



Richard Turner  
Customer Relationships Executive  
Network Rail  
1 Holbrook Way  
Swindon  
SN1 1BD

Alice Kaiser  
Office of Rail and Road  
25 Cabot Square,  
London  
WC2B 4AN

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**Network Rail Representations for the 202nd Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract between Network Rail Infrastructure Limited and First Greater Western Limited dated 04 March 2016.**

**1. Purpose**

- 1.1. This letter provides representations from Network Rail (NR) for the 202nd Supplemental agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Application between Network Rail (NR) and First Greater Western Limited (FGWL) dated 4 March 2016.
- 1.2. This representation builds upon the representations submitted by NR for this application on the 28 June 2024.
- 1.3. The purpose of this further 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.
- 1.4. NR can confirm that based on the facts, data and evidence outlined in this representation it is supportive of all of the application (as per updated application submitted by FGWL to ORR on 8 April 2025), subject to any comments, suggested amendments or specific issues highlighted in this representation.
- 1.5. Where there are several 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.

**2. Background of the Application and Network Rail Representations**

- 2.1. 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', FGWL submitted this application to

the ORR on 20 May 2024 as a Section 22A application in line with ORR's deadline.

2.2. 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, FGWL responded with its comments.

2.3. NR would like to highlight that since submitting our initial representations in June 2024, FGWL have now submitted an updated application to ORR and ORR has accepted this amendment. That application was submitted on 8 April 2025 and NR has not had the opportunity to submit any representations on the amendment and therefore will highlight in this section the key amendments to the application.

2.4. ***The amendments in the Form P are as follows:***

- Section 1.5 (Executive Summary) updates that this application is revised to reflect the new proposed opening date of Charfield Station, and updates 'the date approval or directions wanted by' to PCD 2026 noting that this should be in place by the informed traveller date.

NR acknowledges the date of approval moving from PCD 2025 to PCD 2026 as per this amended application; however, NR would like to note that currently FGWL's Contract expires at the commencement of SCD 2026 and that this application is a Section 22a and not a Section 17, for which the latter would include an expiry date extension to the contract; therefore, the rights being sought in this amended application are outside of the duration of the Track Access Contract and if ORR were to direct prior to any Contract expiry date being extended beyond PCD 2026, the rights being sought in this application would not apply for the reasons stated.

However, as noted further below in the letter, FGWL and NR are currently in the process of finalising a Supplemental (108th SA) under Section 22 to go out for Industry Consultation; this is expected imminently, which seeks to change the expiry date to commencement of PCD 2028 and NR would expect ORR to take this into account prior to making any direction on this application.

- Section 3.1 (Application Overview) reiterates that this application is required for PCD 2026.
- Section 3.6 (Consolidated contract) comments that the ORR public register contains, at the time of the revised FGWL application, an up-to-date consolidated contract save for the 106th and 107th Supplemental Agreements. Please note a consolidated Track Access Contract was issued to ORR on 10 April 2025 which included the 106th and 107th Supplemental Agreements.
- Section 4.1 comments "that on Sundays and at the beginning and end of Monday through to Saturdays, the Bristol to Gloucester services are to call at both Cam and Dursley and Charfield but comments that the right to call at both stations is not being sought under this application.". We understand FGWL's intention here, but we would comment that the way it is drafted in the Form P could be misconstrued; for clarity, NR believes that FGWL is stating that they will, at some point in the future, require to call at both Cam and Dursley and Charfield in one service. FGWL is not seeking the right to do this now but instead is seeking the addition of Charfield to the Additional Stations column in table 4.1 of Schedule 5 along with a footnote stating that they do not have right to call at both in one service.
- Section 9.1 removes all references to the 98th Supplemental Agreement, the 99th Supplemental Agreement as well as a Supplemental Agreement that was in development to adjust existing rights to reduce intermediate point where this is current timetable use. NR acknowledges and confirms that the 98th and 99th Supplemental Agreements have now been approved by ORR.
- Section 9.1 then introduces the 108th Supplemental Agreement which seeks to extend the FGWL Track Access

Contract to PCD 2028 commencement. This application is awaiting Industry Consultation to commence.

