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28 June 2024

**Network Rail Representations for the proposed 14<sup>th</sup> Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and Trenitalia West Coast Limited dated 01 December 2022.**

As directed in your letter dated 30 May 2024, Network Rail is making its representations in respect of a Section 22A of the Railways Act 1993 for the 14th Supplemental Agreement (SA) of the Track Access Contract (TAC) dated 01 December 2022 between Network Rail Infrastructure Limited (Network Rail) and First Trenitalia West Coast Limited.

In line with ORR's letter of April 2024 to the industry on 'Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes', First Trenitalia West Coast Limited submitted this application to the ORR on the 17 May 2024 as a S22A.

Your letter made clear to industry that "We expect applications received by 20 May 2024 to be of sufficient quality, completeness, and certainty to enable Network Rail, industry and ORR to assess them. A prerequisite for achieving this is that applicants will have discussed their plans with, and sourced information from Network Rail before submission (in line with our guidance)."

It further "...requested that Network Rail produces a high-level plan by 5 June 2024 for ORR and industry. This will set out when it will produce its robust assessment for the applications submitted by 20 May 2024."

Network Rail fulfilled this request on the 5 June 2024 outlining the plan for undertaking capacity and performance assessments to inform both Network Rail and the ORR on the applications received.

That response should be considered alongside this Representation.

In particular, it should be noted as indicated therein that:

- due to the unprecedented scale of 83 unsupported applications received at one point in time, Capacity Planning plan to phase its analysis,
- assessments will initially focus on applications and geography which do not overlap with the ongoing East Coast Mainline (ECML) Event Steering Group (ESG) Development work to mitigate the risk of redundant analysis,
- all ECML ESG related applications will be considered following decisions as to the implementation of the ESG Timetable,

As we set out in the High-Level Plan; “Only those rights which potentially interact, contain the required level of information to inform assessments, were discussed with Network Rail and are intended for the next three timetable changes will be considered by Network Rail.” and that “Applications consisting of rights for geography not impacted or for later timetable changes should be considered separately.”

These factors have shaped the anticipated plan for submission of evidence related to this and other applications.

ORR, in its invitation to NR to make written representations, expects that NR will:

- include all of the necessary information for ORR to take an informed decision; or
- to refer to all of the necessary analysis and the confirmed timelines Network Rail requires to reach its decision on the application. This should include the “5 June 2024 capacity analysis” and any other analysis Network Rail needs to complete;
- recognise which other applications within the published list of “20 May 2024 applications” could interact with each application.
- Confirm any interested persons name(s) or confirm there are no interested persons.

Network Rail can confirm that we are unable to in this representation provide all the necessary information for ORR to make an informed decision at this point in time due to awaiting completion of performance assessment.

However, in this representation we will address each of the points above as well as provide:

- provide an initial view of the application Form P and supplemental ;
- where applicable, highlight if Network Rail believes that some of the access rights sought are outside the scope of the ORR’s letter dated 24th April 2024;
- an indication of how Network Rail will be able to provide its final representations and any intermediate representations so that ORR will then have all relevant information from Network Rail to assist ORR in making an informed decision.

### **Interested Person(s)**

Network Rail is not aware of any persons who would fall within the definition of “Interested Person” in paragraph 1 of Schedule 4 of the Railways Act 1993 in relation to the application made by First Trenitalia West Coast Limited.

### **Keeping you informed**

As stated in the letter to the ORR on the 05 June 2024 “The plan will need to be flexible and reviewed through the process to consider industry decisions in relation to the ECML ESG along with potentially other changing industry priorities and requirements. For example, recommendations from the East

Coast Task Force may impact on industry resources, in particular timetabling resource. This could require changes to the remaining stages of the plan, including impacting when analysis can be completed.”

Please note although this application does not directly interact on the ECML, any decisions relating to the ECML could have consequential impacts on capacity and performance in relation to this application. This is particularly relevant for locations used by services which cross NR Route boundaries.

In the letter we also stated “We propose establishing a change control mechanism to track changes in the plan, when and where required, to retain transparency and clarity. This may also lead to consequential changes to anticipated dates of any resulting representations planned by our customer teams.” Where such changes in timeline occur, we will notify you of any impacts on expected content, volume or timing of forthcoming information.

### **Summary of Rights Sought**

In their application and as a high-level summary First Trenitalia West Coast Ltd are seeking the access rights below.

