SQR areas, although this represented a slight decline from P3. Main areas of concern are with station toilets cleanliness which drags the overall stations SQR results to below benchmark levels. TPE is working hard to address the issue, and RNP is monitoring closely.

On wavelength surveys, TPE is also above industry average in most areas. In P4 'Trust' scored 7.3, down from 7.9 in P3, while satisfaction scored 7.9, down from 8.3. Industry average for satisfaction is 7.7 in P3.

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Meeting:	Rail North Committee
Subject:	Manchester Task Force
Author:	Chris Mason, Interim Head of Investment Planning
Sponsor:	David Hoggarth, Strategic Rail Director
Meeting Date:	Tuesday 13 September 2022

1. Purpose of the Report:

- 1.1 This report is to provide Members of the Committee with an update on the work of the Manchester Task Force including the development and delivery of the next stage of the Blueprint, the programme of infrastructure enhancements and progress with delivery of the December 2022 timetable change. It also provides an update on the development of the programme governance by Network Rail.

2. Recommendations:The Committee is asked to:

- 2.1 Note the update on delivery of the Blueprint that links infrastructure enhancements to service changes and the development by Network Rail of the strategic approach to development and delivery of the three 'tranches' of proposed infrastructure upgrades.
- 2.2 Note the progress on implementation of the December 2022 timetable.
- 2.3 Note the proposal to apply the option testing methodology developed by the Manchester Task Force (MTF) to the next main service change opportunity in 2024/25 and present the outcomes to the Committee to allow them to identify their service priorities.
- 2.4 Note the continued progress with development and delivery of the larger infrastructure upgrades identified in the Blueprint and Transport for the North's engagement with Network Rail at a senior level on further strengthening governance and coordination.

3. Main Issues:Summary

- 3.1 The Manchester Task Force (including representatives from industry, DfT, Transport for the North and TfGM) is overseeing the work to address the congestion bottleneck in central Manchester. Building on the recent more collaborative approach, the remit and mandate of the Task Force have been extended to cover the longer-term strategy which includes:
- Implementation of the December 2022 timetable as an initial step to address service reliability issues;
 - development of the 'Blueprint' that links on-going infrastructure enhancements to delivery of the connectivity and capacity needed beyond that initial step;

- Work led by Network Rail on the range of infrastructure solutions to support the Blueprint arranged in three 'tranches' of work and;
 - Implementation of an option testing methodology developed for train service improvements facilitated by infrastructure delivery which will allow Transport for the North members to clearly articulate their priorities.
- 3.2 Preparation for the December 2022 timetable change is progressing well; lessons learned from May 2018 have been fully incorporated into the approach including the development of detailed contingency plans should the current Industrial Relations issues impact on preparations. The Task Force will provide a single, co-ordinated update for members at this and future meetings.
- 3.3 Following on from the December 2022 change, which is focussed on tackling performance, the work on Tranche 1 infrastructure enhancement schemes is well underway with a final investment (funding) decision expected early in 2023.
- 3.4 The next major service change opportunity beyond December 2022 will be in 2024/25 (resulting from the committed electrification schemes) for which it is proposed to apply the service option testing methodology developed by the Task Force and present the outcomes to the Committee to enable members to express priorities.
- 3.5 Tranche 2 works are mainly focussed on the Castlefield Corridor and include the re-building of Manchester Oxford Road Station (which also provides an opportunity to significantly improve the public realm in the area) and changes to the signalling to improve the operation of the corridor. There is now a clear industry view on the optimum design for the Manchester Oxford Road scheme and it is now progressing through the development and funding approval process.
- 3.6 Over the summer, a series of workshops has facilitated considerable progress on identifying and developing options for the Tranche 3 major infrastructure upgrades to deliver further service enhancements in the longer term and to understand the opportunities presented by digital signalling, which will be reflected in an update to the Blueprint.
- 3.7 Network Rail has responded to feedback from the Committee on the need for greater clarity on the overall infrastructure programme. This includes responding positively to the proposal for a single programme director, who would improve accountability and focus – including regular updates to the Committee.

The Manchester Programmes Narrative

- 3.8 Several large-scale infrastructure enhancement programmes are currently in development across Greater Manchester's rail network, specifically:
- Manchester and North West Transformation Programme (MNTP) - expected delivery across the 2020s/2030s;
 - Trans Pennine Route Upgrade (TRU) - expected delivery mid-2030s;
 - High-Speed 2 (HS2) - expected delivery across the 2030s;
 - Northern Powerhouse Rail (NPR) – expected delivery up to 2040; and
 - Integrated Rail Plan (IRP) - expected delivery beyond 2040.
- 3.9 Each programme addresses different requirements and objectives, for example, performance/capacity/journey time improvements on different major rail corridors or hubs. Combined, they deliver a series of 'configuration states' i.e. groupings of enhancements packaged according to their expected delivery dates that will facilitate different train service options across and through the Greater Manchester area at defined points in time.

- 3.10 As infrastructure development progresses greater clarity is reached on the infrastructure in the configuration states and the services they will facilitate. This enables dates to be identified for service enhancements and timetable change opportunities, which can be presented to the Committee. It should be noted that this work has been made possible by the ongoing collaboration of cross-industry stakeholders.
- 3.11 The infrastructure options to enhance capacity and performance across the Manchester area reflected in the Blueprint have been identified through the MNTP via industry workshops and engagement with stakeholders.
- 3.12 To date this has led to the identification of potential infrastructure interventions alongside the combinations required to deliver service enhancements in three stages or 'tranches':
- Tranche 1 - the smaller schemes including those that had the potential to be delivered quickly and could be considered 'quick wins' or 'no regrets' in that they would likely be beneficial in a variety of service scenarios;
 - Tranche 2 - remodelling of passenger and rail infrastructure to improve capacity at Oxford Road and Piccadilly stations; and
 - Tranche 3 - major enhancements such as upgrades of the signalling system and grade separation of major junctions ('flyovers') to remove conflicts between services.
- 3.13 Network Rail have been developing these infrastructure options and in parallel identifying which have a robust business case to suitably add value to services through Manchester. It is also important to understand when these interventions could be delivered and obstacles to delivery.
- 3.14 The options, particularly for the Tranche 3 package, have also been worked through to understand how they interface with the other large-scale infrastructure enhancement programmes across the North both from a constructability perspective (how they interface in space and time) and also ensuring the infrastructure is integrated with the other programmes and their outputs.
- 3.15 Network Rail are now developing a Manchester Programmes Narrative that identifies the different infrastructure programmes with their respective outputs and illustrates which combination of infrastructure enhancements deliver the configuration state opportunities shown in the Blueprint along with an indication of the development stage of each scheme. This includes a graphical representation of progress with the many infrastructure schemes in the MNTP in a comprehensive and easily digestible manner
- 3.16 The development of the cross-industry programme, coordinated by the MTF and DfT is now moving from being infrastructure led to become more output led and through this process Network Rail are narrowing down where resources and funding need to be focussed on the development of infrastructure options, which in turn will give more clarity to the programme. This will be done with consideration of the development and delivery of TRU in the shorter term but also in conjunction with HS2, NPR and IRP outputs in the longer term. Increasingly the outputs need to be considered as part of the whole system and not necessarily attributable to one programme.
- 3.17 This is a welcome development which DfT and Network Rail plan to form the basis for development of an overall strategy for the railways in Manchester from now up to the IRP as a piece of formal strategic advice, with the continued involvement of Transport for the North and affected Local Authorities.

- 3.18 The configuration states and timetable opportunities enabled when combined with the other infrastructure enhancement programmes in the area are:
- Configuration State Opportunity 1 - December 2022: delivery of a more robust timetable to address pre-Covid performance challenges;
 - Configuration State Opportunity 2 - Mid 2020s: enhanced passenger handling at key city centre stations. Potential timetable change options to improve performance across north Manchester and better connectivity to Salford Central station;
 - Configuration State Opportunity 3 - Late 2020s to early 2030s: longer trains facilitated on the Castlefield Corridor and to Manchester Airport. Continued performance enhancements through Central Manchester and across the Pennines. Increased capacity between Manchester and Leeds and Manchester and Liverpool. Options to re-design the pattern of services;
 - Configuration State Opportunity 4a - Mid 2030s to late 2030s: facilitation of more and longer trains in operation in south Manchester; and
 - Configuration State Opportunity 4b - Post IRP: new high-speed networks delivering journey time improvements and opportunities for released capacity on the conventional network, both to the south and east/west.

Delivery of the December 2022 timetable

- 3.19 The December 2022 timetable has been in the development and planning since the summer of 2020 following a recommendation from the Task Force and has been through a public consultation and several rounds of discussion and agreement with Transport for the North members. The overarching aim is to ensure a more reliable service whilst preserving as much connectivity as possible and catering for the expected demand as the post-pandemic recovery continues. This includes scrutiny through the national industry PMO for timetable change each month and through the MTF Board attended by Transport for the North and TfGM where readiness is discussed every two weeks. In addition, there are a series of readiness cross-industry 'deep dives'. A December 2022 timetable readiness session was held on 26 August 2022 between the Industry, DfT, RNP, & Transport for the North colleagues. A further detailed Industry readiness session was planned for the 5 September 2022.
- 3.20 From an infrastructure perspective, plans and mitigations are in place to deliver the platform extensions in Cumbria and depot/stabling enhancements which support the timetable for December. Work is underway to finalise plans for improving accessibility at Irlam station due to the introduction of TPE's longer trains. Rolling stock plans and mitigations are in place to support the cascade of trains to Northern and the reallocation of TPE's train types across its network. Training is continuing on TPE for the extension of Cleethorpes service to Liverpool, rolling stock moves, and depot changes.
- 3.21 Given the backdrop of what appears to be a protracted period of industrial action across the industry, industry partners are also taking the precaution of preparing a contingency plan to protect service resilience on the introduction of the MTF changes. This could include phasing the timetable introduction, something that other train operators have successfully managed over the Christmas period for similar timetable recasts to support service resilience, with some services subsequently phased in on the completion of training or other requirements.