- Section 10.1 (The Consultation) comments that an initial Industry Consultation was carried out by NR and comments further that the Industry Consultation will need to be redone for the revised period of time.

**2.5. *The amendments in the Supplemental are as follows:***

- Section 1 (Interpretation) (B) has been amended by including 'or directions under Section 22a of the Act' after the 'date upon which the Office of Rail and Road issues its approval, pursuant to Section 22of the Act.
- Section 1 (B) (ii) has been removed.
- Section 3 (Amendments to the contract) 3.1 has been amended in respect of the footnote to detail that this applies from PCD 2026. NR agrees with the revision from PCD 2025 to PCD 2026 within the SA. NR further comments that in the amended Form P under Section 3.1 the footnote would now apply from PCD 2026 as opposed to PCD 2025 and the right to call at Charfield does not apply where the right to call at Cam & Dursley is timetabled in the same individual train service. Whilst NR is supportive of this footnote in its new form, NR feels the footnote should also capture the possibility of Charfield infrastructure not being available within the timetable currency of PCD 2026; therefore NR would like the footnote to read as follows: "'A: Applies from PCD 2026, subject to the infrastructure being available at Charfield, and does not apply where the right to call at Cam & Dursley is timetabled in the same individual train service".

**3. Access Rights Sought in the Application**

3.1. The rights sought in this application are for:

<u>The rights included in the 202nd SA (20<sup>th</sup> May 2024 Submission)</u>	<u>Specific locations identified in ORR's Letter of 24 April 2024</u>	<u>Interaction</u>
FGWL is seeking for Charfield to be added to Table 4.1 (Additional Calling Pattern) of the Track Access Contract for EF10 services wherever Cam and Dursley Station is shown in the column. A footnote is proposed to be added "A: On Mondays to Fridays and on Saturdays does not apply where the right to call at Cam and Dursley is timetabled in the same individual train service" This will not apply to Sundays as there is only one train per hour in GWR's Bristol - Gloucester service the train will call at both stations.  <i>Please note this is for information, this entry has been replaced by the amended application and rights sought are as below.</i>	(f) Gloucester	
<u>The rights included in the 202nd SA (8th April 2025 Submission)</u>	<u>Specific locations identified in ORR's Letter of 24 April 2024</u>	<u>Interaction</u>
FGWL is seeking for Charfield to be added in Schedule 5, Table 4.1 as it applies to EF10, wherever "Cam and Dursley" or "Cam & Dursley" is shown in the column, "Additional Stations" add in that row in that column, "Charfield", and	(f) Gloucester	

add footnote, "A: Applies from PCD 2026 and does not apply where the right to call at Cam and Dursley is timetabled in the same individual train service".		
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- 3.2. Network Rail would like to acknowledge that FGWL notified NR and ORR on 04 June 2024 through an updated Form P amending its original application stating that skip-stopping on Sundays between Charfield and Cam and Dursley would not occur and both stations would be served given FGWL operate an hourly service on Sundays.
- 3.3. GWR, on 8 April 2025, notified ORR through an updated Supplemental Agreement and Form P that it is only seeking to update Table 4.1 to apply from PCD 2026 detailing that the right to call at Charfield does not apply where the right to call at Cam & Dursley is timetabled in the same individual train service. NR agrees that the revised footnote, as proposed by FGWL, within the revised Supplemental Agreement is agreeable to NR subject to the footnote being amended as per the NR comment under Section 2.5 of this letter.

#### **4. Capacity - Possible Interactions with Other Applications from 20th May 2024**

- 4.1. Timetable capacity analysis has been undertaken to support NR in responding to the 82 unsupported applications submitted to ORR in May 2024 is ongoing in line with the high-level plan published in June 2024.
- 4.2. FGWL already have firm rights for the end-to-end quantum included in their 202<sup>nd</sup> SA. The application seeks to transfer an existing call from Cam and Dursley to Charfield in some services. The rights requested do not include a call at both stations. Therefore, this application seeks to alter capacity between Charfield and Cam and Dursley only.
- 4.3. There are interactions and conflicts between the FGWL 202<sup>nd</sup> SA and other aspirational services from unsupported applications; however, these are not due to the addition of Charfield as a stop, in services which do not call at Cam and Dursley. These interactions and conflicts are introduced as a result of the services associated with new rights aspirations from unsupported applications which would conflict with the existing quantum already held by FGWL.