The weekday Chester to London Euston train slots and the Saturday Chester to Crewe train slot were previously temporarily relinquished through Part J until 17 May 2025. This application seeks to reinstate them from 15 December 2024, i.e. for the December 2024 timetable period only.

The Sunday London Euston to Birmingham New Street train slot is an additional right from 15 December 2024 until the expiry date of the track access contract in December 2030.

#### Weekdays

1Axx 13:32 Chester to London Euston (HF02.3, 1 additional right on a weekday)

#### Saturdays

1Dxx 17:32 Chester to Crewe (HF02.15, 1 additional right on a Saturday)

#### Sundays

1Bxx 18:15 London Euston to Birmingham New Street (The additional train is actually the 19:09 Euston to Wolverhampton, which utilises rights previously held by the 18:15 when it ran to Shrewsbury, hence a new application required for the 18:15)  
(London Euston to Birmingham HF01.1, 1 additional right on a Sunday.)

Industry Consultation for this application commenced on 22 May 2024 and concluded on 24 June 2024.

### **The High-Level plan and Dependencies**

The High-Level Plan submitted on 05 June 2024, and our additional engagement with Capacity Planning indicates that the following phases may be relevant for this application:-

- Phase 1 - Collation and Scoping
- Phase 2 - Risk Identification for application
- Phase 3 - Production Development Period for SCD 2025 aspirations
- Phase 4a - ECML confirmation for December 2025

- Phase 4b - ECML confirmation for May 2025
- Phase 5 - December 2025 Production Period

This, along with the interacting applications matrix in Annex B, should support Network Rail in considering application and interacting location dependencies.

As stated later in this letter, if interactions occur at different points in time, i.e. different Timetable Change Dates then this could have an impact on the when Network Rail will be able to submit its position with regards to the application.

The services associated with this application have been included in the New Working Timetable for December 2024.

### **Common route / regional identified considerations / constraints**

This request for rights covers a point in the network where it has been identified at a regional level that more than one application should be considered by ORR at the same time, as any one decision would restrict the ability to accommodate other requests due to the volume of potentially interacting aspirations. The other affected operators' applications are shown in Annex B, and our plan for providing these is as set out in Annex A.

### **North West & Central (NW&C) Considerations**

NW&C Region has several large enhancement projects taking place including TransPennine Route Upgrade, HS2 and Midlands Rail Hub impacting long term capacity utilisation for which we will give consideration to when reviewing this application once all the necessary assessments have been completed and Network Rail is able to collectively assess the risks and impact this application may have.

In addition to the key interacting locations specified in ORR's letter of 24 April 2024, Network Rail is also aware of other locations for which there are potentially interacting aspirations and capacity constraints. This includes but is not limited to Manchester and the surrounding area, Crewe, and the Wolverhampton corridor. During our assessment of the applications we will be paying particular attention to both the locations identified in ORR's letter and those named above.

As ORR is aware Birmingham and surrounding area is one of the key interacting locations highlighted in ORR's letter of 24 April 2024. This application is one of a number of applications seeking additional rights in Birmingham and surrounding areas. It is our intention to develop a strategic plan for passenger services in the West Midlands area in order to optimise capacity in the medium and long term, taking cognisance of the Midlands Rail Hub project in order to realise the investment benefits of this project. We will do this in consultation with all affected operators and stakeholders. A number of applications seeking additional rights in Birmingham and surrounding areas. It is our intention to develop a strategic plan for passenger services in the West Midlands area in order to optimise capacity in the medium and long term, taking cognisance of the Midlands Rail Hub project in order to realise the investment benefits of this project. We will do this in consultation with all affected operators and stakeholders.

Due to the time required to undertake an industry review and strategic plan and the assessment plan for this application not aligning, whilst considerations and any views will be highlighted when we provide our outputs of the plan, timescales do not allow the opportunity to provide a long term strategic capacity utilisation assessment.

In preparation of the December 2022 timetable, Network Rail formed industry workstreams to undertake a strategic review of capacity utilisation on both the West Coast Mainline South and Manchester area including the Castlefield corridor and Manchester Victoria. A separate industry working group (managed under the governance of the Grand Rail Collaboration) assessed options for the service structure on the Wolverhampton – Coventry route through Birmingham New Street. The timetable today still reflects this structure, and the outputs produced for December 2022, which were supported by the industry, remains the strategic plan for capacity utilisation and will help us in assessing this and the other applications.