Tranche 1 Infrastructure Progress

- 3.22 In line with the Blueprint, final design and full business cases for Tranche 1 schemes are well underway and progressing towards a final investment decision

in early 2023. Together with the ongoing delivery of the Stalybridge electrification scheme, and Wigan-Bolton to commence delivery in 2023, these Tranche 1 schemes will give an opportunity to reconfigure services from 2024/2025 onwards for improved performance and passenger outputs.

- 3.23 Completion of design and business cases for station capacity schemes at Piccadilly and Victoria, including options to increase terminating platform capacity at Piccadilly and remodelling of Manchester Airport and Oxford Road stations, are expected to follow during 2023.
- 3.24 A Cheshire Lines Committee (CLC) lines workshop on 29 April 2022, covering the route between Manchester and Liverpool via Warrington, agreed on the need to develop a matrix which would consider a hierarchy of potential needs, including the need to restore cross-Warrington connectivity, which would demonstrate how the required outputs could be delivered against a number of alternative infrastructure configurations. A further workshop on 25 July 2022 presented an update on the electrification scheme being developed and an assessment of what signalling alterations could deliver. A workshop is planned for September to test these upgrades against the desired train services to inform design towards an Outline Business Case submission in 2023.
- 3.25 With implementation of the December 2022 Timetable a series of rolling business case submissions will be delivered over a 12 to 18-month period, initially to move forward with schemes that have a business case into committed funding and delivery of the Tranche 1 schemes, but subsequently the more complex schemes such as the remodelling of Manchester Oxford Road (Tranche 2) and Manchester Airport. These rolling business case submissions will seek to secure the funding whilst allowing the embedment of the December 2022 Timetable in parallel.
- 3.26 The remodelling of Oxford Road and lengthening of platforms at Manchester Airport will follow on towards the later end of the decade, which will be another opportunity for a considerable reconfiguration of the timetable and of services which use the Castlefield Corridor.

Tranches 2 and 3 – Castlefield Corridor and Manchester Piccadilly

- 3.27 Work to develop the conclusions from the Manchester Piccadilly Platforms 15/16 performance modelling assessment is continuing, with further information to follow at the next meeting of this Committee.
- 3.28 Following confirmation of the scope of other interfacing major programmes, there is now an overarching need to confirm the outputs which Tranche 3 will deliver, building on the configuration state concepts already in development and market analysis. These outputs need to include TRU outputs, services not delivered by the December 2022 timetable and other stakeholder led aspirations.
- 3.29 The analysis associated with the strategic advice against the updated outputs will allow a gap analysis between the planned service changes and what can be delivered on the existing or planned infrastructure changes. High level analysis of areas that require most interventions to deliver likely aspirations for future service changes reconfirmed that Piccadilly and Stockport were strategic priorities.
- 3.30 A cross-industry planning workshop for the proposed Tranche 3 workshop took place on 25 July 2022 to agree the key areas of focus for and inputs to the main workshop. This was led by DfT and attended by representatives from Transport for the North, DfT, Transport for Greater Manchester and train operating companies.

- 3.31 It was recognised that Tranche 3 covers a large geographic area so the initial workshop would focus on the south side of Manchester with another workshop to be convened to consider other areas, particularly the Ordsall area.
- 3.32 The Tranche 3 workshop took place on 22 August 2022. This gave cross-industry visibility of constraints and opportunities, to inform the sequence and strengthen the case for interventions in central Manchester and the Stockport corridor.
- 3.34 Also considered were what MNTP schemes would be beneficial to interfacing programmes such as the Transpennine Route Upgrade, including where MNTP infrastructure could assist in maintaining services during route closures for infrastructure works, or where closures may facilitate access in parallel.
- 3.33 An outcome was agreement on the criticality of ensuring that services arrived at the Castlefield Corridor on time and that the infrastructure needed to be in place to play its part in facilitating this. The next steps were agreed as:
- Focussing on the Ordsall Lane Junction grade separation options and developing a strategic business case;
 - Confirming the timescales for development of scheme business cases;
 - Development of the construction strategy for the Oxford Road re-modelling;
 - Gain a clear understanding of current HS2 assumptions and impact on the infrastructure at Stockport and Piccadilly; and
 - Re convening in January 2023.
- 3.34 Once developed, the configuration states facilitated by the Tranche 2 and 3 works will feed into additional service choices which will be brought to the Committee.
- 3.35 It should be noted that the ability to fund Tranche 3 works is dependent on capacity within the DfT's Rail Network Enhancements Pipeline (RNEP) funding envelope. Information on the schemes funded within RNEP and remaining headroom has not been made available by DfT but the business cases for the Tranche 3 schemes will need to be as strong as possible to secure funding given there will be many competing demands on railway funding.
- Development of future service choices
- 3.36 Fourteen timetable options have been defined, and a number of criteria have been suggested by which the advantages and disadvantages of future service options could be used to inform the decision-making process, including impact on rail industry revenue and operating costs, socio-economic benefits, connectivity, capacity and performance of services.
- 3.37 Agreement is required on the relative weight that should be assigned to each criterion and Transport for the North led a workshop with representatives from Local Authority partners using an established analysis technique on these weightings, on 12 July 2022. However, work is required to refine the methodology for application of this technique and a further report will be brought to a future meeting to seek the views of the Committee on the proposed weightings and initial outputs.
- 3.38 It should be noted that any proposals will be subject to financial and commercial assessment before implementation.
- Future Development of the Blueprint
- 3.39 The Manchester Task Force has been concentrating on development of Configuration State Opportunity 1 - the December 2022 timetable (Workstream 1) and Configuration State Opportunity 2 - mid-2020's services (Workstream 2) which is focused on the service enhancements options resulting from the

electrification works between Wigan – Bolton and Stalybridge and associated infrastructure improvements in the Manchester area due to be delivered by 2024-25.

- 3.40 It is planned that the appraisal programme for options within Workstream 2 will be completed by the end of September 2022. This appraisal will feature the six-criteria assessment methodology (as set out in paragraphs 3.36 to 3.38 above) that examines performance, revenue and economic benefits, passengers affected, policy, deliverability and assurance.
- 3.41 It is proposed that the series of options identified in the assessment will then be the subject of consultation with Officers, informal briefings to Members and other industry stakeholders before being presented to the Committee later in 2022 for consideration and identification of priorities.
- 3.42 In parallel a similar assessment is being undertaken for Workstream 3 (2030s) and it is proposed that a similar briefing approach will be adopted as for Workstream 2 above.
- 3.43 When finalised, the Configuration State 'maps' will be incorporated into a new issue of the blueprint, expected to be issued later in the autumn.

Further strengthening of governance and coordination

- 3.44 At its meeting on 13 May 2022 in consideration of the Manchester Task Force Update Report the Committee expressed support for the work that has been taken forward collaboratively through the MTF and recognised the development of a Blueprint linking services with infrastructure as being a significant step forward that could be used as a way of monitoring progress being made with implementation.
- 3.45 However, the Committee felt that the Blueprint does not identify *how* feasibility and grouping of infrastructure enhancements to deliver specific service enhancements will be assessed, developed and assembled such that business cases can be confirmed.
- 3.46 The Committee considered that there would be considerable benefit of a single high-level overview of all rail activities being taken forward in and around central Manchester to give further reassurance that the fundamental issues identified by the Task Force were being addressed and by setting out indicative timelines enabling all partners to align their input to the processes at the most appropriate point. This would also enable partners beyond the rail sector to engage with the wider private sector in Greater Manchester to maximise the benefit of the public sector investment in its rail offer.
- 3.47 Consequently, Transport for the North wrote to the Chief Executive of Network Rail pressing the case for the creation of this single high-level overview. Network Rail responded by welcoming the positive comments by the Committee, highlighting the next milestone of the December 2022 timetable change, specifically more accurately matching the train services to the current infrastructure capacity but acknowledging that development of infrastructure enhancements to provide capacity for improved services needed to continue.
- 3.48 The response referred to Network Rail's North West & Central Region strategic planning team beginning to develop an overall strategy for the railways in Manchester from now up to the IRP as a piece of formal strategic advice to be

completed by March 2023. A commitment was made to the continued involvement of Transport for the North officers as well as other affected authorities in this work. Transport for the North officers have already engaged with Network Rail on the Manchester Programmes Narrative referenced in this report including tabling suggestions for improvements to ensure the strategy is clear and will continue to liaise with Network Rail on development of the strategic advice.

- 3.49 Finally, the evolving programme for enhancements in the Manchester area and supporting enhancements further afield highlights that this is a complex programme of a large number of interacting individual schemes and interfaces with broader programmes such as HS2, NPR and TRU, currently overseen as part of the North of England Integration Board remit. Transport for the North proposed to Network Rail that the time is right for Network Rail to appoint a dedicated Manchester Programme Director to ensure the whole programme in the geographic area is coordinated and driven forward to deliver the outcomes as quickly and efficiently as possible. Network Rail have recently responded positively to the suggestion and are understood to be exploring options.
- 3.50 The ongoing development work on Workstream 2 and 3 in addition to the industry workshops described in this report means that the Blueprint needs to be updated. This will be done and brought to a later meeting of this Committee when the outputs of the Workstreams and other workshops are agreed – which will provide an integrated view showing how the short- and medium- term programmes will link to the longer-term end states provided by the IRP and HS2.

Next steps:

- 3.51 The immediate next steps are:
- Network Rail to present to officers in September 2022 the outcome of assessment of what electrification and re-signalling can deliver against service requirements for the CLC lines;
 - Delivery of the December 2022 timetable;
 - Network Rail and DfT to progress the Tranche 1 schemes to final investment decision in 2023;
 - DfT to confirm date for follow-on Tranche 3 workshop for the Ordsall area Follow-up workshop on service choice weightings;
 - Complete the appraisal programme for mid-2020's service options, consult partner authority officers, brief Members and present outcomes to the next Committee meeting for consideration and identification of priorities; and
 - Engage with Network Rail on their proposed development of an overall strategy for the railways in Manchester to be incorporated into Strategic Advice which is due to be completed by March next year.

