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20 June 2025

**Network Rail Representations for the 18th Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract between Network Rail Infrastructure Limited and First Trenitalia West Coast Limited dated 01 December 2022.**

**Purpose**

This letter provides final representations from Network Rail Infrastructure Limited (NR) for the 18th Supplemental Agreement (SA) submitted under Section 22A of the Railways Act 1993 for the Track Access Application between NR and First Trenitalia West Coast Rail Limited (FTWCRL) dated 01 December 2025

This representation builds upon the representations submitted by NR for this application on the 28 June 2024 and two West Coast Main Line (WCML) South dated 07 February 2025 and 25 April 2025.

The purpose of this final representation is to provide ORR with NR's final position on this application (and the specific access rights within it) and will do so by providing facts, data, evidence to support our position.

NR can confirm that based on the facts, data and evidence outlined in this representation, it is not supportive of this application.

Where there are a number of applications seeking capacity at the locations referred to in this letter, and as detailed in Annex A, the basis of our support of applications either in total, or in part (as can be determined by reading the relevant representations), may have a connection to our position on all other applications at that location. You may wish to wait for final representations on related applications and the information provided therein prior to making your decision.

## **Background of the Application and Network Rail Representation**

In line with ORR's letter of 24 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 17 May 2024 as a S22A application in line with ORR's deadline.

As requested by ORR, NR submitted a High-Level Plan in June 2024, and a further detailed plan was published on NR's website in August 2024 and updated in January 2025. NR made its initial representations on this application on 28 June 2024 where an initial view of the application Form P and SA was provided. On 22 July 2024 First Trenitalia West Coast Limited responded to the NR initial representations.

On 22 July 2024, FTWCRL responded to the NR initial representation. In its initial representation on 28 June 2024, NR highlighted a number of items in the "NR Review of Form P and associated documents" section of the letter.

The points we would like to highlight from the initial representation and the course of action we require, are as follows:

In the SA drafted table 2.1, the route via WCML Trent Valley was omitted. FTWCRL has acknowledged this missing information and stated that this will be updated. The SA also stated that the whole of table 2.2 was to be replaced by the table in the SA. NR would like to point that replacement of the whole of table 2.2 with the proposed table in the SA will remove all other entries in table 2.2. However, this is not the case because for example, there is a right in the table that is not dated to expire but only that it applies from Crewe to Euston. Therefore, if this table is deleted, such an entry will be missing from the Track Access Contract. This has been brought to the attention of and acknowledged by FTWCRL as an omission which will be updated if ORR directs positively.

## **Safety**

In response to Section 3.2 of Form P, where it was marked as "N/A", implying no safety risks had been identified, NR stated, in its response of 28 June 2024, its intention to undertake due diligence and necessary assurance to assess any safety risks associated with the proposal.

In the WCML General Representation letters, we have highlighted certain safety concerns such as Passenger Flow at London Euston and detail this further in this letter. In addition to this, NR has now completed the appropriate risk assessments through the Timetable Change Risk Assessment Group (TCRAG) process and level crossing assessment, and no additional safety risks have been identified in relation to the access rights sought in this application.

## **Capacity**

In Section 4.2 of the Form P it stated *"These services were incorporated in the timetables developed by the WCML Industry Planning Group (IPG) and Event Steering Group (ESG) workstreams. We know the capacity exists for these services as they were included in the December 2022 ESG"*. In its letter dated 28 June 2024, NR stated that NR's Capacity Planning and Advanced Timetable Team had initially undertaken validation work on this proposal. In their letter dated 22 July 2024, FTWCRL also stated that they remain confident that the

services within this application are deliverable with the network capacity available and will work collaboratively with industry partners to restore these services.

NR has now concluded that it does not support this application due to concerns raised and evidenced in its WCML representation letters dated 07 February 2025 and 25 April 2025, and concluded in this representation letter that NR is not supportive of utilising additional capacity on the fast line, by any operator.

### **Performance**

NR in its representation highlighted performance concerns as noted in Section 4.3 of the Form P for the proposed access rights. FTWCRL in their response to the representation stated “FTWCRL notes that NR has stated in its review of Form P and associated documents that “the performance of similarly related trains is poor, and NR’s Performance Team will need to reassess. FTWCRL requests clarification from NR on how this assessment of ‘poor performance’ has been made”.

NR has stated, in the WCML representation, its performance concerns and the analysis in that letter has shown how the assessment has been made and the importance of spare capacity being available, to absorb sub threshold delays before locations where there are multiple services tightly flighted.