As ORR is aware passenger flow at London Euston is currently a concern, with the region having been issued an improvement notice in October 2023 in relation to passenger surges and overcrowding. Network Rail therefore intends to undertake an assessment based on the quantum of services within the December 2022 Concept Train Plan. There also remains a restricted number of platforms at London Euston, with no funded plans to reintroduce a 17<sup>th</sup> and 18<sup>th</sup> platform. Passenger flow is primarily focused on number of passengers at a station at a given time, with arrivals and departures rather than requiring knowledge of origin or destination. It will therefore be possible to achieve a good understanding of the risk profile based on the quantum of services and associated passenger numbers within the Concept Train Plan, forming a basis which will allow for qualitative assessment of any differences to inform ORR in its decision.

A key consideration included in the plan within Annex A is regarding power supply on NW&C. As previously informed, NW&C has several areas of concern with regards to power supply. For any application utilising electric traction, it is our intention to model the outputs of the capacity assessment to understand the power supply risk both during normal working and in N-1 conditions. In carrying out traction power modelling, NW&C region adheres to the requirements stipulated in NR/L1/ELP/27000 “Policy Requirements for Electrical Power Assets”. This policy states that the electrical power supply system shall have sufficient redundancy to support the peak timetable with one key piece of equipment out of service (known as N-1). In addition to fulfilling Network Rail policy requirements, maintaining the required N-1 redundancy levels in the traction power network supports adherence to contractual, performance and safety targets.

In order to accurately assess power supply it is key that we understand any Empty Coaching Stock moves. We will be requesting this information separately from operators if it was not previously supplied as part of the 20 May 2024 applications.

We will undertake internal consultation of the application following our usual business practices however as a result of ORR letter of 24 April 2024 NW&C has 55 application which it must consider. Therefore our internal consultation will be over a longer period of time, and this has been allowed for in the plan.

Power supply and route performance assessments require additional subject matter support from third party organisations and therefore whilst we have included anticipated timescales within the plan these are currently subject to confirmation.

### **Wales and Western Considerations**

Wales and Western Region will consider any additional access right applications for the region in the context of current performance levels, our ongoing recovery plans, all other known and emerging future service aspirations, and our asset condition and maintenance requirements. Furthermore, we will consider the risks associated with planned enhancement projects, including Old Oak Common, East West Rail, South Wales Metro, MetroWest and others.

## **Network Rail Review of Form P and associated documents**

Network Rail has performed an initial assessment of the Form P and associated documents submitted with this application. Network Rail would like to highlight the following:

- Section 1.5 of the Form states that all rights are sought until the expiry of the track access contract (December 2030) – it should be noted that the expiry date for the weekday and Saturday rights in this application is technically SCD (May) 2025, as the firm rights are already in the contract to be reinstated from SCD May 2025 until contract expiry.
- Section 4.1 in the Form P refers to the additional Sunday London Euston-Birmingham passenger train slot as addressing a service gap in the evening Peak – please note that peak definitions do not apply to weekends.

## **Network Rail's Initial Position on the Access Rights Sought prior to necessary assessments being completed in line with the plan**

Network Rail has made every attempt in their initial assessment of the Application received to be able to inform the ORR of any early positions it might have on the access rights sought. In this instance it will not be possible in this representation for us to give an initial view, but we have outlined later in the letter the necessary assessments / analysis that need to be undertaken to inform a view.

## **Possible Interactions with Other Applications from 20 May 2024**

As requested in ORR's invitation for Network Rail to make written representations to this application, Annex B to this letter shows where the new access right in this application could interact with each of the "20 May 2024 Applications" at the previously identified locations.

Please note if the interactions occur at different points in time, i.e. different Timetable Change Dates, then this will have an impact on the dates that Network Rail will be able to submit its position with regards to the application. I.e. if the application submitted for Operator A is to commence December 2024 and there are no concerns or conflicts that does not mean that when Operator B's aspirations are considered which start in May 2025 that both will be able to be accommodated and therefore Network Rail will have to see the outputs of the capacity assessments for the May 2025 Timetable for Operator B before they can give a final position on Operator A's application.

## **Allowing business continuity while preserving freedom of action for ORR in taking its decision**

Our letter of 05 June stated that in this interim period Network Rail will have to balance the need for business continuity, so that current services may continue to operate and timetable changes can be made when there is low risk of negative outcomes for passengers and freight users, with the need to avoid prejudicial decisions that could unduly favour one party where aspirations interact.

