

26 April 2022

Dear colleagues

Railways Act 1993 Section 22A: Applications from Transport for Wales Rail Limited (TfWRL) and GB Railfreight Limited (GBRf) for access to the Wrexham to Bidston line

1. This letter provides an update for Network Rail, TfWRL, GBRf and stakeholders on our consideration of the above applications¹, which we received respectively on 25 November and 31 December 2021. It also sets out the information we expect Network Rail to provide us, for us to make timely decisions on these applications, in accordance with our statutory duties. In summary, this information is:

- the outcome of Network Rail's timetabling review, upon its completion on 29 April 2022;
- an explanation of its consideration for declaring this infrastructure as congested; and
- comprehensive further representations for both applications, by 9 May 2021.

The applications

2. TfWRL applied (the 4th Supplemental Agreement) for additional firm rights to run 2 trains per hour (2tph) on weekdays and Saturdays between Wrexham Central and Bidston, from May 2022. The current service is 1tph and the additional service would have a skip-stop pattern. GBRf applied (the 17th Supplemental Agreement) for additional firm rights for 3 services, for traffic between the Hanson Cement Works at Padeswood (Penyffordd) and its Avonmouth terminal.

3. Network Rail did not agree to support the applications. Both operators submitted them to us under section 22A of the Railways Act 1993 (the Act). As required by the Act, we asked Network Rail for its representations on those applications. We subsequently asked the operators to comment on Network Rail's representations. Following a review of the information provided, we also asked Network Rail, TfWRL and GBRf for further information. On 26 November 2021, TfWRL and Network Rail advised us that TfWRL's bid for these paths in the May 2022 timetable had been rejected but that discussions would continue. On 21 December 2021, Network Rail provided us with its representations on TfWRL's application and stated it did not support it for the following reasons: risks

¹ [Current track access applications | Office of Rail and Road \(orr.gov.uk\)](https://www.orr.gov.uk/current-track-access-applications)

regarding timetable production, level crossings, freight and maintenance access. As of the date of this letter, Network Rail has not explicitly stated why it cannot support GBRf's application, despite our request for its position on the application.

Network Rail timetabling review

4. On 18 January 2022, TfWRL informed us that Network Rail's System Operator had decided to plan a review of the decision to reject TfWRL's May 2022 timetable bid. This review aims to accommodate both TfWRL and GBRf aspirations for additional services in the May timetable. However, the completion date for this is the end of April 2022, "ready for a potential September start date" for services.

5. This Network Rail timetabling review has the potential to change the conclusions and representations provided for our scrutiny of the section 22A applications. Therefore, it was important for Network Rail to proactively update us on its progress and evolving position. On 27 and 28 January 2022 we asked to be updated with any information and developments regarding the review. The update we received on 16 February 2022 lacked sufficient detail regarding its progress, outcomes and next steps.

Information required

6. On 28 February 2022 we asked for a meeting with Network Rail so that we could further understand what decisions it had made and what evidence it had been considering. In a meeting on 11 March 2022, Network Rail committed to providing us with regular updates regarding the ongoing timetabling review, which we have now received. Network Rail now needs to conclude its review on 29 April 2022 and share the outcome with us, TfWRL and GBRf.

7. In the same meeting, we asked Network Rail to explain their consideration of the process for declaring infrastructure as congested, as set out in [The Railways \(Access, Management and Licensing of Railway Undertakings\) Regulations 2016](#) (the Regulations), and taking into account its decision to not support the access applications and refuse TfWRL's May 2022 timetable bid. On 25 March 2022, we asked Network Rail to provide this explanation in writing.

8. Once the outcome of the timetabling review has been shared, Network Rail will need to provide us with comprehensive further representations including the outputs from that work for both applications. We require these **by 9 May 2022**. In its representations it should clearly explain:

- any unresolved issues and what its plan is to resolve them;
- whether it supports either application for access rights fully, partially, or not at all;
- evidence and rationale to support its decisions on access rights;
- what its recent work has revealed about the need for infrastructure improvements; and

- given the outcome of its timetabling review, what its position is regarding a declaration of congested infrastructure, in accordance with the Regulations.

9. TfWRL and GBRf will have the opportunity to comment on these representations. We will then complete our review of the applications, taking into account the work we have already done and any new information provided by Network Rail, TfWRL and GBRf. We will endeavour to make our decisions as promptly as we can, however, this process is reliant on Network Rail providing prompt and accurate information and analysis so that we can make timely decisions. Due to the Network Rail timetable review completion date, it is very unlikely we will be able to make any decisions on these applications by the May 2022 timetable change date.

This letter will be published on our website.

Yours sincerely



Gareth Clancy

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