Current performance of the WCML is both inconsistent, punctuality and reliability too low, and recovery from incidents is taking longer, due in part to the successive flighting of trains on the WCML Fast Lines. FTWCRL’s own analysis of the performance of services before and after those proposed, demonstrates this challenge, with T-3 performance no better than an average 71% in the up direction, and 66.2% in the down direction. This is well below both Network Performance Board’s aspiration for 90% T-3 performance across the network, and current regulatory targets.

It is therefore reasonable to suggest that running these additional services, plus the likelihood of network perturbation, means firebreaks in the timetable will be eroded further, with perturbation taking longer to recover from, and having a greater than expected network reach.

Performance outcome, operational risks, extensive engineering plans, disruption to the train service and diversionary requirements are the reasons why NR is not supportive of this application.

### **WCML General Representation Letter dated 25 April 2025**

NR can confirm that this application is seeking proposed access rights at the interacting location WCML: Euston to Nuneaton and therefore the General Representation letters to ORR regarding WCML South Fast Lines dated 07 February 2025 and 25 April 2025 are relevant to this application.

Whilst these letters are relevant to this application, we would like to highlight key points which are more pertinent to this application, namely:

07 February 2025 Letter - Timetable Capacity, Timetable Performance, Passenger Flow at Euston Station, High Speed Two; and

25 April 2025 Letter - Performance Concerns Affecting WCML Applications, Power Supply, Congested Infrastructure and Complex and Competing Applications.

### **Access Rights sought in the Application**

The rights sought in this application are for:

<b>The rights included in the 18th SA</b>	<b>Days</b>	<b>Additional Contingent Right Required</b>	<b>Specific locations identified in ORR's Letter of 24 April 2025</b>
Contingent rights in table 2.2 for Liverpool Lime Street to London Euston	SUN	Plus 1	West Coast Main Line Euston-Nuneaton
Contingent rights in table 2.2 London Euston to Liverpool Lime Street	SUN	Plus 1	West Coast Main Line Euston-Nuneaton

Table 1: details of rights sought in this application.

### **Congested Infrastructure**

The section on 'Congested Infrastructure' in NR's General Representation letter dated 25 April 2025 is relevant to this application.

With effect from 11th May 2020 NR declared the infrastructure on the WCML South fast lines between Camden South Junction and Ledburn Junction as congested infrastructure.

This declaration was made under the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016, regulation 26 (2) because, following consideration of access requests received, NR considered that this element of the infrastructure would be likely to become congested during the December 2020 timetable period.

Consequently, NR initiated a WCML Industry Planning Group ('IPG') in May 2020 which was tasked with considering options for generating additional capacity and improved performance. The IPG reported in January 2021 that a restructure of the WCML timetable could provide additional capacity and improved performance. The IPG therefore then initiated a second phase of work to develop and evaluate options for a restructured timetable, which was ultimately delivered under the governance of the Event Steering Group ('ESG') in December 2022.

On 9 July 2024, NR issued "Early Indicator of Likely Congestion" notices in relation to the following sections of the North West & Central network:

- Acton Lane feeding area (Bushey)
- Washwood Heath / Willenhall feeding area
- Crewe / Weaver feeding area

These Early Warning Indicator notices related to the impact of capability constraints on known or likely applications for electric traction capacity. Having recently updated the power supply modelling as part of this workstream, NR still has concerns in these areas. The ORR will need to consider the Acton Lane and Crewe/Weaver feeding areas with regards to this application.

As demonstrated in our representation of 07 February 2025, NR will not be able to accommodate all applications seeking capacity on the WCML Fast Lines for the December 2025 timetable and beyond. As the declaration of congested infrastructure made in May 2020 remains active, NR will not be reissuing a further declaration of congested infrastructure.

## **Assurance / Assessments / Updates**

The following section will address specific areas of consideration and risk relevant to the application.

### **Capacity**

As stated in our WCML representation letter of 25 April 2025, NR currently does not support any access rights for additional WCML South services, seeking to utilise additional capacity on the fast lines, with the potential exception of one Manchester Piccadilly to London Euston contained within FTWCRL's proposed 17th SA.

The decision to not support any additional WCML South rights where services utilise the fast lines, is on the basis that theoretical capacity is not usable because of the actual performance of the timetable. The theoretical capacity of the additional access rights would utilise firebreaks within the timetable structure and have a significant detriment to performance as demonstrated in the WCML general representation letters. NR has provided evidence on capacity and performance in our two letters of representation on the WCML, dated 07 February 2025 and 25 April 2025.

The capacity assessment provided with the representation dated 07 February 2025, was completed for the fast lines on the section of WCML between London Euston and Rugby. This analysis cannot be used to indicate that paths would be available beyond Rugby to accommodate the access rights from their origin or to their destination.