4. Corporate Considerations

Financial Implications

- 4.1 There are no financial implications for Transport for the North as a result of this report.
- 4.2 The requirement for further funding for Network Rail to deliver Tranche 1 schemes beyond Full Business Case and further develop Tranches 2 and 3, which will be subject to DfT and Treasury approval.

Resource Implications

4.3 There are no direct resourcing implications as a result of this report.

Legal Implications

4.4 There are no apparent legal implications arising other than raised within the report.

Risk Management and Key Issues

4.5 This paper does not require a risk assessment, however, risks relating to the December 2022 timetable are being identified, assessed managed and monitored through the Task Force. A risk has been included on the Transport for the North Corporate Risk Register in relation to future timetable changes.

Environmental Implications

4.6 This report does not constitute or influence a plan or programme which sets the framework for future development consents of projects listed in the EIA Directive and therefore does stimulate the need for SEA or EIA. Any infrastructure proposals to improve the capacity and reliability of the system will be subject to EIA Screening, conducted by Network Rail as part of the consenting process for those projects.

4.7 Delivery of the Blueprint outputs will encourage growth of travel by rail services and contribute to environmental targets through reduction in journeys by road.

4.8 Any specific environmental issues will be picked up by Network Rail in the development and delivery of individual infrastructure interventions.

Equality and Diversity

4.9 A full impact assessment has not been carried out because it is not relevant to the type of work referenced.

Consultations

4.10 Consultations will be carried out by the appropriate body in development of the infrastructure works and on timetable changes through industry processes.

4.11 A full public consultation was carried out by train operators on the detailed timetable proposals for December 2022. This was open to any members of the public and Local Authorities to respond to.

5. Background Papers

5.1 There are no background papers to this report.

6. Appendices

6.1 None

Glossary of terms, abbreviations and acronyms used

a)	DfT	Department for Transport
b)	MTF	Manchester Task Force
c)	MNTP	Manchester NorthWest Transformation Programme
d)	TRU	Transpennine Route Upgrade
e)	PMO	Programme Management Office
f)	HS2	High Speed 2

Glossary of terms, abbreviations and acronyms used

g)	NPR	Northern Powerhouse Rail
h)	IRP	<i>Integrated Rail Plan</i>
i)	RNP	<i>Rail North Partnership</i>
j)	TPE	<i>Transpennine Express</i>
k)	CLC	<i>Cheshire Lines Committee (line from Manchester to Liverpool via Warrington)</i>
l)	RNEP	<i>Rail Network Enhancements Pipeline.</i>
m)	SOBC	<i>Strategic Outline Business Case</i>

Meeting:	Rail North Committee
Subject:	East Coast Mainline Services and Infrastructure
Author:	Caroline Young, Partnership and Programme Manager
Sponsor:	David Hoggarth, Strategic Rail Director
Meeting Date:	Tuesday 13 September 2022

1. Purpose of the Report:

- 1.1 To provide the Committee with an update on the revised East Coast Mainline (ECML) timetable proposal and progress with the development of infrastructure to facilitate further service enhancements.
- 1.2 To provide the Committee with an update on the Leeds Area Study.

2. Recommendations:

- 2.1 That the Committee notes the update on industry work to introduce a revised timetable on the East Coast Main Line and further infrastructure enhancements.
- 2.2 That the Committee notes the update on the Leeds Area Study.

3. Main Issues:

- 3.1 The East Coast Main Line links the North East to almost all other parts of the UK and is West and North Yorkshire's primary link to London but suffers from constraints and unreliability that places a limit on the number of passenger and freight trains that can serve the region and constraining future growth. Transport for the North, Local Authorities and businesses in the North East have been seeking an increase in the capacity of the northern end of the East Coast main line for some time.
- 3.2 Various studies have identified infrastructure options to increase capacity. Some, including works to allow larger freight containers to use the Northallerton–Eaglescliffe route to access Teesport rather than reverse at Darlington, are progressing towards delivery.

Timetable Development

- 3.3 In 2021 a revised timetable, planned to be introduced in May 2022, was consulted upon. It would have provided a third London North Eastern Railway (LNER) service per hour between London and Newcastle but at the expense of an existing northeast – northwest service which reduced connectivity across the north and additionally had other impacts on local services and reduced calling patterns at some stations in the North.
- 3.4 Transport for the North, with input from its partner authorities, made a robust response to the 2021 timetable consultation and which contributed to the decision by the industry to develop alternative proposals.
- 3.5 In June 2022, the Department for Transport (DfT) issued to Transport for the North and key partners a further draft East Coast Main Line timetable for review.
- 3.6 Transport for the North's consultants have undertaken a comparison between the previous timetable (issued in summer 2021) and the one issued for consultation in June 2022. This technical work has concluded that whilst the most recent draft

timetable provides additional connectivity benefits in some parts of the region, it however does not fully deliver the requirements of all partners and stakeholders.

- 3.7 A Ministerial decision regarding whether the proposed timetable will go ahead in May 2023 was still awaited at the time of writing, however it is understood by Transport for the North that introducing a full suite of changes would have some risks should the decision be taken now. However, it would be possible to make some marginal changes (e.g Cross Country improvements which will benefit passengers).
- 3.8 In discussion with DfT, Transport for the North believes that infrastructure changes required on the ECML north of York are now included within the Integrated Rail Plan (IRP) Delivery Programme being delivered by the DfT and there is a commitment to deliver the 7th/8th path per hour on the ECML.
- 3.9 The ECML between York and Newcastle is part of the Northern Powerhouse Rail (NPR) network and it is important that it is planned so that the Integrated Rail Plan NPR outputs can be achieved, and these are overseen by the NPR Sponsor Board to ensure consistency with the wider NPR Programme.
- 3.10 Shorter term infrastructure development is focussed on adding the 7th/8th path per hour. This could allow reinstatement of the 2tph east -west TransPennine Express services.
- 3.11 Transport for the North, supported by Transport North East, participated in an industry workshop led by Network Rail, and attended by representatives of DfT, Train and Freight Operating companies to baseline the requirements for the East Coast Main Line North. At this workshop Transport for the North presented their development of a Blueprint for the East Coast Main Line North, linking service enhancements to infrastructure and specifically indicating the enhancements required to deliver the capacity and service improvements required by Transport for the North and local authority partners. A strong case was presented to use the capacity provided by the 7th path to improve east- west connectivity which could allow the reinstatement of the TransPennine Express services, although there may be competing priorities. Further work is required to build a strong evidence-base for this case, based on Transport for the North's broad data and analytics capability. Network Rail have concluded the Strategic Outline Business Case, and this is with DfT for review. The next stage, an Outline Business Case, is planned to be taken forward as part of the IRP development work and is seen as an early IRP output.
- 3.12 Transport for the North continues to support cross-industry work alongside West Yorkshire Combined Authority and City of Bradford Metropolitan District Council to increase the number of LNER services by up to 6 per day between Bradford, Leeds, and London. The plan remains for these services to be delivered in time for Bradford hosting UK City of Culture in 2025.

Leeds Area Study

- 3.13 The Government's Integrated Rail Plan was published in November 2021 and commits to look at the most effective way to run HS2 trains to Leeds including the most optimal solution for Leeds Station capacity and starting work on the West Yorkshire Mass Transit System. To support this activity, studies will be carried out over an 18 to 24-month period, guided by Terms of Reference set by the DfT.

3.14 To support the study, West Yorkshire Combined Authority has established a Leeds Area Studies Board. The Board will steer and provide oversight for the studies covering extension of high-speed services to Leeds, Leeds station network capacity and better Bradford connections, as set out in the IRP. The Board is chaired by Network Rail and includes partners from West and South Yorkshire, Government departments, East Midlands Councils and Midlands Connect. Transport for the North plays a key role in this Board, recognising the importance of Leeds station to services across the north and further afield.

3.15 The Terms of Reference for the HS2 to Leeds Study have not yet been published by the DfT and this is now unlikely to happen until a new Prime Minister and potentially new Ministers are in place. Transport for the North has supported calls for this Terms of Reference to be published as soon as possible.

4. Corporate Considerations

4.1 *Financial Implications*

There are no financial implications for Transport for the North as a result of this report.

4.2 *Resource Implications*

There are no direct resourcing implications as a result of this report.

4.3 *Legal Implications*

Consideration will need to be given as to any potential consequential changes to the governance provisions in Transport for the North's Constitution to reflect the formation of the Leeds Area Studies Board, and the potential ECML Integrated Programme Board and the co-sponsorship arrangements as outlined in the report. There are no further apparent legal implications arising other than raised within the report.

4.4 *Risk Management and Key Issues*

This paper does not require a risk assessment, however, risks relating to the delivery of infrastructure will be identified, assessed, managed, and monitored by Network Rail. A risk is included on the Transport for the North Corporate Risk Register in relation to future timetable changes.

4.5 *Environmental Implications*

This report does not constitute or influence a plan or programme which sets the framework for future development consents of projects listed in the EIA Directive and therefore does stimulate the need for SEA or EIA. Any infrastructure proposals to improve the capacity and reliability of the system will be subject to EIA Screening, conducted by Network Rail as part of the consenting process for those projects.

4.6 *Equality and Diversity*

A full impact assessment has not been carried out because it is not relevant to the type of work referenced.

4.7 *Consultations*

Consultations will be carried out by the appropriate body in development of the infrastructure works and on timetable changes through industry processes.

5. Background Papers

5.1 There are no background papers to this report.

6. Appendices

6.1 There are no appendices to this report.

Glossary of terms, abbreviations and acronyms used (if applicable)

Please include any technical abbreviations and acronyms used in the report in this section. (Please see examples below.) This will provide an easy reference point for the reader for any abbreviations and acronyms that are used in the report.

- a) TPE TransPennine Express
- b) NPR Northern Powerhouse Rail
- c) ECML East Coast Main Line
- d) IRP Integrated Rail Plan

Meeting: Rail North Committee Meeting

Subject: Growing the Railway

Author: David Hoggarth

Sponsor: David Hoggarth

Meeting Date: 13 September 2022

1. Purpose of the Report:

- 1.1 To set out an approach to growing the railway in the North of England which will be used to underpin the development of the Strategic Transport Plan (STP).
- 1.2 To seek Committee members views on the approach.

