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23 May 2025

John Larkinson  
Chief Executive  
Office of Rail and Road

Dear Mr. Larkinson

### **WSMR Section 17 Application: 14 March 2024 – Wrexham General to London Euston**

Thank you for asking for WSMR's final representations in respect of our March 2024 Section 17 application. Our detailed response is set out at pages 2 to 12 of this letter.

The ORR determination period has now taken over a year. WSMR has worked closely with Network Rail on the timetable and performance element of our application for more than 2 years, and we believe no further information is now required.

We would thus greatly welcome a positive determination at the June 2025 'decision point' as set out in your 9 April 2025 document, enabling WSMR to bring real benefits to the underserved economies, communities and environments of the Wrexham-London route from December 2025 onwards.

It would demonstrate the industry taking serious notice of support for our proposals from the Secretary of State for Transport, the Department for Transport, all route MPs and local authorities, and the public, together with its high visibility as a subject of Prime Minister's questions on 21 May 2025 this week.

Amidst radical restructuring, the industry needs to demonstrate capability to meet the economic, growth and Net-Zero purposes of rail connectivity. This means Network Rail seeking to solve problems, not justify current failures such as West Coast Main Line performance and using these to suppress change.

Regrettably Network Rail's 9 May 2025 response does precisely the latter, disproportionately blocking WSMR's five trains per day from using available standard 'Open Access' hour paths it itself has identified and allocated in other hours to Stirling and Liverpool services.

This wholly ignores and contradicts two-plus years of extensive, collaborative work between WSMR and Network Rail train planners confirming these paths and their acceptable modelled performance.

Network Rail's contradictions, dismissal of evidence provided to it and the scale of delay in providing its final position could be seen as a breach of its licence and considered discriminatory against WSMR.

Train planning is a combination of science, art and will, and our firm view is that the deep skillsets of Network Rail and WSMR train planners can provide confidence in our services' deliverability if supported by corporate 'will' at Network Rail and it addressing today's WCML performance issues rather than using them to preclude WSMR's tiny volume of new services and contrasting extensive benefits.

Proper adherence to collective principles and standards is evidenced by individual cases. WSMR's case shows a significant failure of rail industry processes. If 'Open Access' is not to mean 'Obstructively Closed' we earnestly hope ORR will now approve our application, meeting both the spirit and the letter of railway legislation and the Secretary of State's January 2025 Open Access guidance.

## WSMR response to ORR 9 April 2025 document

1. This is WSMR's response to "ORR approach to considering Network Rail representations provided in 2025 for Competing and Complex applications" of 9 April 2025 (*'ORR 9 April 2025 document'*).
2. In it we provide our formal and technical comments on Network Rail's 9 May 2025 response to the *'ORR 9 April 2025 document'* at paragraphs 24-123)
3. Correspondence to ORR of 22 July 2024 and 11 March 2025 and to Network Rail of 22 July 2024 and 25 April 2025 (both copied to yourselves) is included as part of this formal submission.
4. We refer to this correspondence where necessary, do not repeat it in detail and, for the avoidance of doubt, trust it to be actively taken account of in ORR's current deliberations as we hope it has been during the very extended process of our application's determination.
5. We believe this correspondence clearly illustrates WSMR's proactive, thorough and comprehensive responses to concerns raised by Network Rail since we engaged with its teams in February 2023.
6. The scale of information in this correspondence, together with that in this letter and other references is extensive, and de facto may appear repetitive given the very nature and scale of the lengthy determination process.
7. However, it seeks to 'make sense' of this quantum of work, commentary and multi-body engagement over two years given Network Rail's 9 May 2025 final rejection of WSMR's application and this letter being our final representation opportunity under the *'ORR 9 April 2025 document'*.
8. This scale and quantum also underlines our concerns expressed in the 11 March 2025 letter to yourselves (its paragraphs 20-23) and of 25 April 2025 (its paragraphs 2 and 7-20) to Network Rail that WSMR's in-depth timetable and performance work undertaken between 2023 and 2025, and shared with Network Rail throughout, has been **wholly ignored** in its 4 April 2025 'decision letter' to WSMR and its 9 May 2025 letter to yourselves.

## WSMR's March 2024 Track Access application, purpose and support

9. WSMR proposes five daily Monday-Saturday and four Sunday direct 'Open Access' services in each direction between Wrexham General, Gobowen, Shrewsbury, Telford Central, Wolverhampton, Walsall, Coleshill Parkway, Nuneaton, Milton Keynes Central and London Euston.
10. From the December 2025 timetable this offers new, regular, direct rail connectivity to/ from London and across the Welsh/English borders and the north Midlands for multiple underserved Welsh and English city, town and rural economies and their growing communities and precious environments.
11. These are places where taxpayers contribute to the costs of the railway but do not benefit fully from it, saw the daily Shrewsbury-London service withdrawn in May 2024, but where Open Access can provide benefits meeting the clear principles and '*right circumstances*' set out by Rt. Hon. Heidi Alexander MP, Secretary of State for Transport, in her 6 January 2025 letter<sup>1</sup> to yourselves.
12. Our proposal has been publicly supported by the Secretary of State in her Commons statement on 13 February 2025<sup>2</sup>, by the Department for Transport (4 February 2025)<sup>3</sup>, in a joint cross-party letter of 12 MPs (25 April 2025 – Appendix 5) and by the route's Welsh/Midlands transport authorities.