Since the 07 February 2025 representation, Network Rail has completed timetable capacity analysis to inform on the end-to-end journey of these services and the Sunday timetable structure. The capacity assessment did not consider ancillary moves required for operators to run their services.

Although NR has identified some potential theoretical capacity on a Sunday for a very small number of paths, timetable capacity is only one element of the assurance process. Current performance metrics included in the WCML Representation letters demonstrated that performance is currently not meeting expectations and is expected to decline further once all services, which currently hold access rights, are running. These rights relate to FTWCRL services between Liverpool and London Euston and First Rail Stirling Limited services between London Euston and Stirling.

In addition, overall pedestrian flow analysis also shows that capacity at London Euston is forecast to be exceeded more regularly and for longer durations once services are running for all current access rights. Any further growth to passenger numbers because of further access rights granted and services run would further exacerbate the current challenges the station faces in passenger flow and the consequential passenger experience.

As a result of these, NR is not supporting any additional rights on the WCML South seeking to utilise additional capacity on the fast lines except for those detailed in our representation on FTWCRL 17th SA.

### **Complex and Competing Applications**

Analysis has identified limited timetable capacity on the West Coast Main Line South Fast Lines. From around 13:00 on a Sunday the structure of the West Coast Mainline South returns to the weekday pattern. Prior to 12:00 the timetable is planned exclusively on the slow lines due to the Sunday morning Section 4 Engineering access which is utilised on a weekly basis

with possessions taken each week.

In this weekday pattern some of the xx:20/36 departures and xx:59 arrival slots present in the standard weekday hour are also available on a Sunday. Timetable capacity analysis has been completed for the geography between Rugby and London Euston only, capacity cannot be assumed for end-to-end paths. Between 13:00 and 21:00 on a Sunday there are 7 theoretical paths in the up and 8 in the down direction between Rugby and London Euston only.

For this application alone, there would be timetable capacity to accommodate the services against other rights Network Rail is supportive of, however Network Rail is not supportive of any rights which would utilise this theoretical capacity, as per the position outlined in the WCML General Representation of the 7 February and 25 April 2025 and in final representation letters specific to each relevant application.

This theoretical timetable capacity identified, between Rugby and London Euston, would also be relevant to any other Section 17 and Section 22A applying for rights which utilise the West Coast Main Line South Fast Lines. There is not enough timetable capacity available to accommodate all Section 17 and 22A aspirations on the West Coast Main Line South Fast Lines.

Through the complex and competing applications workstream, FTWCRL 18th SA aspired paths present unresolved conflicts with the aspired paths aligned to Wrexham, Shropshire & Midlands Railway Company Limited Section 17 Application. Network Rail is not supportive of the WSMR Section 17 application and have provided representations concerning these applications on 09 May2025.

The FTWCRL 18th SA has the potential to interact with other directed rights on the West Coast Main Line, further north to the WCML South location (as identified in ORR's letter to industry, dated 24 April 2024). These interactions were able to be resolved within the competing applications workstream indicating potential timetable capacity for the aspired paths aligned to this application of the West Coast Main Line South to/from Liverpool via the Trent Valley.

## **Performance**

In this section, a general update will be given, followed by specific information of the following:

- FTWCRL performance
- Historic performance
- Current Network performance

NR has undertaken further analysis of the performance of the fast line timetable. The analysis shows that current operating timetable is not performing to a consistently high level, and recovery from incidents is taking longer due to the successive flighting of trains on the WCML Fast Lines.

In our General Representation letter dated 25 April 2025 we stated that “For the benefit of passengers and freight users, it is NR’s view that Operational performance across all operators on WCML South needs to both recover to, and be sustained at, a higher level than current performance before additional train services, which don’t have rights, are considered for inclusion into the timetable.”

Our performance information and concerns on the West Coast Main Line (WCML) South Fast Lines have been outlined in our two letters of representation, dated 07 February 2025 (‘Timetable Performance’ section and Appendix C) and 25 April 2025 (London Euston to Rugby section).

We have specifically set out the importance of having a timetable that is resilient, and factors that underpin a resilient timetable plan including firebreaks at key conflict points to prevent spread of delay from service group to service group, are of key importance. Any additional services introduced on the West Coast South Fast Lines would further increase the number of services planned on minimum headway, reducing the number of firebreaks in the timetable and the ability to withstand typical variations in train presentation without significant spread of delay between services and across service groups.

