

## **Transport for Wales Rail Limited (TfWRL) response to Network Rail Representations on Proposed 32<sup>nd</sup> 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 May 2025.

### Background

The purpose of this application is specifically for ORR to approve again those changes to access rights in HL05 (Cardiff Valleys and Local Services) that were made in the 19<sup>th</sup> and 24<sup>th</sup> Supplemental Agreements. In both cases, ORR's decision letters accompanying the approvals advised that 'our usual policy of a strong presumption of the continuation of existing rights will not apply for additional service group HL05 rights beyond the expiry of the contract on 1 August 2025'. TfWRL is seeking ORR's approval of these access rights from May 2025 without that caveat.

### 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 understand the reference to Barry Island.

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 is broadly correct but it does give the impression that we introduced over 100 additional services in HL05 Service Group through the 19<sup>th</sup> supplemental agreement which is not the case. This is because TfWRL also surrendered access rights. Most of the additional services were to maintain the standard hour timetable for longer into the evening. It is also important to note that we did not increase the existing maximum service frequency on any Network Rail routes in HL05 Service Group.

We recognise the capacity challenges perceived at Cardiff Central, but it is important for Network Rail and ORR to recognise that there are (effectively) two separate railways in operation at this location, with very little interaction between the two. The reason is that TfW's CVL 'Metro' services will exclusively use Platforms 6, 7 and 8; and all other services (both TfW and other operators, whether existing or aspirant) will exclusively use Platforms 0-4.

The only interaction between the two networks is on a crossover to the west of Cardiff Central between ECS moves (bound for Canton depot) and CVL trains arriving at Cardiff Central from Ninian Park. There is some flexibility in the timing of ECS moves to ensure this possible capacity conflict can

be accommodated. Therefore any perceived capacity issues at Platforms 0-4 will not impact service group HL05.

Our application to ORR included a marked up version of the HL05 access rights in Table 2.1 from December 2023, showing the changes that were made in June 2024 (and which we are seeking to apply from May 2025 onward without ORR's existing caveat of no presumption of the continuation of rights beyond the current expiry of TfWRL's track access contract).

## 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.

The access rights that are the subject of this application were approved in the 19<sup>th</sup> and 24<sup>th</sup> supplemental agreements (albeit with no presumption of the continuation of rights beyond the current expiry of TfWRL's track access contract). The timetable that our HL05 access rights underpin has settled in very well since June and has already achieved Time to 3 of over 92% on more than on day, demonstrating its inherent robustness.

TfWRL needs certainty that its existing HL05 access rights will continue when our track access contract is extended beyond August 2025, as we look to build on the success of the new timetable through further changes in May 2025 and as we work towards the end-state timetable once all Transformation works are completed on the CVL Network.

## 3. Annex D Freight Considerations

There is a statement from 'Freight' (presumably FNPO) that they 'would particularly like to highlight some of the aspirations in Freightliner Heavy Haul's 28th SA which interact at Barry Island'.

We do not follow this statement. Freightliner Heavy Haul's access rights table that accompanied their 28<sup>th</sup> supplemental agreement application is redacted, so it is not possible to see what is requested. However no freight operators run trains to Barry Island which has no freight facilities.