2. Recommendations:

- 2.1 That, subject to comments at the meeting, the Committee endorses the approach set out in the report and this is used to inform the development of the refreshed Strategic Transport Plan.

3. Main Issues:

Background

- 3.1 Railways in the North of England are fundamental to the social and economic functioning of the economy and the development and enhancement of the network underpins the concept of the Northern Powerhouse and the Government's Levelling Up Agenda. Prior to 2015, Transport for the North members set out a compelling case for transforming the railways in the North through investment in new trains and services complemented by planned infrastructure upgrades including Transpennine Route Upgrade (TRU), Northern Hub and electrification schemes.
- 3.2 The investment case was partly made on the basis of 'invest to save' such that greater usage would bring down subsidy levels and make the railway more financially sustainable. Whilst progress has been made (not least the transformation of rolling stock and the removal of pacers), the impact of covid and consequential funding squeeze means that it's timely to refresh the vision and set out the role that railways in the North need to play in supporting the wider agenda including Levelling Up and decarbonisation.

Purpose

- 3.3 The STP sets out Transport for the North's strategic vision for the North for the year 2050 and is about to be refreshed and updated. Over the last 4 years, much has changed in the rail industry including the whole rail reform agenda and most recently the long-lasting impacts of the covid pandemic which has fundamentally changed travel patterns and the financing and management of the industry.

3.4 The purpose of this work is, as a precursor to the STP refresh to re-assert the vision for Rail in the North with a focus on growth, taking advantage of the strong bounce-back from covid and with a focus on the remainder of the decade up until around 2030. Members have re-stated the importance of maintaining a strong and clear ambition for railways in the North – despite short-term resource and funding challenges faced by the industry. In many ways it is more important to re-state the vision as short-term operational decisions need to be seen in the context of the vision.

Where We Are Now

3.5 The transformation of services and rolling stock was to be delivered through the two franchises (let in 2015/16) covering the majority of the North's services; Northern and TransPennine Express (TPE). Transport for the North successfully made the case for growth-led franchises and over £1bn investment in new trains including the removal of the notorious pacer trains.

3.6 Transport for the North also made the case for greater local involvement in the management and development of the franchises which are now overseen by the Rail North Partnership – a joint DfT and Transport for the North team based in the North. Despite the challenges the partnership working is strong with Transport for the North and members able to bring a Northern perspective to priorities and decision-making. Examples include dealing with the aftermath of May 2018 and taking decisions on the prioritisation of service restorations to support tourist destinations but also preserve resilience of the service. During covid, Transport for the North and partners worked collaboratively with all train operators in the North of England to ensure that amended services met the needs of key workers and tied in with local resilience work.

3.7 The transformation of rolling stock was largely delivered as planned; TPE has a fleet of intercity standard trains and Northern removed the pacers and refurbished all its remaining trains including fitting free wifi.

3.8 The railways in the North have, however, been hit by a number of major issues and events, some localised and some national. First there was the May 2018 timetable chaos which was triggered by delays to a critical electrification scheme. There have been other infrastructure issues including failure to resolve the congestion problems in central Manchester, delays to the Transpennine Route Upgrade and Hope Valley schemes. More recently whilst the railway rose to the challenge of moving key workings during the height of the pandemic, covid has had a large impact on passenger demand and the ability to train and deploy staff to operate the planned timetable. In the past few months national Industrial Relations issues have compounded the covid problems and led to reduced services, poor reliability and cancellations.

3.9 Despite the challenges the growth and subsequent bounce back in passenger demand post-covid has been consistently higher than other parts of the country:

- Between 2012/13 and 2019/20 (pre-pandemic), the average growth rate for Northern and TPE was 2.5% p.a (passenger numbers increased from 115 million to 137 million); and
- After the pandemic, growth back has been stronger in the North than most other part of the county. As of August 2022, TPE was 81% of pre-covid demand and Northern just under 90% across the week (the recovery has been leisure-led with some of the busiest periods now at weekends).

3.10 Looking at progress over the last 5 years, positive progress has been made on:

- The quality and capacity of the rolling stock (trains) in the North;
- Demand (strong growth prior to the pandemic and strong bounce-back subsequently); and
- Community Rail - strengthening the role of rail in supporting local communities and social needs.

3.11 The most significant areas where the North still needs to 'catch up' with the rest of the country are:

- Performance and resilience;
- Network Constraints (infrastructure bottlenecks);
- Stations (consistent standards and accessibility);
- Cost effectiveness (both cost effectiveness for government and for the passenger/freight customer); and
- Journey times and connectivity.

Looking to the Future

3.12 Predicting growth for the remainder of the decade is difficult given the fundamental changes that have been driven by covid. The indications are, however, that the strong growth back will continue with a particular focus in growth in leisure travel and at times outside the traditional morning peak period. There is emerging evidence that rail travel is becoming more sensitive to price (where traditionally the commuter market would be relatively captive) and that lower (relative) fares could drive more revenue in certain markets.

3.13 Transport for the North has produced an assessment of growth based on four potential future policy scenarios [Transport for the North Future Travel Scenarios, December 2020]. The most relevant point is that each and every scenario has a substantial increase in rail travel and they range from 78% to 193% (latter under urban zero carbon) growth – up to 2050. Of course these are only scenarios, but they are based on a range of plausible futures, underpinned by expert analysis.

3.14 There are a number of factors which are likely to have a significant impact and/or influence on rail in the North of England over the remainder of the decade as set out below:

- The cost of living, energy costs and broader economic outlook;
- Climate change and decarbonisation;
- A shift to more flexible working and a greater proportion of leisure journeys;
- Substantial planned major infrastructure work in the North including TRU which will have a disruptive impact, but there will be a need to keep people moving and ensure rail remains attractive;
- Changes in habits driven by a ticketing revolution; and
- The planned rail reform agenda (implementation of the Williams-Shapps White Paper).

3.15 The table in Appendix A sets out how each of these issues is likely to impact on rail in the North and the way that rail will need to respond. In summary the main ways the rail network will need to respond are:

- Providing for and encouraging significant mode shift from the car; and
- Providing a more reliable and resilient service such that the shift to rail is sustained.

Ambition for Future growth

- 3.16 An emerging ambition for rail in the North over the remainder of the decade is:
*Significantly **increase the attractiveness** of rail in the North to encourage **transfer from less sustainable modes** to deliver on the decarbonisation ambition. To achieve this we need a **growing railway** (flexible to new markets) that can provide customers with a dependable offer that is easy to understand, **offers value for money** and is more **integrated** with local travel networks and local social, environmental and economic objectives. This in turn should provide better value for money for government and funders.*
- 3.17 The vision would drive a number of outputs needed from the industry:
- Plan to accommodate a growth target for rail that supports the decarbonisation target by increasing rail's mode share;
 - Increase/ improve performance and resilience so the North leads and not lags behind national operators;
 - Manage change and disruption as a result of major infrastructure works to keep the North moving at all times;
 - More flexibility in timetables and fares to attract new markets, particularly leisure and family markets;
 - Transformation of stations including the retail environment and accessibility so all stations meet a minimum standard;
 - Agreed programmes of infrastructure investment to tackle all congestion hotspots that would otherwise prevent the growth (Manchester, Leeds, Sheffield, Stockport, Preston, ECML North of York); and
 - More local involvement/decision-making through the 'double devolution' element of the Rail reform proposals.

Next Steps

- 3.18 Subject to comment from members, this initial analysis and statement of ambition will be used to inform the development of the Strategic Transport Plan refresh and the broader case for investing in rail in the North. Transport for the North will also seek to influence and shape the Whole Industry Strategic Plan (WISP) which is the new 30-year strategy being developed by Great British Railways. Transport for the North has already made a substantial contribution to the evidence base for the WISP drawing on evidence through the Independent Economic Review, Transport for the North's analytical framework and the Future Travel Scenarios.

4. Corporate Considerations

Financial Implications

- 4.1 There are no direct financial implications for Transport for the North, but delivery of the growth required to support the North's ambitions will require the industry to be funded accordingly.

Resource Implications

- 4.2 There are no direct resource implications for Transport for the North.

Legal Implications

4.3 There are no apparent direct legal implications as a result of this report.

Risk Management and Key Issues

4.4 There are no new risk implications as a result of this report. The report addresses one of Transport for the North's corporate risks in relation to the funding for rail in the post-covid recovery environment.

Environmental Implications

4.5 This report does not constitute or influence a plan or programme which sets the framework for future development consents of projects listed in the EIA Directive and therefore does stimulate the need for SEA or EIA.

4.6 Both passenger rail and rail freight has an essential part to play in achieving our decarbonisation objectives within Transport for the North's Decarbonisation Strategy, particularly around reducing private car vehicle mileage.

Equality and Diversity

4.7 A full Impact Assessment has not been carried out because it is not required for this report.

Consultations

4.8 This report is part of the consultation process in developing the refreshed Strategic Transport Plan.

5. Background Papers

5.1 None

6. Appendices

6.1 Appendix 1. Issues and Drivers for Rail in the North

Glossary of terms, abbreviations and acronyms used (if applicable)

Please include any technical abbreviations and acronyms used in the report in this section. (Please see examples below.) This will provide an easy reference point for the reader for any abbreviations and acronyms that are used in the report.