Current performance metrics demonstrate that performance is not currently meeting expectations and is expected to decline further once all services which currently hold access rights, are running. NR believes any additional services on the Fast Lines on the WCML South would have a significant detrimental impact to performance where the current quantum of services, combined with the realities of operating a mixed traffic railway, already have significant performance challenges and contribute to delivering performance at a level below expected levels.

The performance analysis work provided in the general representation letters of 07 February and 25 April 2025, focused on the weekday timetable, however the addition of these trains would cause the Sunday train plan to begin to more reflect the weekday plan and therefore, the analysis remains representative. For example, the addition of the 18:31 arrival into London Euston from Liverpool Lime Street would run in the middle of a flight of 5 other services, with the 20:06 departure back to Liverpool Lime Street departing first in a flight of 4 services on minimum headways from London Euston.

It is important to have a timetable that is resilient. A resilient timetable is one that, on a good day with no major unplanned disruption, can withstand typical variations in train presentation without significant spread of delay between services and across service groups. This is



typically a function of either the content of the timetable plan itself or the content of the resource plan. Factors that underpin a resilient timetable plan include:

- Firebreaks in the timetable at key conflict points to prevent spread of delay service group to service group.
- Turnaround times that are robust to minor delays on inbound workings.
- Dwell times that reflect reality.

Robust analysis before compliant but risky moves are introduced e.g., overtaking, splitting and joining, repeated re-occupations on minimum headways etc.

The timing and performance of the existing services running immediately prior to the theoretical timetable capacity identified was based on data from the June 2024 timetable, which has the limitation of not containing all Fast Line services for which access rights are currently held by operators. For example, the June 2024 timetable doesn't contain the proposed new services by First Rail Stirling (previously developed by Grand Union Trains), which are expected to commence operation during December 2025 timetable, nor the outstanding additional FTWCRL West Coast services between London Euston and Liverpool Lime Street, both of which have access rights, but are not yet running. As illustrated below, the introduction of these additional services onto Fast Lines is likely to have an impact on wider WCML (South) performance and therefore the T-3 figures quoted above, have not taken into consideration the impact expected from these services.

Over the last few years we have seen delay per incident rise, especially on the WCML, resulting in longer time to recover spreading delays the full breadth of the country.

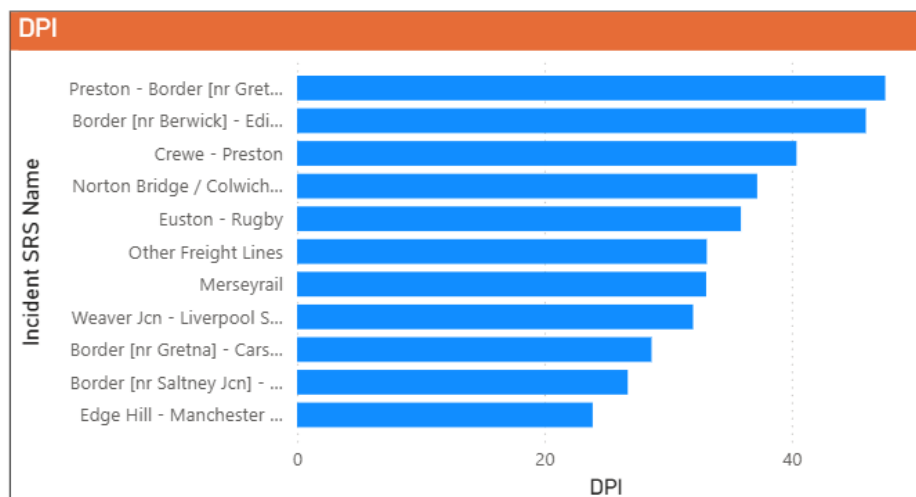


Figure 1: Graph showing delay per minutes

NR is already committed to further traffic on these lines with First Rail Stirling services due to commence in December 2025. Each timetable change since December 2022 has seen an increase in quantum of services running on the WCML and performance on the WCML remains fragile. Therefore, NR is not able to support additional FTWCRL access rights within the application for services utilising capacity on West Coast South Fast Lines at this time.

## FTWCRL Performance

FTWCRL West Coast punctuality within the confines of West Coast South has been regressing since May 2017. This can be further demonstrated when the COVID ‘bounce-back’ is removed from the data as well as the subsequent timetable changes that saw a reduced service offered up to December 2022. Above threshold delay on the WCML is also increasing in the Up Direction.

The West Coast Mainline is a highly utilised section of track which is susceptible to congestion and reactionary delays - (i.e., when a delay event of more than 3 minutes is caused to the train behind, because the train in front is in the booked path of that train). Even with the current firebreaks available, there is a lack of resilience within the timetable to aid recovery. In practise, during normal operations the firebreaks are eroded, and the perturbation of lateness perpetuates across Route boundaries.