<sup>1</sup> <https://assets.publishing.service.gov.uk/media/677bc388d119b345376654a4/dft-letter-sos-orr.pdf>

<sup>2</sup> "Open access operators will continue to have a place in our reformed Great British railways. We have supported new proposals from Wrexham, Shropshire and Midlands Railway, and existing track access rights will be honoured. Open access can provide benefits, but it must not come at the cost of better services for passengers and better value for taxpayers." <https://hansard.parliament.uk/Commons/2025-02-13/debates/61C9151F-1BF6-4C52-ADA7-B91A04F3AA9F/OpenAccessRailwayServices>

<sup>3</sup> <https://www.orr.gov.uk/sites/default/files/2025-02/2025-02-04-live-open-access-applications-dft-letter.pdf>

13. It was also raised at Prime Minister's Question Time on 21<sup>st</sup> May 2025 by Julia Buckley MP (Shrewsbury) to which the Prime Minister, Rt. Hon. Sir Keir Starmer responded "*Open access operators have huge potential to offer passengers more choice*"<sup>4</sup>.
14. This is powerful, visible, collective support for the role WSMR's services can play from December 2025 in supporting sustainable economic growth and mandatory housing and Net Zero targets, all of which are amongst the principal purposes of the railway network.
15. We firmly believe the rail industry should use its extensive professional capability to enable commencement of WSMR's very modest increase in network services rather than to block them via justification of and continuance of current poor West Coast Main Line (WCML) performance.
16. Importantly, WSMR believes that the root causes of WCML South performance issues are easily rectifiable through joint, concentrated collaborative working between Network Rail and operators, drawing from the range of industry expertise available. These should not be a valid reason to reject additional services.

## Process and duration of engagement

17. Our letter to you 10 months ago of 22 July 2024 (its paragraphs 13-16 and 26-28), shown at Appendix 1 to this letter, set out our concerns about ORR not meeting its own 'timely prompt assessment principles' or Network Rail its Section 7 Licence conditions in respect of WSMR's track access application.
18. We support ORR's reference to these principles in the section titled "Making robust decisions as soon as possible" of the '*ORR 9 April 2025 document*' but note that it is now 14 months or c. 62 weeks since our Section 17 submission, and 2 years 3 months, 27 months or c. 114 weeks since we commenced direct capacity and performance engagement with Network Rail in February 2023.
19. This scale of delay in determination is not reasonable by any normal standards, does not meet ORR and Network Rail Licence principles, nor does the rail industry any reputational credit in advance of its most fundamental re-organisation in 30 years.
20. This delay was exacerbated by the '*ORR's 24 April 2024 process*' for 'Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes'.
21. In our 22 July 2024 letter (its paragraphs 18-20) we set out our view that this ORR process unreasonably applied new conditions retrospectively to existing applications made in good faith, such as WSMR's under the pre-existing conditions and known business risks associated with it, and felt it breached ORR's principles of fairness.
22. Our position on this still stands.
23. We note Network Rail's ongoing level of unreasonable delay, evidenced by examples such as:
  - a) Its 7 February 2025 statement (noted in our letter to you of 11 March 2025 paragraph 12, shown at Appendix 2) that some 11 months after WSMR's application and 10 months after the April 2024 ORR process it was unable "*to comment on the ability to accommodate the rights between their origin and destination.*"
  - b) Its 9 May 2025 response to the '*ORR 9 April 2025 document*' not meeting the 'final representations received' deadline of w/c 21 April 2025 i.e. Friday 25 April 2025 and thus being provided to ORR and WSMR 10 working days late.

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<sup>4</sup> <https://hansard.parliament.uk/Commons/2025-05-21/debates/02E2EE73-7872-411B-8297-AB54AE8A1CE3/Engagements>

## WSMR comments on Network Rail's final representations of 9 May 2025

24. Paragraphs 24-115 are WSMR's specific responses to Network Rail's final representations to ORR dated 9 May 2025.
25. These build upon and where necessary reference our letter of 25 April 2025 to Network Rail, attached at Appendix 4, which replied to Network Rail's 'decision letter' to WSMR of 4 April 2025, and which remains a concise and comprehensive statement of our responses to Network Rail.
26. We comment in turn upon route capacity, performance, specified equipment, Euston Station passenger capacity and the relationship of WSMR's proposed services with complex and competing applications.
27. As noted in all our previous correspondence with ORR and Network Rail and paragraphs 17-23 above we stress that WSMR commenced constructive, collaborative problem-solving focused engagement with Network Rail and its timetable planning team in February 2023.
28. We also re-state the comment in our letter to Network Rail of 25 April 2025 paragraph 2 that its position in its 'decision letter' to us of 4 April 2025 (and subsequently to yourselves of 9 May 2025) ***"appear(s) to wholly ignore the 2 years of joint engagement between WSMR and Network Rail timetable planners [...] to evidence and demonstrate our 'Access Proposals' are compliant and could be accommodated on the network'.***
29. Unsurprisingly, this is a key reason we asked Network Rail to withdraw its 'decision letter' (paragraphs 3, 19 and 26 of our letter of 25 April 2025 – Appendix 4) which, regrettably, it has not done.
30. It is also more than disappointing that notwithstanding this engagement, and the significant investment of both WSMR and Network Rail staff resource, Network Rail has taken 27 months to come to any corporate position on WSMR's application.
31. Network Rail's Licence mandates the following Network Management duties to it as 'System Operator':
  - a) Clause 7.12(a) *"In complying with the Network Management Duty, the System Operator shall (a) run an efficient and effective process.."*
  - b) Clause 7.17 – it must *"provide appropriate, accurate and timely information on Relevant Timetable Changes to train operators"*.
  - c) Clause 7.18 notes *"information on a Relevant Timetable Change shall be deemed to be timely: (a) where the System Operator has provided train operators with access to the information not less than 12 weeks before the date that the Relevant Timetable Change is to have effect."*
32. Network Rail did not meet these requirements in respect of WSMR's application as an access aspirant operator for 2 successive timetable change dates in December 2024, May 2025 and appears to intend not to do so for the December 2025 timetable change via an application rejection visibly ignoring the work undertaken by WSMR and between WSMR and its own timetable planners.
33. Network Rail has thus neither met the letter nor spirit of its licence, an unacceptable situation.