- | | |
|--------|----------------------------|
| a) TPE | TransPennine Express |
| b) STP | Strategic Transport Plan |
| c) TRU | Transpennine Route Upgrade |

Appendix 1

Issues and Drivers for Rail in the North

Issues/driver	Details	Impact on rail	Response Needed
Climate Change and Decarbonisation	Need to meet decarbonisation targets and adapt to weather events	Resilience due to increased weather impacts Increased attractiveness of EVs	Plan for significant mode shift Greening the railway – electrification and buildings Station car parks EV equipped Integrate with wider journey planning tools
Shift to more flexible working and leisure journeys	Post-covid move away from peak travel	Reduced demand for peak travel. Greater demand for leisure travel	New Fares/ticketing products Review peak/off peak times Agile timetables Group/ family travel initiatives Train designs for leisure markets (cycles and e-scooters etc). Change maintenance works schedules
Cost of living including energy costs and broader economic strategy	Increased costs impacting on budgets Inflationary impacts	Reduced demand particularly for discretionary trips. Pressure on operator budgets	Better value rail fares Better info during current problems Get bigger share of smaller market (attractive fares) Use space at stations better
Major infrastructure works in the North	Delivery of upgrades including TRU, ECML, Leeds Area, Manchester area and West Coast	Disruption/change to timetables. Inflationary impact on infrastructure	Agree clear change points to bring in benefits earlier Clear service/rolling stock plan for uplifts

Issues/driver	Details	Impact on rail	Response Needed
		Opportunities for new/amended services	Budgets for amended services/capacity Focus on meeting timescales or accelerating
Ticketing Revolution	Move to digital and account-based travel	Opportunity to improve passenger experience, efficiency and attract new markets	Maximise integration with other modes and for onward journeys Promote/champion new initiatives – personalise more Better, simpler info – more relevant to individual
Rail Reform	Fundamental change to the way the industry is structured GBR plans	Changes accountability and priorities.	Develop North specific proposals Northern Region under GBR

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Meeting: Rail North Committee

Subject: Consultation on Legislation to Implement Rail Reform

Author: Jonathan Brown, Strategic Rail Lead

Sponsor: David Hoggarth, Strategic Rail Director

Meeting Date: Tuesday 13 September 2022

1. Purpose of the Report:

- 1.1 This report presents the Transport for the North response to the recent government consultation on legislation to implement rail reform that closed on 4 August 2022.

2. Recommendations:

- 2.1 It is recommended that the Committee notes the information in the report.

3. Main Issues:

- 3.1 The Williams-Shapps Plan for Rail published in May 2021 sets out the government's proposals for reforming rail. Central to this is the establishment of a new body, Great British Railways (GBR), which will manage the rail network and procure services, thus integrating track and train provision in a single organisation.
- 3.2 A consultation was held between June 2022 and August 2022 on changes to legislation that are required to implement rail reform, including the establishment of GBR. TfN submitted a detailed response to this consultation, which was informed by discussion at a rail reform Member Working Group held in July 2022. Transport for the North's response is attached as Appendix 1.
- 3.3 Transport for the North's response focusses on the existing legislative context within which Transport for the North operates, i.e., as a statutory sub-national transport body, and the need for this to be recognised in the legislation. The response discusses how GBR needs to interface with Transport for the North, including having an appropriate regional structure with a director who is accountable to the North. GBR needs to support existing and future Transport for the North strategies, including decarbonisation and freight and the upcoming refresh of the Strategic Transport Plan.
- 3.4 The proposed legislation does not remove existing devolved arrangements including the Rail North Partnership management of Northern and Transpennine Express, or the Liverpool City Region specification and management of Merseyrail.
- 3.5 Transport for the North is working with the GBR Transition Team on a programme of work over the next year, leading to a strategic partnership being in place with GBR. Responding to the legislation consultation is part of this work and it is important that the final legislation supports our future relationship with GBR. Transport for the North intends to work with DfT to achieve this going forwards.

4. Corporate Considerations

Financial Implications

4.1 This paper is for information only so there are no financial implications.

Resource Implications

4.2 This paper is for information only so there are no resource implications.

Legal Implications

4.3 Transport for the North's Legal Team have been involved in preparing Transport for the North's response to this consultation.

Risk Management and Key Issues

4.4 This paper is for information only so there are no risk implications.

Environmental Implications

4.5 The Transport for the North response stresses the important role that rail and GBR have to play in achieving the aims of the Transport for the North Decarbonisation Strategy. This report does not constitute or influence a plan or programme which sets the framework for future development consents of projects listed in the EIA Directive and therefore does stimulate the need for SEA or EIA.

Equality and Diversity

4.6 This paper is for information only so there are no equality and diversity implications.

Consultations

4.7 The Transport for the North response has been informed by discussion at the Rail Reform Member Working Group (including political and LEP representatives from the Transport for the North Board). It was also circulated for comment around Transport for the North Member Authorities.

5. Background Papers

5.1 There are no background papers.

6. Appendices

6.1 Appendix 1 – Transport for the North consultation response

Glossary of terms, abbreviations and acronyms used (*if applicable*)

Please include any technical abbreviations and acronyms used in the report in this section. (Please see examples below.) This will provide an easy reference point for the reader for any abbreviations and acronyms that are used in the report.

- | | |
|--------|------------------------------|
| a) GBR | Great British Railways |
| b) DfT | Department for Transport |
| c) LEP | Local Enterprise Partnership |

**Transport for the North
Response to Consultation on Legislation to Implement Rail Reform
August 2022**

Summary

Transport for the North (TfN) is the statutory Sub-National Transport Body for the North of England. Its statutory responsibilities include preparing a Transport Strategy for the North and providing statutory advice to the Secretary of State on strategic investment priorities for the rail and road investment programme. In addition, TfN jointly exercises, with the Department for Transport (DfT), management functions in relation to the TransPennine Express and Northern service agreements through the Rail North Partnership Agreement.

The legislation must respect the powers and responsibilities already devolved by the Secretary of State to TfN. Where the legislation transfers responsibilities jointly exercised by the DfT with TfN, it must create a requirement on Great British Railways (GBR) to exercise them with TfN. The legislation must also respect the right of TfN to propose further devolution of transport powers and place a requirement on GBR to formally consider and respond to such proposals.

In establishing GBR, it is important that the legislation places a requirement on GBR to grow both passenger and freight usage of the rail network in order to meet government requirement to achieve net zero (making this an explicit target).

The nature of rail services and how they are provided has changed significantly in recent years and the legislation should support new approaches to the provision of services, rolling stock and new models of service operation where appropriate.

As a strategic guiding mind there must be a requirement placed on GBR needs to work with and seek the views of other statutory partners – such as TfN. The legislation needs to ensure that GBR's regions have sufficient autonomy to work with regional partners to achieve agreed strategic objectives.

The roles and responsibilities already devolved to TfN have enabled significant progress to be made in realising the eight core goals identified for GBR: the legislative framework must be framed in a way that cements and builds upon this devolution by:

- Defining the role and responsibility of GBR regions explicitly and making it a requirement for them to work with and seek the views of statutory bodies in their region. There should be a requirement to establish a single GBR region for the North: refocusing the railway sector in the North in this way will be central to changing the culture and avoiding the creation of a bigger version of Network Rail

- The revision of TfN's statutory Strategic Transport Plan has adopted a user-centred, place-based, outcome-focused approach. The evidence base assembled by TfN provides a consistent base-line that can/should be used all public sector bodies in preparing their own strategies. TfN's Freight and Logistics Strategy provides the basis for actively planning for growth of rail freight movements in the North and across the wider network
- TfN's Regional Decarbonisation Strategy makes the case as to why it is necessary to plan for expansion of the rail sector (passenger and freight) in order to realise the North's economic potential in a way that is consistent with the UK Government's requirement to achieve net zero. Recovery of rail in the North has been consistently faster and stronger than elsewhere in the UK and reflects the on-going role that rail has in support of the North's economy.
- TfN's focus on the user experience serves to emphasise the importance of simplification of fares, improved customer information and better management of disruption. TfN's Connected Mobility Hub works with partners across the North to improve the user experience: in this TfN works closely with Transport Focus.
- The devolved working arrangements between TfN and DfT established through the Rail North Partnership have enabled strong working relationships at the regional level: these in turn have enabled processes to be simplified and increased accountability. The establishment of a single GBR region for the North would enable TfN and GBR to build on this foundation so as to enable things to be done quicker and ultimately reduce costs. TfN is working with the rail sector to develop a proposition for the North on this basis.
- A key reason for establishing TfN as a statutory body was to empower the North's Political and Business leaders to provide leadership on strategic transport issues. Establishing a single GBR region for the North, charged with a requirement to work with TfN, will build upon the partnership working to date and embed further the 'can do' attitude that will deliver results.
- The legislative framework must place a requirement on GBR to ensure that passenger service contracts moving forward explicitly empower the private sector to innovate and adopt new business models where appropriate: over-specification and centralisation of the contracts by GBR will be against the user interest. Empowering the private sector in this way will harnesses its ability to grow the rail market at a reduced cost to the public sector. Experience in the North with the procurement of new rolling stock shows the benefits possible by redefining the relationship between public and private sectors.
- Given the UK Government's requirement to achieve net zero there must be an explicit requirement placed on GBR to ensure its investment decisions are consistent with this public policy outcome. In particular GBR should be required to explicitly take into account the wider benefit of growing the

railway as a travel choice, and consideration given to the avoidable costs that might otherwise have been incurred. GBR should be required to initiate a rolling programme of electrification as a priority in support of the Government's net zero requirement: this would enable savings to be secured as a result of the reduction in unit costs that comes with a rolling programme.

National Legislative Background

The Cities and Local Government Devolution Act 2016 amended the Local Transport Act 2008 and enables the Secretary of State to establish Sub-national Transport Bodies.

Regulations made under section 102E of the (amended) Local Transport Act 2008 establishing a Sub-national Transport Body are done so only when the Secretary of State considers that:

- a) Its establishment would facilitate the development and implementation of transport strategies for the area, and
- b) The objective of economic growth in the area would be furthered by the development and implementation of such strategies

In this context Transport Strategy means a transport strategy within the meaning of Section 102I of the Local Transport Act 2008 and includes all investment and delivery plans.

In preparing the draft legislation to implement the rail transformation set out in the Williams-Shapps Plan for Rail it is essential that there is explicit recognition of, and cross-reference to the existing legislative framework provided by the Local Transport Act 2008 in respect of Sub-national Transport Bodies and their role in respect of the identification of strategic rail priorities to the Secretary of State.