As per previous narrative, the December 2024 timetable does not include services which have directed rights from December 2025. There are additional services, which have rights, that will be coming into the December 2025 timetable e.g., FTWCRL services and First Rail Stirling services. This is likely to have a further negative impact on the December 2024 assessment because it will further reduce the resilience of the timetable to absorb delays.

Figure 2 below, shows the performance in percentage for “On Time” for the FTWCRL service groups. Please note the steady decline of the London Euston – Liverpool Lime Street service.

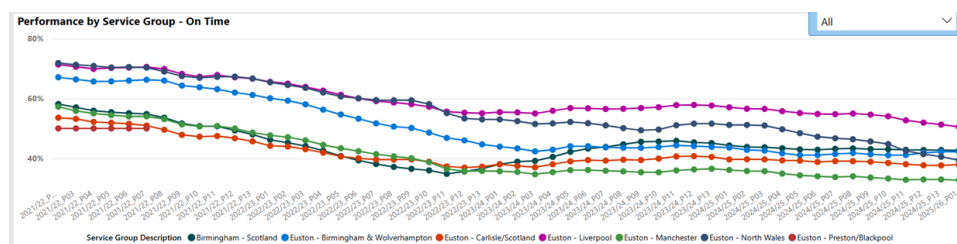


Figure 2: Graph showing the performance in percentage for “On Time” for the FTWCRL Service groups.

Figure 3 below, shows performance in percentage for “Time to 3” for the FTWCRL service groups. Please note that the London Euston – Liverpool Lime Street service group has been on a constant decline.

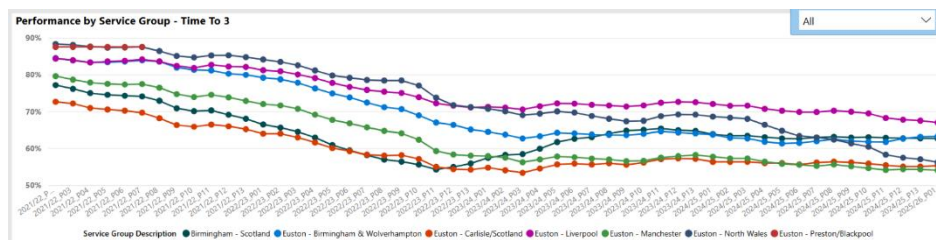


Figure 3: Graph showing performance in percentage for “Time to 3” for the FTWCRL service groups.

The graphs above highlight the decline of FTWCRL performance over the last few years. Currently FTWCRL performance on the Northwest is significantly below the Time-3 route target for this year so any further traffic would be a concern and risk us not being able to deliver to our target. The Anglo-Scot route is also a poor performing route overall for FTWCRL and is

potentially going to be subject to a task and finish group, it is our belief no further traffic should be included in this service group until this workstream has been completed.

Current performance of this section sees a Time - 3 of 71.5% which is significantly below the overall NW&C position of 82.5%. The image below shows the on-time performance for the last 5 years and the Sunday performance on the Liverpool route over the last 5 years and shows a similar decline in performance on a Sunday as the general trend for the service group when assessed across the whole week.

Figure 4 below, shows On-Time and Time – 3 Moving Annual Average for the HF04 London Euston –Liverpool Lime Street service group on a Sunday.