## Capacity

34. We refer you firstly to:

- a) Paragraphs 18-24 of our letter to you of 11 March 2025 (Appendix 2)
- b) Paragraph 4 of our letter to Network Rail of 25 April 2025 (Appendix 4)

35. These set out our overall view upon the standard hour Open Access capacity identified by Network Rail on WCML South in its letter to you of 7 February 2025, and our disagreement with Network Rail's changed view by the time of its letter to WSMR of 4 April 2025 that this capacity was needed in each standard hour, **other than those it had allocated for Stirling and Liverpool services**, as a performance 'firebreak'.

36. Paragraphs 37-61 below respond to Network Rail's 9 May 2025 letter to yourselves.

37. We note with disappointment Network Rail's statement in its 9 May 2025 letter (page 4 paragraph 3) that:

*"The rights applied for by WSMR have been assessed from a timetable capacity perspective multiple times and have been consistently shown to have conflicts against other services. This demonstrates a lack of timetable capacity for WSMR's aspirations."*

38. By contrast Network Rail's letter "Network Rail representations for applications affecting the West Coast Main Line (South)" of 7 February 2025 specifically notes at page 3 final unnumbered paragraph:

*"The ATT (Network Rail Advanced Timetable Team) assessment indicated a **theoretical available capacity of 9 Up direction paths and 9 Down direction paths on the Fast Lines after the inclusion of Euston-Stirling and the 2nd Liverpool services which have rights**. These figures include paths identified in the December 2022 Concept Train Plan (CTP) but currently not associated with any access rights currently held by operators."*

39. We understand these paths were specifically identified for Open Access use at the December 2022 Event Steering Group<sup>5</sup>, and hence we refer to these as 'Open Access paths' in the remainder of this letter.

40. Network Rail's statement at paragraph 38 above is thus disingenuous, does not accurately reflect the work undertaken between WSMR and Network Rail teams, nor the current situation.

41. We also note our understanding that the Liverpool services noted by Network Rail at paragraph 38 will not be able to operate until at least 2027 due to electrical supply issues or indeed may not be able to operate for the foreseeable future.

42. In addition, post meeting minutes from the Network Rail North West and Central Regional Investment Review Group (RIRG) sent to us on 25th January 2025, noted that "*There are safety concerns, the asset is unable to accommodate more traffic without endangering people or reducing asset life considerably. There is a high likelihood of service affecting issues, and/or non-compliance against connection agreements under normal traffic conditions*". We expect consideration to be given to the safety implications raised by Network Rail.

43. By contrast WSMR services will use Class 22x as its specified equipment which have no such dependency on power supply.

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<sup>5</sup> West Coast Main Line South – Fast Lines Timetable Capacity Assessment: Network Rail 5 February 2025 page 5 paragraph 3  
<https://www.orr.gov.uk/sites/default/files/2025-02/20250213-appendix-c-fast-line-capacity-analysis.pdf>

44. It is axiomatic that any new train service operating on a busy network will “*have conflicts against other services*”. In working closely with Network Rail’s train planning team we have demonstrated that these conflicts can be resolved within the provisions of the Network Code in a manner common to the normal train planning process.
45. We have also actively resolved these conflicts via constructive negotiation with other operators to retime other services without, in most cases, amending any end-to-end journey times.
46. As a result, we believe our December 2025 timetable bid is ‘conflict free’ against the Prior Working Timetable once the agreed solutions have been implemented.
47. It is therefore not correct to state that “*this demonstrates a lack of timetable capacity for WSMR’s aspirations*” as the opposite has now been proven multiple times.
48. Network Rail’s letter also references its previous letter of 02 May 2024 stating that “*we did not believe that they (WSMR’s proposed services) could be easily resolved through the flexing of other operators’ services*” (page 4 paragraph 5). This statement has now been proven to be incorrect based on the joint work undertaken since, and our engagement with those other operators.
49. We are therefore unsure why Network Rail is now disregarding the solutions that have been developed in a positive, collaborative way with its own planning teams.
50. This is especially disappointing given our view that WSMR has gone ‘above and beyond’ what is normally expected of an Open Access aspirant to positively demonstrate that capacity is available.
51. It may be that additional conflicts have arisen with new or amended services within the December 2025 bid aspirations which we have not been made aware of by Network Rail. If such have arisen we would expect Network Rail to inform us. In any event these would normally be resolved through the normal timetable development process.
52. However, we have been unable to do this given Network Rail’s rejection of WSMR’s December 2025 application before reaching this level of detail in the planning process.
53. We believe we have firmly demonstrated capacity is available for WSMR services within the confines of the Network Code and normal planning processes and would welcome continuing collaborative work with Network Rail and other operators to incorporate our services as part of the ongoing December 2025 timetable train planning process.

### **Capacity and fairness**

54. In paragraphs 5 and 14 of our 25 April 2025 letter to Network Rail (Appendix 4) we suggest that Network Rail’s approval of use of the available standard hour Open Access paths for Stirling or Liverpool services rather than as ‘firebreaks’ whilst asserting that WSMR’s use of such paths is not possible, is ‘unduly discriminatory’ against WSMR, and thus in conflict with condition 4.6.2 of the Network Code (fairness and non-discriminatory practice).
55. We adhere to that view and request that ORR takes this into account in its deliberations.
56. We note that Network Rail has recently approved change of a Down direction London Euston - Longsight TMD (Manchester) - Empty Stock Class 5 Avanti West Coast (AWC) path to a Class 1 London Euston - Manchester Piccadilly passenger service.
57. The change from a Class 5 Empty Coaching Stock move to Class 1 makes the path subject to the industry’s reportable Public Performance Measure (PPM) and Schedule 8 delay regimes. It is thence more vulnerable to delay as it depends upon full traincrew availability rather than just a driver (a known key current challenge to AWC performance) and requires both additional paths between Longsight TMD and Manchester Piccadilly and full passenger platform availability and concourse capacity at both London Euston and Manchester Piccadilly.