Existing Legislative Context

Transport for the North was established under section 102E of the Local Transport Act 2008 and pursuant to the Order made on 22nd January 2018 as the Sub-national Transport Body for the Transport for the North area with the power to exercise the following functions:

General Functions

- a) To prepare a Transport Strategy for the Transport for the North area in accordance with section 102I of the Local Transport Act 2008
- b) To provide advice to the Secretary of State about the exercise of transport functions in the Transport for the North Area
- c) To co-ordinate the carrying out of transport functions that are exercisable by its different Constituent Authorities with a view to improving the effectiveness and efficiency of the carrying out of those functions
- d) If Transport for the North considers that a transport function in relation to its area would be more effectively and efficiently carried out by Transport

for the North, to make proposals to the Secretary of State for the transfer of that function to Transport for the North

- e) To make other proposals to the Secretary of State about the role and functions of Transport for the North

In addition, the Order establishing Transport for the North includes the following additional powers that must be taken into account when preparing the draft legislation establishing GBR:

Ticketing Schemes exercisable concurrently with the Constituent Authorities

- a) To make an advanced ticketing scheme under section 134C(1) of the Transport Act 2000
- b) To make other ticketing schemes under section 135(1) of the Transport Act 2000
- c) (Sections 134(9) to (11), 134D to 134G, 135(7) and (8) and sections 136 and 137 are applicable in connection with such ticketing schemes

Rail Franchise Agreements exercisable concurrently with the Constituent Authorities:

- a) The right under section 13 of the Railways Act 2005 to be consulted over the grant of a rail franchise agreement for passenger services within, to and from the Transport for the North Area and the right to enter into arrangements with the Secretary of State relating to the management of rail franchise agreements

Other Powers:

- a) Transport for the North will act as a Statutory Partners to the Secretary of State in both road and rail investment processes and will be responsible for setting the objectives and priorities for strategic road and rail investment in the Transport for the North Area
- b) Transport for the North has taken over the role and functions of Rail North Limited, and through a Partnership Agreement with the Secretary of State for Transport exercises management functions in relation to the TransPennine Express and Northern Franchise Agreements

In preparing the draft legislation to implement the rail transformation set out in the Williams-Shapps Plan for Rail there must be explicit recognition of, and cross-reference to the existing statutory powers and responsibilities devolved to TfN by the Secretary of State.

It is the expectation of the TfN Board that, as the minimum, the current level of devolution by the Secretary of State will be maintained following the implementation of the Williams-Shapps Plan for Rail.

Transport for the North

Transport for the North (TfN) is the statutory Sub-national Transport Body for the North of England with powers and responsibilities devolved to it by the Secretary of State under the Local Transport Act 2008.

TfN's Board membership is comprised of 20 Local Transport Authorities and 11 Local Enterprise Partnerships in the North of England, together with co-opted non-voting representatives from the six former Rail North authorities, HS2 Ltd, Network Rail and National Highways, and the DfT with observer status. TfN published its statutory Strategic Transport Plan (STP) in 2019. This sets out a 30-year strategy and outline investment programme to increase the North's economic prosperity through developing our transport provision.

The STP provides the statutory long-term planning framework for the North's transport system, including the rail network. It recognises the importance of sustained investment in rail in the North to support our economic aspirations. This includes full completion of the proposed HS2 network, Northern Powerhouse Rail (NPR) to link the north's major cities, Transpennine Route Upgrade (TRU) together with improvements to the existing rail network for passenger and freight traffic.

TfN is refreshing the regional evidence base as part of its commitment to review and update the STP. TfN's regional evidence base was used to shape its response to the call for evidence by the GBR Transition Team preparing the Whole Industry Strategic Plan. To support the STP, TfN has recently developed and published its Decarbonisation and Freight Strategies. Rail is particularly important to achieving the aims of both, through efficient movement of goods and passengers and through improvements including electrification and other means of removing diesel trains.

Because of the importance of rail to the North's economy, TfN North and the DfT have jointly managed the Northern and TransPennine Express rail service contracts since 2016 through the Rail North Partnership with day-to-day management being undertaken by a dedicated team based in Leeds on behalf of the two partners. The Rail North Partnership has been successful in providing a local perspective to the contracts, and in managing the recovery of services following the 2018 timetable issues and in managing service and contractual arrangement changes as a result of the Coronavirus pandemic.

All 20 TfN Member Authorities together with six other Rail North authorities in the East and West Midlands which are served by Northern and TransPennine Express services have signed the Rail North Partnership Agreement which provides for their input and for sharing of appropriate information subject to confidentiality provisions.

TfN welcomes the proposals in the Williams-Shapps Plan for Rail to establish GBR.

TfN is working with GBR Transition Team, local partners, Network Rail and the DfT on a programme of work over the next year that will define TfN's future role

on rail, one that respects the powers and responsibilities already devolved to TfN by the Secretary of State. Our work is developing six areas:

- An overall strategic partnership between GBR and TfN
- A jointly agreed Rail Strategy for the North, consistent with the emerging TfN STP work
- A common set of outputs required from rail
- A single prioritised investment pipeline
- Double devolution, i.e. from GBR/DfT to TfN and within that framework to local partners on appropriate matters
- A profit and loss account showing the long term impact of rail investment in the North.

The draft legislation to implement the rail transformation must reflect this approach which is consistent with powers and responsibilities already devolved by the Secretary of State.

With this as a backdrop, TfN's responses to the specific questions raised in this consultation are set out below.

Question 1 Does the scope of the proposed designation of Great British Railways as an integrated rail body appropriately capture what you would expect for an effective guiding mind for the railways? (paragraph 2.6) Please explain.

In broad terms, yes. It is clear provided the legislation as it is enacted follows these principles (note 2.14 as to flexibility).

There should be explicit requirements included within the core functions identified for GBR (para 2.7) to:

- Plan for and deliver growth in the use of the rail network – such a requirement is necessary given the key role that expansion of the rail system in meeting the duty on the Government to achieve net zero carbon in line with the target adopted by the UK Government. The evidence-based work of TfN as the Statutory advisor to the Secretary of State on investment priorities has identified the requirement for a step change in the capacity of the rail system in order to deliver the agreed strategic outcomes for the North.
- Explicitly recognise the role of freight – such a requirement is necessary to ensure that the Government supports investment that enables growth of rail freight to both support economic growth and reduce the environmental impact of freight movement across the transport system as a whole.

In exercising its functions there must be requirements placed on GBR (para 2.8) to:

- Work and consult with, TfN as the Statutory Sub-national Transport Body – such a requirement is necessary to respect the devolution of powers and responsibilities already made by the Secretary of State. TfN would seek

reassurances that where TfN and GBR collaborate it is done so in an effective and meaningful way, with a clear pathway for ensuring TfN's contributions shape GBR's decision-making, in the same way that GBR's involvement in the TfN Board would be actively sought.

- Actively plan for expansion of the rail system in support of delivering agreed economic, environmental, and social outcomes for the TfN Area in line with TfN's Statutory Strategic Transport Plan – such a requirement is necessary given the evidence base assembled by TfN which sets out the need for a step change in the rail system.
- Formally consider and respond to specific proposals from TfN for further devolution of powers, consistent with existing General Functions of TfN (as granted by the Secretary of State).

Experience of working with National Highways (formerly Highways England) shows the importance of ensuring the contents of the GBR Licence properly reflects the need for GBR to work with TfN as a statutory body (para 2.9). TfN would expect there to be a meaningful consultation in due course on the proposed contents of the GBR Licence to which it is able to respond.

We agree with the statement that GBR should not be a larger version of Network Rail. As a strategic (guiding) mind it is essential that GBR works closely with other statutory partners – such as TfN. Such an approach reflects the need for the work of GBR to be integrated and aligned with the work of TfN to set out the long-term future of the North's transport system in the statutory Strategic Transport Plan. Such an approach will avoid unnecessary duplication of effort by GBR to develop an evidence base and ensure that the plans and proposals for the rail system are taken forward alongside and in support of investments in the wider transport system.

The "Guiding Mind" needs to be, and remain in the future, adaptable and approachable rather than being dictatorial. In this respect, GBR's regions need to have sufficient autonomy to work effectively with regional and local partners when appropriate. We understand the need for GBR to have regard for the impact of rail on the whole of Great Britain, but this should not be a reason to stifle local partnerships or to impede the progress being made through existing devolved arrangements where their effect is mainly local.

GBR needs to give real power its proposed regional divisions to allow them to work with statutory regional partners such as TfN and its partners, otherwise there is a risk of centralist thinking with little understanding of regional, or local, markets. Centralised management of fares and timetables undermines the need to build relationships with local markets which are undoubtedly key to growing rail demand and revenue.

The five current regions are noted in the Plan for Rail, but these perpetuate the London-centric thinking that has dominated strategic rail planning since Victorian times. Transformation of the rail sector will only be possible by better aligning the GBR regions with strategic economic areas. TfN was established with the

explicit aim of enabling the economic potential of the North to be realised. Requiring a single GBR region for the North would be consistent with the Plan for Rail's objective of promoting local accountability, improving decision-making and being more responsive to local needs.

The benefits of a single GBR region for the North would be further enhanced by a single passenger service operator for that region. Such an approach would enable GBR and TfN to build upon the success of the Rail North Partnership, whilst at the same time enabling savings to be realised through a rationalisation of back-office and support functions: any savings realised being reinvested in enhanced services.

Paragraph 2.3 suggests that GBR will support the growth of the freight market and cross-regional services. We agree with this, but this makes it essential that there is a requirement placed on GBR to work with TfN as the responsible body for advising the Secretary of State on strategic priorities.

It is important to understand what the proposed definition for cross-regional services entails. It is important to understand whether this definition includes services commissioned and/or managed by the devolved administrations in Scotland and Wales. Given the importance of cross-boundary services to the work of Transport for the North we would expect that where the legislative framework makes provision for the role of the devolved administrations in specifying services that there is a requirement to seek the views of TfN in line with TfN's statutory right to be consulted.

Question 2 Are there any other factors Great British Railways should balance and consider as part of its public interest duty? (paragraph 2.9) Please explain.

The requirements of GBR as set out in Paragraph 2.8 are too narrow. GBR's work needs to be informed by and support wider economic and transport plans, of which TfN's statutory Strategic Transport Plan is one.

Equally important is integration with other modes of transport. This is essential in order to offer improved travel choices to individuals and businesses, as well as being required in order to decarbonise the North's transport system.

