

Transport for Wales Rail Limited (TfWRL) response to Network Rail Representations on Proposed 28th Supplemental Agreement

22 July 2024

TfWRL is responding to Network Rail's representations of 29 June on its Section 22A application for changes to access rights to apply from December 2024.

Update since 20 May submission

Since submitting our S22A application for December 2024, Network Rail Wales Route has presented a separate submission to the SOAR Panel for those access rights in this application that do not potentially interact with geography listed in ORR's letter to industry of 24 April 2024. This has the working title of the 35th SA.

We understand that SOAR Panel approved that submission except for requested access rights that interact with geography in the Shrewsbury and Wrexham areas, because of uncertainties relating to the S17 application by WSMR.

Once the 35th SA is approved by ORR, TfWRL will be happy to remove those approved access rights from our 28th SA application. This will leave access rights requests for services that interact with geography in the Cardiff, Gloucester, Birmingham, Shrewsbury and Wrexham areas.

Furthermore, following Network Rail's December 2024 timetable Offer and TfWRL's subsequent response to the Offer, TfWRL has been instructed by TfW (Authority) to make some alterations to the timetable including the removal of some services. This information will be provided to Network Rail shortly.

General observations on Network Rail's representations

We appreciate the challenges that Network Rail and ORR have in dealing with many applications from operators, and we realise that Network Rail must be consistent in its approach to all applications. This is no doubt the reason for the obviously templated format of Network Rail's letter which necessarily does not include a detailed plan for next steps at this stage.

There are several parts of Network Rail's letter that we wish to highlight:

1. The expression of the summary of TfWRL's access rights request.
2. An incomplete plan for next steps.
3. Annex D Freight Considerations: we do not agree with this statement.

Each of the above points is explained in more detail below.

1. The expression of the summary of TfWRL's access rights request

Network Rail's summary of TfWRL's access rights request gives the impression that we are intending to run over 200 additional services which is not the case. This is because TfWRL is also surrendering access rights.

The number of additional and changed access rights that TfWRL has requested is relatively modest. It is true that we are recasting the entire timetable from December 2024 which has been the subject

of an ESG. But the main differences in the new timetable are associated with journey time improvements rather than additional services.

The December 2024 timetable introduces Class 197 Sectional Running Times (SRTs) for the first time, to improve journey times on many routes across TfWRL's network, which requires changes to Timing Loads in Table 2.1 of Schedule 5. A small number of additional services are being introduced where they will fit into this new timetable structure, including some additional evening services. TfWRL's access rights request also addresses any existing anomalies between access rights and timetabled services.

TfWRL's service offering includes many long-distance services of 4hrs+ including West Wales to Manchester and Cardiff to Holyhead. These services are necessarily split between multiple Service Groups and so have multiple access rights associated with them. Many of the changes being made for December 2024 are to ensure that these access rights for longer-distance services are correctly expressed, e.g. in response to changes to start and end locations, and in response to the new Timing Loads that are being introduced.

Our application to ORR included an Excel table comparing the changes to access rights from the current Timetable to the December 2024 Timetable. This shows both additional access rights and surrendered access rights – which when taken together represent a zero or modest increase (or even a decrease) in the number of access rights on each route.

To assist Network Rail and ORR we provided a commentary in response to Network Rail's summary of changes in each Service Group.

HL02

In HL02 we are also surrendering a total of 20 access rights on Weekdays and 21 access rights on Saturday which are clearly set out in our application. Our request for additional access rights should be viewed in the context of our surrender of access rights.

HL03

Network Rail's summary of additional access rights in HL03 is correct but we are also surrendering a total of 8 access rights on Weekdays and 1 access right on Saturday which are set out in our application. As explained earlier, it is helpful to view these changes in our supplied Excel table which shows both additional access rights and surrendered access rights.

HL04

In our application there are mistakes in our request for changes to access rights in the Birmingham area.

There is no change at all to TfWRL's number of, or pathing of, trains in the Birmingham area (between Shrewsbury and Birmingham New Street/Birmingham International) in the December 2024 timetable which remains as 17 each way on Weekdays, 18 each way on Saturday, and 15 each way on Sunday. The trains remain in their existing paths. These paths align with those agreed in pan-Industry fora such as Grand Rail Collaboration and the Birmingham-Wolverhampton corridor Industry Planning Group.

Our proposed changes to access rights in and out of Birmingham is meant as a tidy-up exercise only, to update TfWRL's quantum of access rights to reflect the existing timetable. The changes to access rights are required because of historical anomalies with the expression of our access rights which have several different start/end locations at the 'non-Birmingham' end.

We have double-checked our proposed tidy-up and we have identified these anomalies. We can correct these either by amending this current 28th Supplemental application (if ORR permits) or through an additional application.

The table below shows the Birmingham area access rights as sought in this application with an explanation of the further changes that are now required to correctly align them with the existing timetable.

