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By email only

21 March 2025

Dear Emyl,

Network Rail Infrastructure Limited Representations for a New Track Access Contract submitted under Section 17 of the Railways Act 1993 between Network Rail Infrastructure Limited and Liverpool & South Wales Railway

As directed in your letter dated 11 February 2025, this letter provides the representations of Network Rail Infrastructure Limited regarding the Section 17 application for a proposed track access contract between Network Rail Infrastructure Limited (we) and Liverpool & South Wales Railway (LSWR). LSWR aspire to run eight trains per day in each direction between Liverpool Lime Street and Rhooose Cardiff International Airport from the Principal Change Date in 2026 to the Principal Change Date (PCD) in 2033 in this application.

We received the first Form P and draft Track Access Contract (TAC) from LSWR on 07 February 2025. We had no prior engagement with LSWR on this track access application, therefore we had no opportunity to work on this application collaboratively.

On 24 April 2024 the Office of Rail and Road (ORR) sent a letter to the rail industry on 'Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes'. Nine interacting locations were listed in that letter and one of the interacting locations identified was Cardiff.

This application is seeking to receive access rights at stations in the Cardiff area. In line with ORR's letter of 24 April 2024 where ORR stated "it is therefore less likely that we will be able to assess and determine applications for additional capacity in the identified locations received after 20 May, for inclusion in timetables before the end of 2025", this application should be considered only after the

Complex and Competing Applications submitted by 20 May 2024 are assessed and decisions are reached.¹

Unfortunately, we are not willing to support LSWR's application due to capacity concerns associated with their proposed timetable, the Liverpool and Cardiff areas and Freight growth.

Interested Person(s)

We are not aware of any persons who would fall within the definition of "Interested Person" in paragraph 1 of Schedule 4 of the Railways Act 1993 in relation to this track access application.

The Specified Equipment

LSWR stated in their draft TAC that they would like to use either Class 221 or Class 222 rolling stock (diesel traction). We have used Class 197 Sectional Running Times (SRTs) in our capacity analysis, therefore there could be a difference with Class 221/222 SRTs. In fact, other than Chester - Wrexham General, there are no Class 221 SRTs for the route, and none for Class 222.

Class 221s are cleared on the proposed route, however there are sections off the proposed route which are not cleared, therefore diversions may be a potential issue for LSWR. Class 222s are currently not cleared at all for the proposed route. We would require LSWR to engage with us on commissioning works to deliver the required capability and to undertake the Route Clearance processes for the proposed route if necessary.

We would also like to highlight to ORR that there have been numerous applications both directed by ORR or currently being considered by ORR which state the intention to use either Class 221s or Class 222s. ORR should consider whether there is enough rolling stock availability for any application directed in support of the requested access rights.

Form P Application

We will expect LSWR to have the necessary licences and safety certificates in place prior to running their services, should the application be approved.

Track Access Contract

Network Rail acknowledges the TAC that LSWR have included with their application. As we do not support this application, we cannot agree with the terms drafted in the TAC. However, should ORR direct Network Rail and LSWR to enter into contract, we would like the opportunity to review the terms of the contract.

We would like to highlight that the contract needs to be in line with the latest available version of the model Open Access TAC, should new versions be released by ORR in the future.

Key findings from the submitted TAC which ORR and the applicant need to take into consideration are

¹ The Office of Rail and Road, *Competing and/or Complex Track Access Applications for December 2024, May 2025 and December 2025 Timetable Changes*, 24 April 2024, pp. 1-2.

as follows:

- *Interpretation*
 - The Longstop Date would need to be added.
 - We would expect any Conditions Precedent to be added to Clause 3.
- *Schedule 1*
 - LSWR contact details need to be moved from Section 1 to Section 2.
- *Schedule 4*
 - "SPD Cost Threshold No.1", "SPD Cost Threshold No.2" and "EBMPR" (Estimated Bus Miles Payment Rate) would need to be specified.
- *Schedule 5*
 - 'Morning Peak', 'Evening Peak' and 'Off Peak Times' references should be removed from Table 2.1.
- *Schedule 9*
 - The Liability Cap would need to be specified.
- *Schedule 11*
 - We would like to propose the inclusion of a new schedule ('Schedule 11') which will be used to undertake 'Relevant Schedule 4 and 8 Modifications'. This is to allow Network Rail and the applicant to capture the required data once the services commence and then undertake a Schedule 8 recalibration.

As stated, these are the high-level points made in the review of the TAC and therefore we invite ORR and the applicant to review and take into consideration this document as part of Network Rail's representations.

Capacity

LSWR shared their proposed timetable on 26 February 2025.

We have assessed the information provided against the May 2025 timetable, including future firm rights, and of the sixteen services assessed we have identified one path that is viable with low retimings to others, three paths for which we could not find solutions to the timetable conflicts, and twelve for which retimings of a number of other services would be required.

Due to no Empty Coaching Stock (ECS) moves supplied with the application, we have been unable to fully assess the impact of ECS moves at Rhooose, and any changes that may be required to Transport for Wales (TfWRL) Vale of Glamorgan services, which are due to increase from 1tph to 2tph.

There are direct conflicts between northbound and southbound services in this proposal and those

proposed for the WSMR application.

We also have capacity and performance concerns in the Marches/Shrewsbury and Wrexham areas due to large block sections.

Details of our Timetable Assessment can be found in Appendix 1.

Complex and Competing Applications

As ORR and LSWR are aware, there are a number of applications and aspirations which are interacting at a number of locations for three consecutive timetable change dates, i.e. December 2024, May 2025 and December 2025. ORR wrote to the industry on 24 April 2024 highlighting the complexity of the interacting applications/aspirations and the need for the industry to submit as many of those applications by 20 May 2024 for those locations. This proposed application requires capacity in the Cardiff area, which was highlighted as an interacting location in the ORR's letter of 24 April 2024.