58. Given Network Rail opposes WSMR's application on the grounds of both capacity and performance and cites platform and passenger capacity at London Euston as an additional reason, this example further illustrates its unfair and 'unduly discriminatory' approach between operators and specifically towards us at WSMR.

### **Capacity and 'proximations'**

59. We note Network Rail's commentary about "Proximations". This is not a recognised industry methodology but appears to measure trains at approximately double the Train Planning Rules (TPR) headway values. Given TPR headways are based on an uplift (including 'buffer') over and above the technical headway values, we are unsure why Network Rail appears to be doubling the existing industry agreed TPRs.
60. If such a metric 'demonstrates' there is a lack of capacity and was applied to all operators' regular timetable bids, it is likely that a significant reduction in existing services would be required. Furthermore, we note that the majority of 'Proximations' are with two other aspirant Open Access operators. This likely means that some of the same capacity has been bid for, and thus not all services would run in practice.
61. As such we are unclear how stating the number of 'Proximations' as 'over 700' provides helpful information about capacity or performance directly relevant to decision making in respect of WSMR's application.

### **Performance**

62. WSMR's team contains senior staff who have extensive director-level and senior experience within investing, premium-paying and high PPM-performing train operating companies, Open Access operators, at Network Rail, both in System Operator and train planning roles, and in train design, construction and maintenance.
63. We thus take performance very seriously as it matters to our passengers and to our own commercial health, no more so than as a fully commercial Open Access operator.
64. This is why WSMR has undertaken extensive in-depth performance analysis using industry standard Railsys tools, and the outputs of this have been shared at all stages with Network Rail within the constructive collaborative relationship we have enjoyed with its train planning team.
65. We refer you firstly to:
- a) Paragraphs 25-32 of our letter to you of 11 March 2025 (Appendix 2)
  - b) Paragraphs 4 and 16-18 of our letter to Network Rail of 25 April 2025 (Appendix 4)
66. These:
- a) Summarise the outputs of our performance analysis.
  - b) Note our view that current levels of poor WCML performance should be addressed by the industry and not used as inappropriate reasons to prevent new services such as WSMR's.
  - c) Challenge Network Rail's assertion that the available 'Open Access' paths on WCML South are required as performance 'firebreaks' other than in those hours which the Stirling and Liverpool services operate.
67. Paragraphs 68-88 below respond to Network Rail's 9 May 2025 letter to yourselves.



## Performance and the 'firebreak'

68. We believe Network Rail's performance analysis is incomplete and does not represent an accurate picture. For example, in the Up London-bound direction, Network Rail has focussed on the performance of the train in front of the proposed WSMR path. The examples state that those trains are typically 3 minutes late and therefore need to 'drop back' into the 'firebreak' path.
69. Leaving aside why trains regularly operating this late is seen as an acceptable 'status quo', the analysis does not take account of the performance of the train *following* the WSMR path. If this is also 3 minutes late, the entire timetable is effectively 'shifted' later and the 'firebreak' is not used and provides no benefit. If the following train is more than 3 minutes late, then the 'firebreak' is effectively not used and simply 'widened'.
70. It should be noted that Network Rail has the enjoyment of an additional allowance (c. 90 seconds) that exists between the signalling (technical) headway (average 90 seconds) versus the train planning headway (average 180 seconds).
71. Given Network Rail's reliance on use of the available Open Access paths, other than those for Stirling and Liverpool services, as a justification for its rejection of WSMR's application, we would have expected a demonstration of how the number of 'firebreaks' across standard hours has been calculated, but this has not been provided.
72. Furthermore, if such 'fire breaks' are critical to the timetable development process in supporting punctual operation, we would expect such requirements to be published in Network Rail's timetabling rules – Rule of the Plan.
73. Therefore, we have undertaken additional analysis at Appendix 6 enclosed with this letter which explores this issue in more detail and demonstrates that the 'firebreak' is much less frequently used for performance recovery than implied.

## Comparative performance at Nuneaton and Water Orton

74. Network Rail's 9 May 2025 letter also references On Time performance at Nuneaton and Water Orton compared to the national average. It is inherent that some locations will perform better and some worse than average. It would also be expected that busier locations would typically perform worse than the 'average' location in the country. As Water Orton and Nuneaton are busier than 'average' locations, it is not surprising that they perform worse than average.
75. However, without comparisons to similar 'busy' locations, it is not possible to draw any conclusions about whether these two locations are performing better or worse than might be expected.
76. This therefore does not form a valid argument as to why WSMR's application should not be supported by Network Rail.
77. We note that in our timetable plan we have cautiously used a freight Sectional Running Time (SRT) which is longer than a passenger SRT, are examining performance time at Nuneaton to mitigate delay, and have previously expressed our willingness to work with Network Rail to examine line speed improvements on the Sutton Park line which would assist performance.

## West Coast Main Line performance

78. We are disappointed that Network Rail's focus appears to be on **denying WSMR access to the Network rather than addressing the unacceptable level of WCML performance.**



79. In its 9 May 2025 letter (page 6 paragraph 5) Network Rail notes that it:

*“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.”*

80. As noted at paragraphs 35,38,54, 66 and 71 this position is not taken to apply to those standard hour Open Access paths approved by Network Rail for use by Stirling and Liverpool services.

81. This is intrinsically illogical. Either a firebreak is essential in each standard hour or it is not. And as noted at paragraph 54 above it is unduly discriminatory against WSMR.

82. The core issue highlighted in Network Rail’s statement at paragraph 79 is that performance is *“at a level below expected levels”*.

83. Remarkably this is despite there being fewer train services operating in the current timetable than before COVID, as illustrated at Figure 1 below in suggesting that this is a management challenge the railway industry ought to be able to solve by determined application of its professional capability rather than by seeking to prevent initiatives such as WSMR’s.