Rail users are dependent on other modes of transport to access the system, be that walking, cycling, car access and other forms of public transport. Whilst there are good examples in the North of England of integration between rail and other modes, there is much more that could be done e.g. in terms of facilities, service and timetable integration, fares integration and joint marketing. Achieving better integration across modes is fundamental to achieving the ambition set out by TfN and its partners. There must be a requirement on GBR to work with TfN and other bodies to integrate the rail 'offer' as an integral component of the wider transport offer.

Paragraph 2.9 of the Consultation Document proposes that GBR should maximise the social and economic value as defined by the Secretary of State. We support this intention. As the statutory body charged by the Secretary of

State with producing the Strategic Transport Plan it is essential that the consultation on the GBR Licence affords TfN with the opportunity to provide its advice in respect of the most appropriate measures of social and economic value. In this way it will be possible to align the work of GBR with the agreed strategic outcomes for the North, as set out in the updated Strategic Transport Plan.

In addition, we believe that there should be an explicit requirement on GBR to decarbonise the rail system and for that to be delivered within the framework of any overarching requirement adopted by the UK Government. . Addressing carbon emissions from rail is a major component of the TfN Decarbonation Strategy. GBR should use its role as the 'guiding mind' to ensure that there is a rolling programme of electrification that is consistent with the need to meet the UK Government's legal requirements. Experience has consistently shown that a rolling programme will help reduce the unit cost of electrification to the benefit of the public purse.

Rail has an important role to play in improving social inclusion by providing access to employment opportunities, education facilities and leisure destinations. TfN's work on Transport Related Social Exclusion serves to demonstrate the extent to which there is a need to invest in widening travel choices. GBR should be required to take into consideration the role of rail in improving social inclusion when exercising its public interest duty.

The DfT's Transport Decarbonisation Plan identified the extent to which the increase in public transport costs relative to motoring costs serves to act against wider public interests, including the requirement to achieve net zero. GBR should be required to ensure that in simplifying fares it serves to enhance the offer to the user.

GBR should also be required to ensure its investment decisions enable the rail system to be fully accessible at the earliest possible opportunity. A significant benefit of having a single guiding mind is the ability of GBR to determine whether the most appropriate solution is investment in infrastructure and/or investment in rolling stock.

There is no reference to safety aspects in conjunction with accessibility – although noted at paragraph 1.40 a separate consultation will be conducted on this, it is important as a public interest duty in this current consultation.

Question 3 Do you support the proposal to include a power in primary legislation to enable Scottish and Welsh Ministers to delegate their contracting authority to Great British Railways, subject to the terms of delegation being mutually acceptable to ministers in the Devolved Administration(s) and the Secretary of State? (paragraph 2.17) Please explain.

We support inclusion of this proposal. Devolution of rail services in Scotland and Wales has been successful in stimulating growth and investment in the rail system and ensuring greater alignment with infrastructure investment plans for

the wider transport system. Allowing the Devolved Administrations to delegate their contracting authority to GBR, should they wish to do so, appears a helpful step.

Scotrail, Transport for Wales and Caledonian Sleeper services all serve the North of England. Transport for Wales is a significant operator in its own right and in the North West provides links from Chester and North Wales to Crewe, Manchester and Liverpool as well as being the operator of Chester Station. It is important that Transport for Wales, and the Welsh Government as its service specifier, recognise the importance of consulting with TfN when preparing future service specifications.

Similarly, TransPennine Express, which is jointly managed by TfN through the Rail North Partnership, provides services in Southern Scotland on both the East and West Coast Main Lines. Working through the Rail North Partnership there is a need to work with Transport Scotland to ensure that the needs of Scottish internal markets as well as longer distance flows are met. There may be a need for GBR to ensure that these local markets are effectively served if competing directions and guidance are evident.

Question 4 Do you have any views on the proposal to amend Section 25 of the Railways Act 1993 to enable appointment of a public sector operator by Great British Railways by direct award in specific circumstances? (paragraph 2.18) Please explain.

We support the proposed amendment to the Railways Act 1993, particularly given that it is unclear to us why the original prohibition was in place. We also feel that the circumstances in which a direct award to a public sector operator could be made could be wider. Such a measure would offer future proofing.

In the North of England, services on the East Coast Main Line have defaulted to the DfT, as operator of last resort, on two occasions and other contracts including Northern, Transport for Wales and Scotrail are now being operated by the public sector having been originally awarded to private companies. This would not have been foreseen at the time that the 1993 Railways Act was enacted. The legislation should facilitate operation by public sector and not for dividend companies in the future.

Question 5 Do you support the proposed amendments to Regulation 1370/2007, which are i) reducing the limitation period for the challenge remedy, ii) introducing a remedy of recovery to accord with the new UK subsidy regime, iii) clarifying who may bring a claim, iv) retaining 69 Williams-Shapps Plan for Rail Legislation Consultation the ability to make direct awards under Article 5(6), and v) clarifying the PIN notice period? (paragraph 2.20) Please explain.

We note that the European Union (Withdrawal) Act 2018 retained EU Regulation 1370/2007, which provides rules for the award of Public Service Obligation (PSO) contracts to bus operators and to train operating companies, including

specifying when and how they are competitively tendered and when, in certain circumstances, they can be directly awarded.

We support the proposed changes on the basis that they appear designed to aid clarity, efficiency and smoothness.

Authorities who can award PSO contracts include the DfT and the devolved administrations in Scotland and Wales; TfN does not have the right to award such contracts although the Rail North Partnership, which includes TfN, manages such contracts which have been awarded by DfT. TfN's status as a statutory consultee on franchise awards which affect the North of England must be retained and provided for in any amended arrangements.

i) reducing the limitation period for the challenge remedy

A reduction in the limitation period will favour the contracting authorities and will be in the public's interest by providing speedier awards with reduced uncertainty regarding the possibility of disruptive legal challenges. The limitation period of one month is not unreasonable and as stated is in line with general UK procurement regime although we would suggest a 6 week period is considered.

ii) introducing a remedy of recovery to accord with the new UK subsidy regime

The comments on the introducing a remedy of recovery to accord with the new UK subsidy regime are brief and do not go into sufficient detail to explain what exactly is being proposed. However, legislation codifying the new UK subsidy regime should be welcomed.

iii) clarifying who may bring a claim

Clarifying who can bring a claim is welcomed. There is currently no certainty regarding who can bring a claim regarding a PSO contract awarded under Regulation 1370/2007. Increased certainty regarding potential claimants will enable authorities to make more informed legal risk assessments.

iv) retaining the ability to make direct awards under Article 5(6), and v) clarifying the PIN notice period? (paragraph 2.20) Please explain

The ability to issue Direct Awards is essential in dealing with emergency situations. The continued preservation of Direct Awards as an option will certainly be in the public's interest. Certainty regarding timescales of when a PIN is welcomed and in line with the wider UK Public Procurement regime. Clarification of the meaning of the *launch* as referenced in Regulation 1370/2007 is essential to ensure compliance.

Question 6 Do you support the proposed statutory duty on ORR to facilitate the furtherance of Great British Railways' policies on matters of access and use of the railway, where these have received Secretary of State approval? (paragraph 2.38) Please explain.

We support this statutory duty being placed on ORR.

The principle in paragraph 2.28 which maintains “key legislative protections for passenger and freight operators, that guarantee fairness and transparency for users of the railway” is appropriate. However, it is important to be clear what this would mean in practice.

For the rail system to realise its contribution to wider public objectives – increased economic growth, reduced environmental impact, improved connectivity to achieve social inclusion – it is essential that ORR considers the needs of both passengers and freight customers. ORR should be required to take statutory transport plans (such as TfN’s Strategic Transport Plan) into consideration when required to take a view on the appropriate balance between passenger and freight needs.

The Secretary of State should in their guidance to the ORR emphasise the need to review and adjust service patterns provided by open access operators where there is a public interest to do so. Given the changes in rail market observed since the pandemic it is appropriate to give the ORR this flexibility in order to ensure that best use is being made of the publicly owned asset.

Question 7 Noting we will consult separately on the use of the power to amend the existing Access and Management Regulations, are you aware of any immediate essential changes that are needed to these Regulations to enable Great British Railways to deliver its guiding mind function? (paragraph 2.44) Please explain.

We are aware that the current access arrangements associated with the East Coast Main Line may serve to constrain the future timetable options for this key corridor. Given the deferral of the proposed timetable change for May 2023 we recommend that there is a need to urgently review whether applying flexibility to the current access arrangements might unlock benefits for the user sooner than might otherwise be possible.

Question 8 Do you agree with the proposed recasting of ORR’s competition duty to better reflect public sector funding? (paragraph 2.49) Please explain.

It is important that the benefits of private sector investment, including that enabled through competition, continue to be realised. In terms of the proposals set out in the consultation document this is an issue where there appears to be an inconsistency.

The proposed model for the guiding mind would see GBR, on behalf of the UK Government, prescribing the content in the passenger service contracts. There appears to be no recognition that such a level of prescription may significantly reduce the scope for restoring competition to the market as the document seeks.

As set out in previous comments, public sector investment in the rail system needs to be viewed as part of a wider investment in infrastructure that supports economic growth, reduces environmental impact, and improves social connectivity. It is in this wider context that ORR should be required to give due weight to wider public policy outcomes when considering issues of competition.

There needs to be a requirement placed on the Office of Road and Rail to ensure that operation of the rolling stock market is in the public interest and delivers value for money for the taxpayer. Experience in the North demonstrates that there are alternative models for securing rolling stock through intervention by the public sector: the ORR should be empowered to enable further innovation where this is in the public interest.

Question 9 Do you support the proposal to include in legislation, a power for Great British Railways to issue directions to its contracted operators to collaborate with one another in circumstances where doing so could otherwise give rise to concerns under Chapter I of the Competition Act 1998, in particular, where this could lead to defined benefits to taxpayers and/or passengers? (paragraph 2.54)

Realising the potential added value of effective collaboration can be impacted upon by a number of obstacles not least the issue of competition law. We therefore We strongly support this proposal.