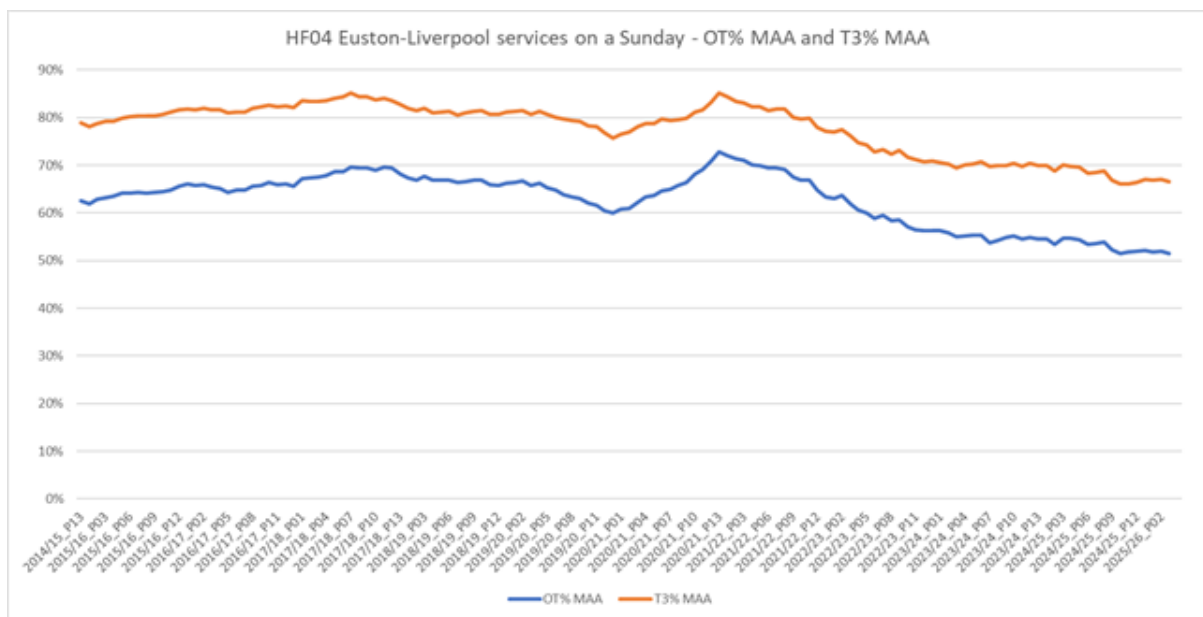


Figure 4: Graph showing On-Time and Time – 3 Moving Annual Average for the HF04 London Euston –Liverpool Lime Street service group on a Sunday.