#### **5 Horton Road Level Crossing**

- 5.1 In our 28 June 2025 letter of representation, we commented that there is a major level crossing located close to Gloucester Station (Horton Road Level Crossing) and that we expected to highlight NR concern around level crossing barrier downtime at this location; however, NR's assessment of this application is that there is nil effect on Horton Road Level Crossing barrier downtime as this application does not seek to increase quantum of rights over the crossing.

#### **6 Gloucester Performance**

- 6.1 Network Rail is of the view that this application will have little, to no, impact on performance. The application does not increase the existing quantum of trains, particularly through Gloucester, and the number of calls in each service remain consistent with the rights currently held – services will call at either Charfield or Cam and Dursley.
- 6.2 Performance at Gloucester in the December 2023 was 49.3% which was below the national On Time WTT performance target of 65.2%. Operator performance during this period at this location was as follows: CrossCountry 44.3%, GWR 53.5% and Transport for Wales 37.8%. Similarly in June 2024, performance at Gloucester was at 49.1% which fell short of the national On Time WTT target of 61.9%. Operator performance at Gloucester in the June 2023 timetable was as follows: CrossCountry 43.3%, GWR 53.1% and Transport for

Wales 38.9%. GWR had the most services operating at Gloucester in both timetables.

- 6.3 Gloucester performance by hour in December 2023, throughout the day, deteriorated from 0900 to 43.1% between 1100-1159 with slight recovery between 1200-1259 until the evening peak where performance dropped to 36.1% between 2200-2259. Similarly in June 2024, throughout the day, performance deteriorated during 0500-0959 from 86.1% to 45.3%. On Time WTT, recovering slightly during the off peak before dropping again the evening peak to a low of 33.4% during 2000-2059. Both Timetables recovered from 2300.
- 6.4 In both December 2023 and June 2024 congestion delay shows that Gloucester itself, Standish Jn <> Gloucester and Barnwood Jn > Gloucester suffered the most reactionary delay attributed to delay caused by late running services. In December 2023 most prominent services involved are the GWR services impacting other GWR services. The GWR Cheltenham Spa to Paddington 1L service frequently impacted the GWR Paddington to Cheltenham Spa 1G services. Also, the GWR Paddington to Cheltenham Spa 1G services frequently impacted the GWR Bristol Temple Meads to Worcester Foregate Street 2E services. In June 2024, the most prominent services involved are the GWR and Transport for Wales services impacting other GWR services. The GWR Cheltenham Spa to Paddington 1L service and the Transport for Wales Maesteg to Cheltenham Spa 2G services both frequently impacted the GWR Paddington to Cheltenham Spa 1G services.
- 6.5 In summary, performance at Gloucester within December 2023 started to deteriorate from 0900 till noon, with a slight short recovery before a performance drop during evening peak. Similarly, in June 2024, performance at Gloucester started to deteriorate earlier during 0500-0959, with a slight short recovery before a performance drop again during evening peak. Both timetables started to recover from the evening peak from 2300.

## **7 Conclusion**

- 7.1 NR has expressed concerns regarding the impact of potential changes to the presentation of services on Sundays when skip stopping is not implemented, as noted in its representation dated 28 June 2024; however, NR notes that these comments are not applicable to FGWL's revised 202nd application as of 8 April 2025.
- 7.2 NR also previously raised potential concern with respect to Horton Road Level Crossing barrier downtime. As communicated earlier in this letter, FGWL's application does not seek to increase quantum over the crossing, therefore maintaining a neutral effect on the timetable. We have confirmed in this application that we have no concerns in this regard.
- 7.3 In this representation letter, we confirm our support for FGWL's revised application dated 8 April 2025 and agree with the footnote described in the revised Supplemental Agreement, subject to one amendment concerning availability of Charfield infrastructure as per the NR comment under Section 2.5 of this representation.

Yours sincerely,

Richard Turner

Customer Relationships Executive

## ANNEX

## Annex A – Interacting Locations Matrix – Gloucester

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