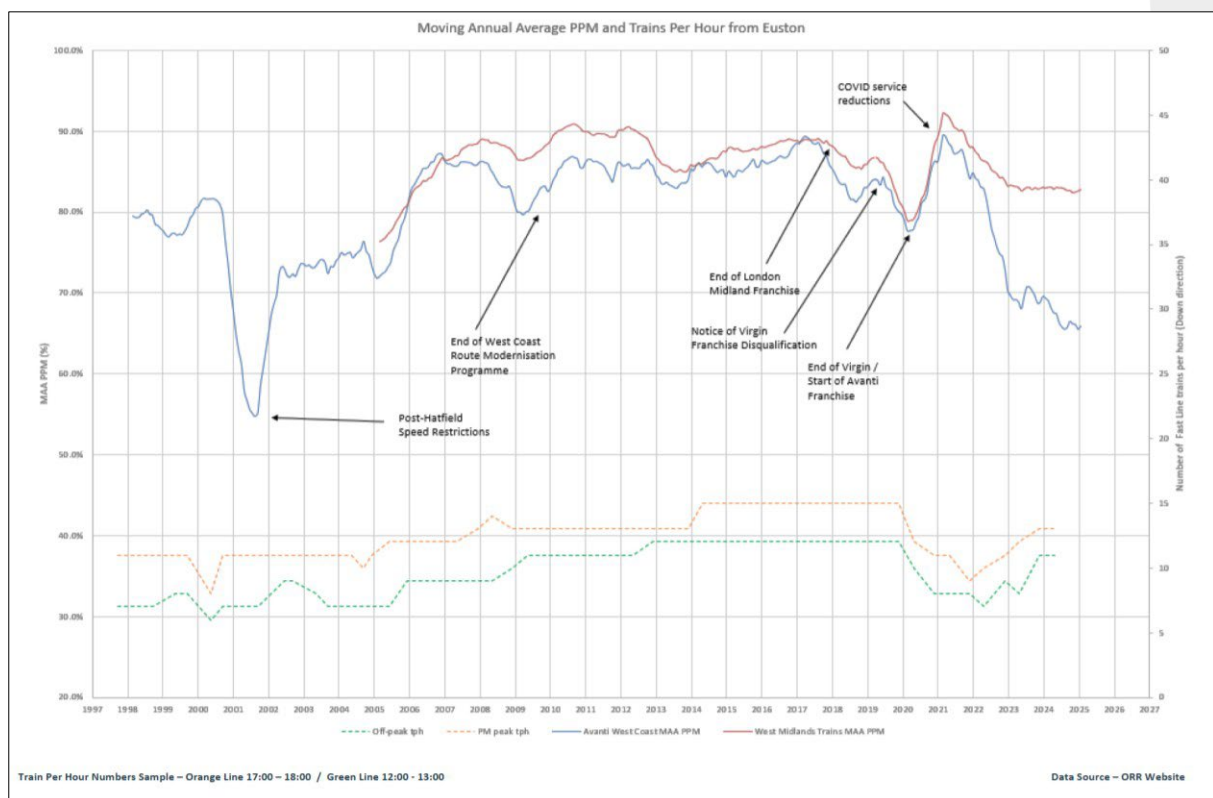


Figure 1 WCML S trains per hour/.MAA PPM 1997-2025 Source Data ORR/Chart: Ed Jeffrey/WSMR

84. In such a scenario we would expect Network Rail to be seeking its urgent resolution rather than use it as a reason to deny access to existing and/or competing operators. To do otherwise would be a ‘reward for failure’.

85. Such approaches to achieving at least “*expected levels*” of performance (or preferably a driven ambition to achieve ‘better than expected’) should address the root causes of current poor performance, such as:
- a) Class 800 AWC trains limited to 110 mph operating services planned at 125 mph (for which we understand Network Rail is now amending the timetable ‘Public Book’ by adding in additional time to counter the consequent delay whilst rejecting applications such as WSMR’s on capacity grounds).
  - b) Traincrew availability challenges facing multiple operators.
86. For information our wider analysis of performance challenges was set out in our letter to you of 11 March 2025 paragraph 29 (a-h) shown at Appendix B.
87. As such Network Rail should be seeking to **solve performance problems, not justify current failures to suppress new Open Access services using available standard hour paths compliant with Train Planning Rules** (otherwise the validity and utility of TPRs may be questioned or they would need to be wholly re-written).
88. If our track access application is approved WSMR would be delighted to pro-actively support Network Rail and fellow operators in constructive ways to enhance performance, in ways such as:
- a) Stabling an additional WSMR set at Wembley with standby traincrew at Euston to counteract late arrivals - our trains would depart right time.
  - b) Providing staff at Euston concourse to guide passengers to services as gates open.
  - c) Training WSMR traincrew to operate via suitable and appropriate diversionary routes.
  - d) Playing an active role in any Performance Improvement Plan Steering Group with other operators and Network Rail.

### **Complex and Competing Applications**

89. Network Rail’s assessment at page 5 of its 9 May 2025 letter of WSMR’s application’s relationship to other track access applications, whether DfT contracted, open access or freight, is framed in the same way as its capacity analysis, saying:

*“Through the complex and completing applications workstream, WSMR’s aspired paths present unresolved conflicts against multiple schedules when reviewed against the base timetable (May 2025) and against multiple other proposed Avanti services between London Euston, Liverpool and Birmingham that they already hold rights for.”*

90. As noted at paragraphs 34-53 above this Network Rail view is based on it wholly ignoring all the WSMR and WSMR-Network Rail collaborative work over more than 2 years to successfully resolve such conflicts.
91. On this basis we fundamentally disagree with Network Rail’s expressed assessment here.
92. It does, however, raise the issue of unused rights that other operators hold, if and how these can realistically be beneficially released for the use of passengers, and what is to be done where these may prove difficult or even impossible to achieve in the foreseeable future, such as the Liverpool services noted at paragraph 38 above.
93. On this basis we are concerned that Part J of the Network Code is not being applied effectively in respect of unused rights, is not thus enabling new services to bring real passenger and economic benefits when they could do so, further questioning Network Rail’s fairness in its treatment of WSMR’s application. We are aware of other aspirant Open Access operators having similar concerns.