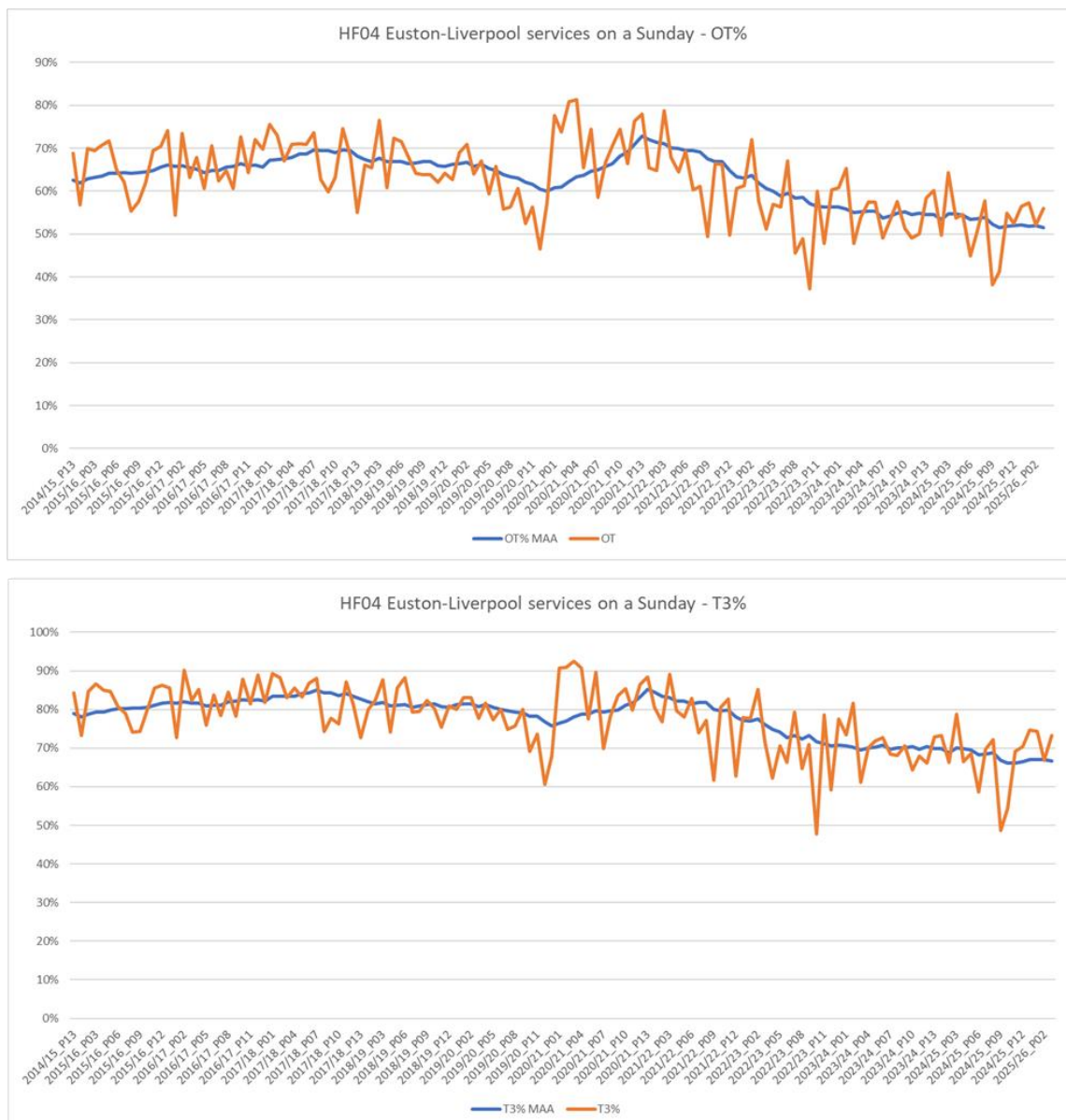


Figure 5: Graphs showing On-time & Time – 3 performance of service group HF04 London Euston to Liverpool Lime Street on a Sunday.

### **Historic performance**

In the 07 February 2025 representation letter NR showed the negative impact of introducing additional services into the December 2019 timetable. NR shared with ORR the modeling undertaken as part of the December 2022 ESG. NR has expressed its concerns about the detrimental impact on performance of introducing additional services into the December 2024 timetable.

On a Sunday after the two-track possession finishes at 12:00, the service structure of the Fast Lines of the West Coast returns to the same pattern as the weekday timetable. Any services introduced in these potential paths would further increase the number of services planned on minimum headway, reducing the number of firebreaks in the timetable and the ability to withstand typical variations in train presentation without significant spread of delay between

services and across service groups.

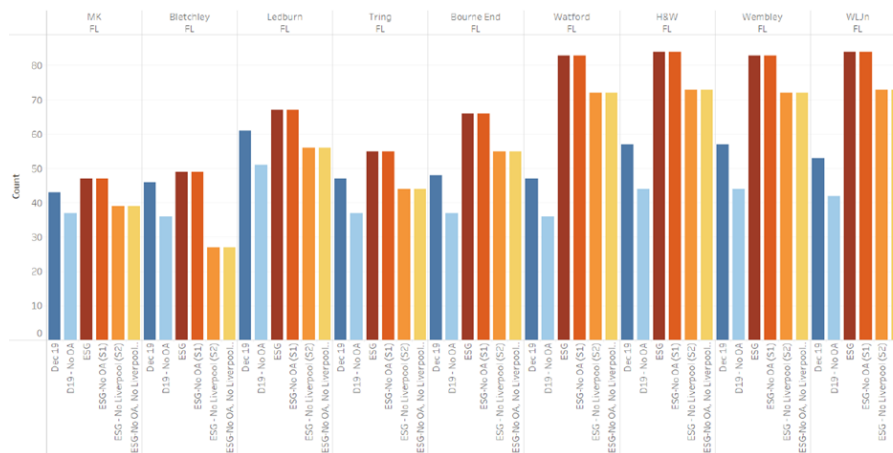


Figure 6. Count of services running on minimum headway on the Fast Lines between Milton Keynes Central and Willesden Jn

### Current Network Performance

The graph below shows the percentage of On Time arrivals at London Euston for mainline operators along with the Moving Annual Average (not including Arriva Rail London). Last quarter, P8-10 FY2024/25 saw an On Time arrival average of 50.2% for mainline operators.

Since COVID, we can see the performance trend for On Time arrivals to be declining. It is also the case that each timetable changes since December 2022 has seen an increase of quantum of services running on the WCML as the industry has continued to recover from the effects of COVID, and in-line with operator recovery plans underwritten by funders.

There is much focus on WCML performance improvement through initiatives such as the 'First 60 Miles Plan' which aims to improve not only the number of failures experienced but also how incidents are managed and recovered – but performance on WCML remains fragile. It is also the case that service recovery is a joint industry activity and is a function both of NR and operator capability to deliver against agreed service recovery plans; challenges such as traincrew availability and fleet reliability can lead to variable outcomes depending on the nature of the disruption. In the absence of systemic change, reactionary impacts are only expected to worsen as service levels increase.