From	To	Via	Description	TSC	Timing Load	Total Weekday	Saturday	Sunday
Birmingham International	Chester	Wrexham General	4.1.1	22261000	158	8	8	5
Birmingham International	Chester	Wem	4.1.2	22261000	158	0	1 0	1
Birmingham New Street	Shrewsbury	Wellington	4.1.3	22261000	158	0	0 2	0
Birmingham International	Shrewsbury	Wellington	4.1.3.1	22261000	158	0 1	0	0 3
Birmingham International	Aberystwyth	Shrewsbury	4.2.4	22261000 22334000	158	7	7	5
Birmingham International	Shrewsbury	Wellington	4.2.5	22334000	158	1 0	0	3
Birmingham New Street	Aberystwyth	Shrewsbury	4.2.6	22261000 22334000	158	1	1 2	0
Chester	Birmingham International	Wrexham General	4.1.4	22261000	158	7 5	6	6
Chester	Birmingham New Street	Wrexham General	4.1.5	22261000	158	1	1	0
Shrewsbury	Birmingham International	Wellington	4.1.9	22261000	158	1 2	2	1 4
Aberystwyth	Birmingham International	Shrewsbury	4.2.1	22334000 22261000	158	8	7	6
Aberystwyth	Birmingham New Street	Shrewsbury	4.2.2	22334000	158	0	1 2	0

The row 4.2.5 shaded grey should be deleted as it was intended to be replaced by new row 4.1.3.1. Therefore the '3' in the Sunday of this row (highlighted in purple) is also meant to be deleted as this quantum is now shown in the new row.

The Weekday change highlighted in green should be reduced from 7 to 6, not to 5.

The Sunday access right highlighted in red should be reduced from 5 to 4.

The Sunday access right highlighted in blue should be increased from 1 to 2.

The Sunday access right highlighted in green should be increased from 5 to 6.

The Sunday access right highlighted in teal should be reduced from 4 to 3.

We set out the above in an email to Network Rail on 1 July.

HL06

Our requirements for changes to access rights in HL06 should be read in conjunction with our proposals to surrender access rights, as set out in our application. For example, we are requesting 8 additional loco-hauled access rights between Cardiff Central and Manchester Piccadilly on a weekday but are surrendering 8 DMU access rights and so the number of services between Cardiff Central and Manchester Piccadilly is unchanged. For clarity, we have not bid for any additional services in or out of Manchester.

HL07

The one additional 'service' to Llandudno does not represent an additional Train Slot because we are also surrendering two access rights between Manchester Airport and Llandudno (replaced with access rights between Manchester Airport and other North Wales destinations). When read in conjunction with our proposals for HL08 Service Group, we are surrendering one access right between Llandudno Jn and Llandudno overall.

Since submitting our application we have received instruction from Welsh Government on how to proceed with our access rights requirements for the Wrexham-Bidston line. We have shared our proposals with Network Rail. Therefore we are no longer proposing the changes to Bidston line access rights as set out in this application.

HL08

The most important point to note here is that TfWRL is not seeking to operate any additional services to or from Manchester. Network Rail's summary suggests that we are seeking 1 additional service to Manchester Airport on Weekdays; 2 additional services to Manchester Airport on Saturday; and 4 additional services from Manchester Airport on Saturday. This is not the case. We are replacing some access rights that start or terminate at Manchester with others e.g. on a Saturday a Holyhead to Manchester Airport access right replaces a Bangor to Manchester Airport access right. This does not represent additional capacity between Chester and Manchester.

Our supplied Excel table shows both additional access rights and surrendered access rights.

2. An incomplete plan for next steps

In its representations Network Rail acknowledges that it is not offering any view on TfWRL's application or providing all the information needed for ORR to make a decision. The plan for next steps is high-level with no committed dates or deadlines.

TfWRL was required to submit its access rights applications to ORR on 20 May which was two months ago. Considering there are little more than 16 weeks until the start of the December 2024 Timetable, we are concerned that our access rights application will not be approved before the timetable commences.

This is a considerable risk to TfWRL. The timetable is the culmination of a long and thorough ESG process and represents a great amount of time and effort by TfWRL, Network Rail, peer operators

and other industry parties. We are now in the final stages of preparing rolling stock and traincrew diagrams. The new timetable is the biggest change for passengers in Wales and the Borders in almost 20 years and the improved timetable offering is vital for growing revenues to reduce Welsh Government's operating subsidy.

Network Rail must move faster to identify if any capacity issues exist at Cardiff, Gloucester, Birmingham, Shrewsbury and Wrexham and to offer solutions. In a worst-case scenario, where access rights cannot be agreed in time for the start of the timetable, last minute rework to diagrams could be required, which will incur the same type of risk that was a factor in the national failure of the May 2018 timetable.

We are aware of proposals for Network Rail to agree to sell access rights on a temporary basis for the December 2024 Timetable to ensure that trains do not operate without access rights. We remain concerned that this simply defers capacity decisions rather than solves them, and that it could introduce new risks to the national timetable if the necessary assurance on capacity allocation has not been carried out.

3. Annex D Freight Considerations

There is a statement from 'Freight' (presumably FNPO) that they 'caveat the support by asking for any rights in the Cardiff and Gloucester areas be dated to end prior to December 2025 with no expectation of continuity in light of the Alliance interacting aspiration.'

TfWRL strongly disagrees with this request. Our application is for changes to our access rights to support our new December 2024 timetable, most of which are adjustments to existing access rights, and we have requested these changes on the basis that they apply until the expiry of our track access contact.

The Alliance Rail S17 application (to operate services between Cardiff and Edinburgh via Gloucester) has already been submitted to ORR and we expect that it will be considered alongside all other applications that ORR has received.