94. Whilst we recognise that neither the pre- nor post-‘*ORR’s 24 April 2024 process*’ have a ‘first come first served’ approach, we re-state our comments at paragraphs 20-22 above on fairness in respect of its retrospective application given our application pre-dated many of the applications made under it, and upon which Network Rail makes its comment noted at paragraph 84 above.

## **Other issues raised in Network Rail’s 9 May 2025 letter to ORR**

### **Diversionsary routes**

95. This is raised on page 4 paragraph 4 of Network Rail’s letter.
96. We are aware of Network Rail’s cyclic maintenance plans and have factored this into WSMR operational plans. We will have suitable diversionsary routes to mitigate their impacts.

### **Form P - Safety Management System**

97. This is raised on page 2 final paragraph of Network Rail’s letter.
98. We are actively progressing a Safety Management System for ORR to review and subsequent wider industry consultation.
99. We set out our state of readiness against 15 key criteria in our 22 July 2024 letter to you, some 10 months ago, paragraph 38 (a-o) shown in Appendix A and we draw your attention and that of Network Rail to this.
100. Implementation of its components is principally driven by the lengthy determination of our March 2024 application, as noted at paragraphs 16-22 above.

### **Specified Equipment**

101. This is raised at page 3 paragraph 3 of Network Rail’s letter, where it notes “*ORR should consider whether there is enough rolling stock availability for any application directed in support of the requested access rights.*”
102. We were in advanced discussions in respect of a rolling stock lease back in summer 2024, as noted at paragraph 38(f) of our 22 July 2024 letter to you.
103. A draft lease for the relevant rolling stock remains ready for agreement, and a Train Service Agreement (TSA) with Alstom as train maintainer have been prepared in readiness for swift operations.
104. We noted the risk to this element at paragraph 30 of our 22 July 2024 letter to you, driven at the time and exacerbated subsequently by the retrospective application of ORR’s 24 April 2024 process for ‘Competing and/or complex track access applications’ and the 14 months in Network Rail has need to come to a position on WSMR’s application.
105. We are unclear what the statement that ‘*WSMR’s train paths were reviewed in the timetable based on Class 221s with tilt capability. Class 221s with tilt capability can meet the Enhanced Permissible Speed of 125mph on the WCML, whereas non-tilting stock currently cannot.*’ refers to as this is a statement of fact. (Network Rail letter 9 May 2025 page 6 paragraph 2).
106. For the avoidance of doubt Class 221s with tilt capacity is WSMR’s preferred option.

### **Passenger flow at Euston Station**

107. This is raised on page 7 paragraph 3 of Network Rail's letter and was also included in its 7 February 2025 letter to you.
108. We responded to this issue at paragraph 33 (a-e) and 34 of our letter to you of 11 March 2025 (Appendix 2).
109. As we noted in that response at paragraph 33(b) passenger volumes at Euston Station remain significantly reduced in 2023/24, at 36.2m, 20% lower than pre-COVID 44.7m in 2019/20 and 14% lower than 10 years before that in 2013/14.
110. Whilst we are aware of publicly visible problems related to changes to passenger information screens in 2024/25 we see Euston capacity as a 'standard' railway challenge which can and should be managed by Network Rail Major Stations and operators, especially when set against actual passenger numbers.
111. As noted at paragraph 82 above WSMR will be willing to make an active contribution to management of passengers at Euston Station.
112. We see Network Rail's use of this issue to oppose our application as specious and further evidence of its unduly discriminatory approach to WSMR.

### **Congested Infrastructure**

113. Network Rail's 9 May 2025 page 3 paragraph 6 it states, "*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*".
114. It appears that this timetable restructure delivered upon its objective to create additional capacity. However, based on Figure 1, this timetable is failing to perform despite fewer trains operating than before the COVID pandemic.
115. Again, the WSMR team would welcome being an Access Beneficiary whereby it can deploy support and expertise as per paragraph 88 (d).

### **Foot Crossings**

116. Foot crossings are raised on pages 8-10 of Network Rail's letter.

### **Sutton Park, Birmingham**

117. We welcome Network Rail's view that the two level crossings are deemed to be at a tolerable risk level and no further action is required from WSMR.
118. For reference we note the vast number of persons using the crossings are from events such as the once-a-year 'fun run' and are protected by crossing wardens provided by the event managers.

### **Viaduct, Chirk**

119. As with our earlier comments on issues such as WCML performance, the serious challenges at Viaduct foot crossing which Network Rail itself reports should be addressed now, irrespective of WSMR's application.

120. Notwithstanding our observations in paragraph 119, we are working with Network Rail's Wales and Border Route Director to work up a solution/intervention to mitigate the risks and/or bring it back in line to a tolerable level. This may include an Overlay Miniature Stop Light System.
121. We'd also like to draw to ORR's attention the positive and 'can-do' approach that the Network Rail Wales and Borders team have displayed in working with us to review issues on their Route, which is gratefully appreciated.
122. To ensure majority of users benefit from our services along the route, a medium-term solution may be that WSMR services temporarily terminate 12 miles short of Wrexham at Gobowen whilst Network Rail implement an appropriate scheme at Viaduct.
123. Therefore, we do not anticipate ORR declining our application on the basis of a resolution to this foot crossing being in place.

## **Conclusion**

124. Our concluding comments are those that we have used in our introduction on page 1 of this letter.
125. We hope that a positive decision from ORR to approve WSMR's application will result in ongoing WSMR, ORR and Network Rail collaboration to see our proposed new services swiftly bring benefits to the economic, communities and environment of the Wrexham-borders-north Midlands-London route.