In addition, the proposed routing provided in the Form P interacts with a number of applications submitted to ORR in response to your letter of 24 April 2024 such as The Wrexham, Shropshire & Midlands Railway (WSMR) and Virgin Trains. It is also worth noting interactions with TfWRL's plans for a 2-hourly Liverpool - Cardiff service.

This application was submitted after 20 May 2024, but it would still interact with other 'complex and competing applications'. In line with ORR's letter of 24 April 2024, we would expect this application to be considered only after ORR has reached decisions on those interacting applications submitted by 20 May 2024.

Performance

LSWR have indicated within their Form P that they are undertaking their own performance modelling. We ask that this is shared with us to review the performance modelling undertaken. If LSWR have not commenced this work, we would like to work with them to agree the remit.²

Key performance locations relevant to this application include Chester, Newport and Cardiff Central. Performance data and commentary at key locations can be found in Appendix 2.

North West & Central

Liverpool

Disruption causing incidents could potentially overwhelm signaller workload and capacity at Liverpool Lime Street, particularly if the long turn arounds are to be expected for LSWR's services. We are also concerned about platform stabling at Liverpool Lime Street and we are not aware of any Class 221 or 222 units currently or in recent past being serviced in the Liverpool area.

The 'mock' timetable provided in LSWR's Form P of a xx:02 departure from Liverpool Lime Street (assuming they would be using platforms 6 -10 at Liverpool Lime Street, primarily used for services

² Liverpool & South Wales Railway, *Application to the Office of Rail and Road for a Passenger Track Access Contract, or an Amendment to an Existing Contract*, p. 9, 10 February 2025.

bound for Liverpool South Parkway) does not work with other services in the plan, so it would need to be reviewed, and every instance of a Southbound Liverpool Lime Street – Rhose Cardiff International Airport service clashes with the 2Fxx Liverpool Lime Street – Warrington Central service at Liverpool South Parkway. The path towards Liverpool implies a 51-minute standing time in the platform and we currently do not have any platform at Liverpool Lime Street that could accommodate that dwell.

Platforms 1-5 at Liverpool Lime Street are for Up/Down Chat Moss services as per Train Planning Rules (TPRs) so the Liverpool Lime Street – Rhose Cardiff International Airport services would have to be planned into/out of platforms 6-10 to use the Ditton Lines. These platforms are used by Avanti services to/from London Euston, CLC services including the TransPennine Express (TPE) Liverpool-Cleethorpes, the East Midlands Railway (EMR) Liverpool-Norwich and the Northern stopping service to Manchester Oxford Road, the West Midlands Trains (WMT) services Liverpool-Birmingham New Street and TfWRL services to Chester. Therefore, significant multiple flexing will be required to make platforms 6-10 work compliantly, aligning with minimum dwell times, arrival/departure times involving multiple long distance inter-regional services.

Wales & Western

Cardiff Central

We continue to work with a wide range of stakeholders which does include Train Operating Companies (TOCs), Freight Operating Companies (FOCs), Local Authorities and Welsh Government and varying aspirations, all at various stages in the funding lifecycle, will be used to test capacity trade-offs in several Indicative Train Service Specifications (ITSS) in the second and third phases of the study. As part of the preparatory work for these phases, a number of meetings have already been held with operators and Transport for Wales (TfWRL) has already been a part of those conversations.³

The Sprint Phase outputs will be shared by the end of the financial year and will include a review of analysis from Network Rail's Advanced Timetable Team (ATT) which will begin following the outputs from the Performance Board on 04 December. A stakeholder session was arranged for 05 February with a vast range of stakeholders invited (c. 50) and an update will be provided on some of the short-term performance assessments as well as an overview of each ITSS to be tested.

The Economic Analysis remit is currently being finalised and analysis of each ITSS will take place following the completion of the ATT analysis for each ITSS. The analysis will vary depending on which ITSS is being tested and how much development the individual aspirations have had.

The next steps are as follows (all dates are indicative):

- Develop ITSS phases: complete – agreed during stakeholder forum 05 February. For context, there are five phases as part of the ITSS featuring infrastructure changes and service enhancements from across the industry, ranging from committed through to aspirant.
- Summary Report (Short-term work): March 2025
- Capacity analysis of ITSS all phases completed: July 2025
- Final Report: January 2026

³ Poor performance, high capacity utilisation, and a number of future aspirations through Cardiff Central and in the local area (such as Cardiff Crossrail) led to the Cardiff Central workstream.

Further stakeholder forums to be arranged in mid-2025 and end of 2025.

Level Crossings

We have numerous concerns around level crossing mitigations that would be required to facilitate this traffic increase.

Railfreight

We have concerns over any additional capacity and its possible impact on future freight growth and regulatory targets. This is an important consideration in the Cardiff area due to the future capacity required to serve the arc furnaces TATA are building at Port Talbot to retain UK steel manufacture.

Conclusion

Unfortunately, we cannot support LSWR's application. We have concerns associated with their proposed timetable, the Liverpool and Cardiff areas and Freight growth. In line with ORR's letter of 24 April 2024, this application should be considered only after the Complex and Competing Applications submitted by 20 May 2024 are assessed and decisions are reached.

We will continue to work with LSWR to facilitate the development of their application in the North West & Central and Wales & Western Regions.

Please do not hesitate to contact me if there is any further information you require.

Yours sincerely,

Gianmaria Cutrupi

Aspirant Open Access Operators Manager
System Operator

List of Appendices

Appendix 1 – *Timetable Assessment LSWR Services (SX)*

Appendix 2 – *Interacting Rights – LSWR, Performance Commentary at Key Locations*