We note that some operators have split their applications across different timetable periods, which already provides ORR with the ability to deal specifically with the nearer-term applications now, whereas others have combined different timetable periods in a single application.

Should ORR wish to make a single decision on each application it has received, without breaking that application into parts, then, where a single application has been made relating to multiple timetable periods, there is a risk that rights might not be available in time for an operator to commence services as early as it would like, given the need for all of the information set out in our plans to be

available in order for decisions to be made relating to those future timetables.

Where paths associated with some of the quantum rights in this application are included in a New Working Timetable issued under the Network Code Part D process, then Network Rail proposes to work with the applicant on these elements of the application. Our aim, subject to normal governance processes, would be to potentially agree a new s22 application for contingent, time-limited rights for that timetable period with no presumption of continuity – in line with the approach that ORR has supported for applications on the East Coast Main Line in recent years.

This would enable you to reserve your position on future capacity choices, allowing decisions that relate to a later timetable period to be made simultaneously, while making effective use of the railway network in the earlier timetable periods.

### **Conclusion**

Network Rail is aware that this representation letter does not contain all the information needed for this application for the ORR to make a decision.

As explained in our letter of 05 June, these representations letters were mostly expected to reserve our position pending the outcome of the capacity and performance assessments. We are also mindful that the plan and its analysis may identify dependencies, risks or changes in risk profiles that could require revision or further review of this response. However, we hope that the plans we provided give you the reassurance that we will assess this application to inform Network Rail's position in a later representation in line with the plan and letter. In addition, Network Rail wants to give the ORR the confidence that we have made every effort in this letter to give any initial views where we can. Network Rail asks that while we carry out our assessments, ORR progresses with its own assessments wherever possible to assist in making early decisions/ descoping the scale of applications requiring assessment from Network Rail. Additionally, where we have deemed an application for December 2024 or May 2025 to be unready in the initial representations in this letter, we ask that this be descoped from the analysis requirements as quickly as possible.

Network Rail will continue to keep ORR sighted on the progress of the plan for this application.

Yours sincerely



Paul Harris

Avanti Franchise & Access Manager

## Annex A – Plan for Information / Analysis / Assessment

### NW&C Plan, including 05 June High-Level Plan

TASK	ASSIGNED TO	
<b>Capacity Assessment</b>		
High Level Plan provided 05 June 2024		
Collating & Scoping	System Operator - CP	Please see June 5 letter for details
Phase 2 Timetable Risk Identification May'25	System Operator - CP	Please see June 5 letter for details
Phase 3 May'2025 Production Development Period	System Operator - CP	Please see June 5 letter for details
Phase 4a ECML confirmed Dec'25 Dec'25 assessment against May'25	System Operator - CP	Please see June 5 letter for details
Phase 4b Dec'25 assessment ECML confirmed May;25	System Operator - CP	Please see June 5 letter for details
Phase 5 december 2025 Production period	System Operator - CP	Please see June 5 letter for details
Other Capacity assessment		
2022 Strategic plan capacity assesment	Regional Timetable Team	
<b>Risk Identification</b>		
May'25 TP-Hazid passenger applications	Regional Timetable Team	
TP-Hazid Upto and including May'25 freight applications	Regional Timetable Team	
May'25 TP RAM - all applications	Regional Timetable Team	
Dec'25 TP Hazid - all applications	Regional Timetable Team	
Dec'25 TP -RAM - all applications	Regional Timetable Team	
Internal consultation of applications	F&A Team	
<b>Planned Assessments</b>		
Ped flow assessment of Euston Station	Station Capacity Team	
Level Crossing assessment		
Mapping of number of services to each ELR	Regional Timetable/F&A team	
ALCRM modelling/assessment	LCM	
ALCRM modelling/assessment - May'25	LCM	
ALCRM modelling/assessment - Dec'25	LCM	
Power Supply Modelling		
Phase 1: Build baseline model		
Phase 2: Navitas provide modelling for baseline model	Asset Management	
Phase 3: Assess baseline + Proposed services	Asset Management	
Phase 4: May'25 Production Development Timetable	Asset Management	
Phase 5:N-1 assessment	Asset Management	
Phase 6: Impact assessment + mitigation assessment	Asset Management	
Phase 6: Re-create modelling CIF file based on Dec'24 actuals	Asset Management	
Phase 7: Dec' 25 Production Development Timetable	Asset Management	
Phase 8:N-1 assessment	Asset Management	
Phase 9: Impact assessment + mitigation assessment	Asset Management	
Performance Analysis		
Phase 1: Internal review of existing data	Route performance teams	
Phase 2: Performance assessment of May'25 decisions	Route performance teams	
Phase 3: Performance assessment of Dec'25 decisions	Route performance teams	
<b>Governance</b>		
Potential representations for Dec'24		
Draft Letter	F&A team	
Internal Review	F&A Team	
SOAR review and approval	F&A Team	
Submit to ORR	F&A Team	
Final representations:		
Draft letter	F&A team	
Internal Review	F&A team	
Internal Consultation	F&A team	
SOAR review and approval	F&A team	
Submit to ORR	F&A team	