In the service contract rather than franchising regime, the aim needs to be the best overall rail offer for customers regardless of operator. Restrictions in the franchising model may have disincentivised investment, innovation and other improvements and also led to competition between franchised operators that ultimately does not best serve the public interest particularly when that competition leads to additional pressure on the constrained resource that is available paths for services.

Legislation aside, successful collaboration requires mutual trust between all parties involved and is enabled when there is a shared vision and agreed outcomes to which all parties are committed. TfN is already demonstrating its added value as a statutory strategic body charged with aligning activity to an agreed outcome. It is thus ideally placed to play a key role in building trust between rail industry and key stakeholders across the region in support of rail transformation.

A prime example is TfN's role chairing the newly created Transpennine Route Upgrade (TRU) Stakeholder Forum. Designed to have an ambassadorial role helping to maintain the profile of the TRU project by bringing together key stakeholders at a regional level the Forum will disseminate of information to the wider stakeholder community so as to inform, update and advise and will pull information from the stakeholder community to identify programme risks and opportunities and feedback local intelligence. Acting as an advisory panel it creates the platform for a proactive dialogue between key strategic stakeholders and the rest of the TRU governance structure.

Question 10 Would Train Operating Companies be willing to share information and collaborate in the way envisaged without the proposed legislative provisions? What are the risks to them without the proposed legislation? Would the proposed legislative approach help to resolve these risks?

Given that the scope of the service passenger contracts will be (predominantly) determined by the public sector and given the scale of public sector investment (both capital and revenue) in supporting their delivery, the holders of a contract should be required to make an agreed level of information freely available to appropriate public sector bodies. TfN as the statutory body charged with preparing the Strategic Transport Plan and with advising the Secretary of State on strategic priorities, should have free access to that information.

This requirement will need to be balanced with the commercial interests of the holder(s) of service passenger contract(s). This balance should be reflected in the requirements of the service passenger contract: the contract should also allow for statutory bodies (such as TfN) to agree with the holder(s) of contracts to have access to additional data and information where there is common interest and mutual benefit.

Question 11 Are there any particular additional safeguards (in addition to the safeguards outlined in paragraphs 2.54 - 2.55) that you consider necessary to support the interests of third parties (including freight, open access and charter operators) or to otherwise protect passengers and/or taxpayers?

There is a need to better protect the interests of the investment made by the public sector into the rail asset. There are currently three open access passenger service operators which provide services on the East Coast Main Line. Whilst open access operators have been successful in growing markets such as Hull and Bradford to London, and improving connectivity to places which would not otherwise be served such as Sunderland, Hartlepool, Morpeth and Beverley, there is a need to consider their implications alongside other demands for the limited paths available. The rights set out in those access agreements will inevitably impact on the choices available for the East Coast Main Line in maximising the public benefit. Specifically, at a time when the market for rail services continues to change and evolve, it is essential that the operations of open access operators are aligned with the public outcomes sought for the area they serve.

Open access services therefore need to be considered in the round together with freight and contracted passenger services in allocating train paths and in planning improvements so that the desired level of service is provided and the benefit of public investment in the infrastructure is maximised for the community.

We would expect GBR and its contractors to be subject to Freedom of Information Legislation in the same way as Network Rail currently is. This is important in ensuring transparency and in giving the public the option to request appropriate information on the rail system.

Question 12 How should we ensure that Great British Railways is able to fulfil its accountability for the customer offer while also giving independent retailers confidence they will be treated fairly? (paragraph 2.61) Please explain.

The way that customers buy rail tickets has changed enormously in recent years, with considerable innovation being shown. Such innovation should continue to be encouraged; however, this needs to be in the context that public sector bodies such as TfN should have the right to have access to user information.

GBR will have a key role to play in enabling innovation. However, it should also ensure that where customer services are being provided by independent retailers, they (the retailers) should be held accountable for ensuring that the information supplied is accurate, reliable, and up-to-date.

Question 13 Does the proposed governance framework give Great British Railways the ability to act as a guiding mind for the railways, while also ensuring appropriate accountability? (paragraphs 3.13) Please explain.

We consider that the proposed governance framework is appropriate, subject to there being an additional requirement placed on GBR to formally consult with statutory Sub-national Transport Bodies established in accordance with Section 102E of the Local Transport Act 2008.

In order to maximise the benefit of GBR as the single guiding mind it is essential that statutory bodies with devolved responsibilities are represented on the GBR Board. TfN as such a statutory body would seek representation on that basis.

Question 14 Do you agree with the proposal for Great British Railways' new duties to be captured in the licence and that primary legislation should require the licence to include specific duties in relation to accessibility, freight and the environment? (paragraph 3.16) Please explain.

On the basis that the amendments set out in response to Questions 1 and 2 (which relate to the core functions of GBR and the core requirements to be placed upon it) TfN supports the proposal for GBR duties to be captured in the licence. There should be a meaningful consultation on the proposed content of the GBR Licence, for the reasons set out in earlier responses

Question 15 Do you support the proposal to amend ORR's powers to exclude the ability to impose a financial penalty on Great British Railways for licence breach? (paragraph 3.26) Please explain.

Both the ORR and GBR will be publicly funded bodies, so any financial penalty imposed on one by the other is in effect one part of the public sector penalising another. Such an outcome would result in avoidable costs (and bureaucracy) being added which appears counter-productive to the intent of the rail transformation.

We note that ORR will still be able to fine GBR if it disregards a decision made by ORR relating to access or charging however these seems to have the same neutral impact on the overall public purse.

The need to establish an effective mechanism for holding GBR to account is important given GBR has considerable influence over rail issues and is arguably

a monopoly. The safeguards in Paragraph 3.27 need to be sufficiently robust to have teeth and to encourage compliance. Consideration should be given as to whether any alternative non-financial enforcement measures could be devised given the limitations of financial penalties noted above.

It is also important that GBR is held to account at the regional as well as national level given its devolved structures. Given that the Secretary of State has devolved responsibility for preparing the Strategic Transport Plan it would be appropriate for the TfN Board to have a formal role in this regard.

Question 16 Please provide any feedback on the proposed business planning arrangements for Great British Railways.

As set out in our response to earlier questions TfN already has some devolved responsibilities in respect of the granting of franchise agreements for passenger services, and the right to enter into arrangements with the Secretary of State relating to the management of rail franchise agreements – including business planning. TfN expects that where the Secretary of State devolves his responsibility in such matters to GBR there would be a requirement on GBR to continue to honour and respect the current level of devolution – including in respect of business planning.

Question 17 Will the proposed approach to independent scrutiny and challenge provide sufficient transparency and assurance that Great British Railways can be held to account? (paragraphs 3.45 – 3.47) Please explain.

Please see the comments in reply to Question 15.

Question 18 Do you support the proposal to give ORR a statutory power to levy a fee on Great British Railways to cover the costs of ORR's functions which are currently funded through the network licence? (paragraph 3.48) Please explain.

No. A regulatory body should not be in a position where it is obliged to levy a fee on a body which it regulates in order to provide its funding. It should be funded separately. Similar to the point about financial penalties in answer to Question 15, any transfer of funds between GBR and ORR would be counter-productive and inconsistent with the objective of simplifying processes.

Question 19 Will the proposed changes enable Transport Focus to effectively undertake the role of independent passenger champion in the new rail industry structure? (paragraph 4.8) Please explain.

These changes appear to be appropriate. It is important that Transport Focus is sufficiently resourced by Government to fulfil this role, noting that it now oversees bus and road travel in addition to its original rail focus.

Question 20 How can we ensure that accessibility is integral to Great British Railways' decision making and leads to cultural change in the rail industry? Please explain.

For this to be effective, it is important that accessibility is measured at the right level: i.e. at individual station and rail vehicle level as this is what users face. The use of network-wide or large area statistics have little meaning. TfN and its local partners can feed in data to support the consideration of accessibility and provide a local perspective on needs if required.

Accessible stations with level boarding should be the expectation for rail users. This will be provided on Merseyrail when the new fleet of trains is introduced shortly. Significant funding is being spent on new fleets in various parts of the country and this should be matched by investment in infrastructure to allow easy access for all. This particular example further illustrates the potential benefits of innovation in the procurement of rolling stock by public bodies.

Question 21 Do you support the proposal to expand DPTAC’s remit to become a statutory advisor to Great British Railways, as well as to the Secretary of State, on matters relating to disability and transport? (paragraph 4.15) Please explain.

Yes, we support this proposal. However, TfN as a statutory body also has a valuable role to play in this regard, and that should be taken into account. We also note that page 16 states “We are reviewing and removing train announcements that add unnecessary noise and disruption to journeys” - decisions such as these need to ensure the implications for the visually impaired, those hard of hearing or people with learning needs are therefore fully considered.

Question 22 In addition to providing Great British Railways with powers to make “permitted information disclosures”, are there any other revisions to the Railways Act 1993 or barriers to promotion of open data that you consider need to be addressed? Please explain.

We do not consider that any further revisions are required.

Question 23 Do you support the proposal to include a power in primary legislation to enable the ratification of the Luxembourg Rail Protocol? Please explain.

We support the proposal. The legislation needs to provide for flexibility and to recognise that there are different approaches to rolling stock provision and the legislation should support rather than hinder this. As examples in the North of England, the Liverpool City Region Combined Authority has acquired and funded a new fleet of Class 777 trains to completely replace the old electric rolling stock operated by Merseyrail. This fleet is locally owned by the public sector and not by a rolling stock company. Similar approaches have been used to acquire vehicles for the various light rail and tram networks in the North.

Question 24 (see Impact Assessments) Are there impacts, or risks of the policies proposed which have not been covered by the impact assessments? Please explain or provide evidence.

Question 25 (see Impact Assessments) Do you have evidence relating to the impacts and risks identified and discussed in the impact assessments? Please provide it to us.

Agenda Item 10

By virtue of Section 100A(2) of the Local Government Act 1972 [(likelihood that confidential information would be disclosed] in

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Agenda Item 11

By virtue of Section 100A(2) of the Local Government Act 1972 [(likelihood that confidential information would be disclosed] in

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