Yours sincerely

Darren Horley  
WSMR Mobilisation Director

Enc. Appendix 6 as an attached document

## **Appendix 1**

### **WSMR letter to ORR 22 July 2024**

## Appendix 1 – WSMR letter to ORR 22 July 2024



The Wrexham, Shropshire & Midlands Railway Company Ltd  
4 Brindleyplace  
Birmingham  
B1 2JB

E:  
T:

22 July 2024

John Larkinson  
Chief Executive  
Office of Rail and Road

Dear Mr. Larkinson

### **WSMR Section 17 Application - 14 March 2024 - Wrexham General to London Euston**

#### **Purpose of this letter**

1. WSMR requests the Office of Rail and Road (ORR) to exempt its 14 March 2024 Section 17 application from
  - a) The proposals set out by ORR in its 24 April 2024 letter to rail industry organisations headed "Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes"
  - b) Network Rail's 'High Level Plan' set out in its 05 June 2024 response to ORR in respect of its 24 April 2024 letter.
2. In this letter WSMR sets out the rationale for this request, drawing ORR's attention to:
  - a) Its March 2024 application having been fully in line with the ORR's timescales published for Open Access applicants prior to the significant changes in the 24 April 2024 letter.
  - b) WSMR's comprehensive proposition development and work with Network Rail over 18 months, detailed timetable and performance analysis, proactive staff recruitment, and agreed rolling stock lease (described in detail at (38) below).
  - c) WSMR's consequent state of readiness to operate the service in the May 2025 timetable.
  - d) The substantive risk to delivery of the WSMR service and its connectivity, economic, employment, growth and environmental benefits if it is delayed to the significant extent set out in the ORR 24 April 2024 process and Network Rail's 05 June 2024 High Level Plan.

#### **Scope of this letter**

3. This letter sets out WSMR's formal response to the following correspondence:
  - a) ORR's letter of 24 April 2024 to rail industry organisations headed "Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes" ('ORR 24 April 2024 Process')
  - b) Network Rail's letter of 05 June 2024 responding to ORR in respect of its 24 April 2024 letter ('NR 05 June 2024 High Level Plan')

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## Appendix 1 – WSMR letter to ORR 22 July 2024

- c) Network Rail's letter of 28 June 2024 to ORR headed "Network Rail further representations for the proposed Section 17 application for proposed Track Access Contract between Network Rail \_\_and WSMR". (*NR Letter 28 June 2024*). We note Network Rail's suggestion in this letter that it could highlight whether WSMR's sought access rights are outside of the scope of the *ORR 24 April 2024 Process*.
- 4. Our response also takes account of the following:
  - a) Network Rail's letter of 02 May 2024 to ORR headed "Application for directions: proposed track access contract between Network Rail \_\_and WSMR".
  - b) WSMR's letter of 05 June 2024 to ORR headed "Response to Network Rail comments in letter dated 02 May 2024". No ORR acknowledgement or reply to this letter has been received to this letter in the 6 weeks since it was sent.
  - c) WSMR's letter to you of 02 July 2024, on which today's letter builds.
- 5. We will not restate the detail here set out in our 05 June 2024 letter to yourselves but do refer you back to it and would value your response to its content in any reply to today's letter.
- 6. We have copied today's letter to Chris Rowley, Network Rail Capacity Planning Director, and sent him our latest WSMR train service timetable iteration and commentary on its application. A copy to yourselves is attached given its direct relevance to WSMR's request to ORR at (5) below.

### WSMR's request to ORR

- 7. **WSMR requests ORR to exempt its 14 March 2024 Section 17 application from the *ORR 24 April 2024 Process* and the *NR 05 June 2024 High Level Plan*, as noted at (1) above.**

### Rationale for WSMR's request

#### Retrospective process application

- 8. Inclusion in the *ORR 24 April 2024 Process* is inappropriate given WSMR's detailed scheme development, 2023 industry consultation and 2024 Section 17 Track Access application predates it and the *NR 05 June 2024 High Level Plan*.
- 9. Made on 14<sup>th</sup> March 2024, WSMR's Section 17 application predated publication of the *ORR 24 April 2024 Process* by 6 weeks and the *NR 05 June 2024 High Level Plan* by 3 months.
- 10. WSMR notes that in general there is a presumption in the UK against retrospective application of legislation or non-statutory practices<sup>1</sup>.
- 11. On this principle WSMR considers inclusion in these ORR and Network Rail processes does not meet the criterion of fairness noted in paragraph of 2 of the ORR's 24 April 2024 letter.
- 12. The *ORR 24 April 2024 Process* mentions applications that pre-dated it only to confirm that these would not need re-submission unless requiring updating, presumably substantive in form. It should have been explicit about its specific use, or otherwise, in respect of pre-dating applications, in terms of fairness to, expectations of and implications for applicants.

/ continued

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<sup>1</sup> Oonagh Gay, *Retrospective Legislation*, (London: House of Commons Library, 2013)  
<https://researchbriefings.files.parliament.uk/documents/SN06454/SN06454.pdf>

## Appendix 1 – WSMR letter to ORR 22 July 2024

### Timely, prompt assessment principles

13. Inclusion in the *ORR 24 April 2024 Process* does not meet ORR's wider timely, prompt and fair assessment principles given WSMR commenced engagement with Network Rail on its timetable options 18 months ago in February 2023, undertook and completed industry consultation via Network Rail 8 months ago between 20 November 2023 and 20 December 2023, and has actively continued that engagement, including continuing modification and extension of its timetable and performance analysis in response to Network Rail comments.
14. As noted at (6) above this includes further detailed timetable work undertaken by WSMR in response to Network Rail's letter of 02 May 2024 to ORR and its conclusions submitted to both Network Rail and ORR alongside this letter today.
15. Given the extensive duration and formal process compliance of WSMR's approach noted at (13) above it is unreasonable for Network Rail to suggest it is unable to provide ORR with all the information required for determination of WSMR's application, as indicated in the *NR Letter 28 June 2024* to ORR.
16. Set against the timescales at (13) Network Rail may also be seen not to be meeting its obligations under conditions 6.9, 7.17 and 7.18 of its Network Licence<sup>2</sup> and the 12-week definition of 'timely' in Condition 7.18.
17. We recognise Network Rail resource issues in addressing track access applications, and for this reason have also commissioned an independent specialist timetable and performance analyst to review the report submitted today as noted at (14).