## Wales Plan

Capacity Assessment	
Collating & Scoping	
Phase 2 Timetable Risk Identification May'25	
Phase 3 May'25 Production Development Period	
Phase 4a ECML confirmed Dec'25 Dec'25 assessment against May'25	
Phase 4b Dec'25 assessment ECML confirmed May,25	
Phase 5 december 2025 Production period	
Risk Identification	
Network Rail Interacting Access Rights - Risks Meeting	
Dec'24 TCRAG Process	
May'25 TCRAG Process	
Dec'25 TCRAG Process	
Internal consultation of applications	
Internal consultations Dec'24 applications	
Internal consultations May'25 applications	
Internal consultations Dec'25 applications	
Planned Assessments	
Level Crossing assessment	
ALCRM modelling/assessment	
ALCRM modelling/assessment - May'25	
ALCRM modelling/assessment - Dec'25	
Performance Analysis	
Phase 1: Internal review of existing data	
Phase 2: Performance assessment of May'25 decisions	
Phase 3: Performance assessment of Dec'25 decisions	
Engineering Access Assessment	
Signaller Workload Assessment Dec'24	
Signaller Workload Assessment May'25	
Signaller Workload Assessment Dec'25	
Cardiff Central Capacity study workshop	
Cardiff Central Capacity remit to be agreed and resources identified	
Cardiff Central Capacity review	
Cardiff Central Capacity study publication	
Governance	
Potential representations for Dec'24/May'25/Dec'25	
Draft Letter	
Internal Review	
SOAR review and approval	
Submit to ORR	
Final representation:	
Draft letter	
Internal Review	
Internal Consultation	
SOAR review and approval	
Submit to ORR	

## Western Route Plan

Capacity Assessment	
Collating & Scoping	System Operator - CP
Phase 2 Timetable Risk Identification May'25	System Operator - CP
Phase 3 May'25 Production Development Period	System Operator - CP
Phase 4a ECML confirmed Dec'25 Dec'25 assessment ag	System Operator - CP
Phase 4b Dec'25 assessment ECML confirmed May,25	System Operator - CP
Phase 5 december 2025 Production period	System Operator- CP
Risk Identification	
May'25 TP-Hazid passenger applications (Known at the tim	Timetable Project Manager
May'25 TP-RAM - all applications	Timetable Project Manager
Dec'25 TP Hazid - all applications	Timetable Project Manager
Dec'25 TP-RAM - all applications	Timetable Project Manager
Internal consultation of applications	Customer team
Internal consultation Dec'24 applications not previously c	Customer team
Internal consultations May'25 applications	Customer team
Internal consultation Dec'25 applications	Customer team
Planned Assessments	
Level Crossing assessment	
ALCRM modelling/assessment	LCM
ALCRM modelling/assessment - May'25	LCM
ALCRM modelling/assessment - Dec'25	LCM
Performance Analysis	
Phase 1: Internal review of existing data	Route performance teams
Phase 2: Performance assessment of May'25 decisions	Route performance teams
Phase 3: Performance assessment of Dec'25 decisions	Route performance teams
Engineering Access Assessment	Access Planning/Maintenance
Cardiff Central Capacity study workshop	Wales route
Cardiff Central Capacity Study	Wales route
Governance	
Potential representations for Dec'24	
Draft Letter	Customer team
Internal Review	Customer team
SOAR review and approval	Customer team
Submit to ORR	Customer team
Final representation:	
Draft letter	Customer team
Internal Review	Customer team
Internal Consultation	Customer team
SOAR review and approval	Customer team
Submit to ORR	Customer team