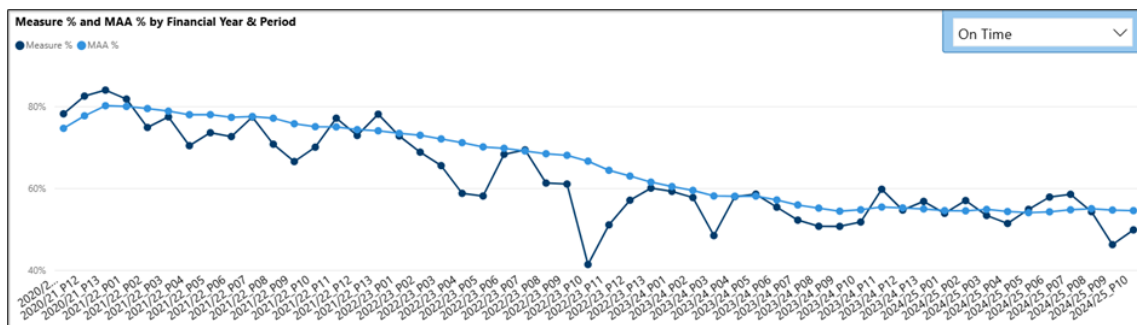


Figure 7: The graph above shows the measurement of performance by percentage and for FTWCRL as a whole. The light blue line is the moving average and the dark blue line is the period result.

Given all of the above, we would expect resilience to be significantly reduced in an already poor-performing area of the network if additional access rights and services are to be accommodated.

## **HS2**

Some of the access rights sought via these applications will interact with DfT and industry proposals, developed with West Coast Partnership Development ('WCPD') for HS2 operation. Specifically, any rights where the services will continue north on the WCML after Rugby heading towards Stafford.

A captive service between Old Oak Common and Curzon Street (Birmingham) is planned to commence in the early 2030s. The current expectation is that HS2 services will then shortly afterwards begin running on the existing WCML – to a combination of Manchester, Glasgow and Liverpool, joining the WCML at Handsacre Junction (near Lichfield). Some existing long-distance services will be withdrawn at this point, with replacement services added between London Euston and Birmingham New Street/Lichfield to better serve intermediate markets by making use of the capacity released.

A further section of the HS2 route (from Old Oak Common to Euston) will – subject to funding – be opened later in the 2030s, at which point the full HS2 Phase 1 infrastructure will be in place. That will trigger another change to the WCML timetable as more services can be withdrawn from the WCML south of Handsacre and re-directed to/from London via HS2. Train service specifications for these three stages are in development, decisions about which will be based on ongoing work between HS2 Ltd and WCPD. No part of the current HS2 programme scope delivers additional capacity north of Handsacre Junction, and it will therefore be necessary to reduce the current train service by approximately one path for every HS2 path introduced.

## **Power Supply Modelling related to WCML Aspirations**

NR has undertaken a comprehensive power supply modelling exercise to assess the impact of accommodating all outstanding access proposals for additional electric services against the rights already held by operators (both passenger and freight), on the network's traction power supply capability.

In its power modelling, NR has attempted to maximise the capability of the network by assessing a realistic timetable which considers aspirations as well as a timetable running under normal operations today and in the expected future timetable (December 2025).

We have modelled a quantum of operations and traction reflective of the actual operational position. This means that the timetable modelled does not reflect the worst-case scenario should operators choose to exercise their full existing rights to operate at longer lengths or in electric (instead of diesel).

By coupling these modelling results with industry-agreed operational controls and mitigations (including restrictions to operating lengths and arrangements with operators to “notch back” through the areas of concern), three areas of concern remain:

- Washwood Heath (evening peak)
- Crewe and Weaver (peaks throughout the day)
- Willenhall

Network Rail does not have any power supply concerns for the paths aligned to these particular rights. However, Network Rail has already been working with FTWCRL to alleviate its power supply concerns in the Crewe-Weaver area. Network Rail has been unable to accommodate 4 Liverpool Lime Street to London Euston paths using electric traction in the timetable (which already hold rights).

## **Conclusion**

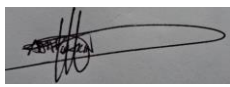
In this representation letter we have confirmed that we do not support the access rights sought in this application.

NR believes any additional services on the fast lines on the WCML South would have a significant detrimental impact to performance where the current quantum of services, combined with the realities of operating a mixed traffic railway, already have significant performance challenges and contribute to delivering performance at a level below expected levels.

NR considers that this final representation letter, plus the two WCML general representations dated 07 February and 25 April 2025 contain sufficient information on this application to enable ORR to make a decision. NR does not expect ORR to direct the rights being sought in this application on the basis of the information provided.

However, if ORR were to direct NR and FTWCRL to enter into contract, we would like the opportunity to review the terms of the contract.

Yours sincerely,



Omowunmi Toby

Franchise and Access Manager

**ANNEXES**

**Annex A – Interacting Locations Matrix**

**Annex B – Table of Access Rights Requested in Application**