### Principles of fairness

18. WSMR's investors undertook its extensive development work, engagement with Network Rail, industry consultation and submitted its March 2024 Section 17 application against the clear published ORR process<sup>3</sup> in place at the time, and the known business risks associated with it.
19. We suggest the *ORR 24 April 2024 Process* does not meet ORR's principles of fairness in its significant change in criteria and programme and consequent substantive impact on those business risks (which we discuss further at Sections 29-35 below).
20. We also suggest it does not meet those principles in requiring our well-developed application to be tested against and compete with those which may have less quality, completeness and certainty given their swift submission in the 3.5 weeks between 25 April and its 20 May 2024 deadline.

### Proportionality and precedent

21. Inclusion in the *ORR 24 April 2024 Process* is unnecessary and disproportionate because WSMR's detailed timetable and performance analysis indicates its proposed 5 return services per day represent minimal performance impact on the network and suggest all potential clashes are resolvable, with only one, a freight path, needing further work upon which WSMR is currently engaging with the operator Colas Rail.
22. We maintain the position in our March 2024 Section 17 application that WSMR services "show a minimal impact on performance of other operators".
23. We note that in our latest timetable iteration, shared with ORR and Network Rail today, we have sought to consistently use standard hour West Coast Main Line 'open Access' paths wherever possible.

<sup>2</sup> Network Licence granted to Network Rail Infrastructure Ltd, (London ORR, 2019/2024)

<http://www.orr.gov.uk/sites/default/files/2024-06/network-licence-granted-to-network-rail.pdf>

<sup>3</sup> <https://www.orr.gov.uk/rail-guidance-compliance/network-access>

## Appendix 1 – WSMR letter to ORR 22 July 2024

24. Our use of these paths actively aligns with the precedent of ORR's March 2024 approval of Grand Union Trains' Stirling-London Euston services<sup>4</sup> which will use the equivalent 2-hourly path in the opposite hour from WSMR, with issues and solutions in their use thus presumably already understood by yourselves and Network Rail.
25. For full detail on our timetable development and performance analysis we refer to the WSMR letter to yourselves of 05 June 2024 and the report submitted to Network Rail and copied to you today.

### Determination programme

26. The NR 05 June 2024 High Level Plan suggests an 18-month determination programme relevant to WSMR's application, with a completion date of December 2025.
27. This would represent an unreasonably lengthy determination period of 21 months from WSMR's formal Section 17 application, 2 years from industry consultation and just under 3 years from first engagement between WSMR and Network Rail in February 2023.
28. WSMR suggests this conflicts with Network Rail's Network Licence as noted at (16), its 2017 Strategic Capacity Code of Practice<sup>5</sup>, and the principles expressed in both ORR's guidance (op. cit.) and the ORR April 2024 Process.

### Risk to WSMR

29. The ORR 24 April 2024 Process and NR 05 June 2024 High Level Plan present clear and unreasonable risks to WSMR's investment in and delivery of its proposition.
30. Most particularly the scale of determination delay will add significant increases in financial cost. WSMR has an agreed rolling stock lease and has invested considerable time and financial resources to modernise the fleet to ensure readiness. This unanticipated delay thus seriously undermines the WSMR business proposition.

### Risk to the beneficial aspects of WSMR's application

31. Retrospective application of the ORR 24 April 2024 Process also poses a direct risk to realisation of the new connectivity and wider economic and environmental benefits WSMR's service will bring to cities, towns and communities currently underserved by the National Rail Network.
32. These benefits include wholly new direct connectivity to and from London and across the north Midlands for challenged economies in Wrexham/North Wales, Shropshire and the Welsh Borders, Walsall/Black Country and North Warwickshire, sustainably supporting substantial new housing, jobs and Net Zero targets (as summarised at Section 4.1 of the WSMR 14 March 2024 Section 17 application and fully in the Business Plan which accompanies it).
33. Directly provided WSMR jobs would be at risk. In line with the ORR's timescales published for Open Access applicants, WSMR has proactively recruited people for key positions, along with the commencement of specific training programs, a strategic approach taken to fulfill a prompt readiness to operate.
34. Benefits and indirect jobs in local economies generated by WSMR would also be at risk via cancellation of procurement contracts and withdrawal of WSMR purchasing commitments made as part of the supply chain across, within and beyond the route.
35. The potential of the WSMR service to quickly re-establish the direct connectivity for Shrewsbury and Telford to and from London, withdrawn by Avanti West Coast in June 2024, may be lost.

<sup>4</sup> <https://www.orr.gov.uk/sites/default/files/2024-03/2024-03-07-grand-union-london-stirling-decision-letter.pdf>

<sup>5</sup> Strategic Capacity Code of Practice - (London: Network Rail, 2017)  
<https://www.networkrail.co.uk/wp-content/uploads/2019/05/Strategic-Capacity-Code-of-Practice.pdf>

## Appendix 1 – WSMR letter to ORR 22 July 2024

### Operator commitment, capability and readiness

36. WSMR supports ORR's commitment to assessment of operators' sufficient commitment and capability to operate services, as noted at Section 22 of the *ORR 24 April 2024 Process*.
37. WSMR's significant financial investment thus far has assumed established Track Access processes with commencement in the May 2025 timetable period.
38. In demonstrating the scale of commitment, capability and state of readiness to operate services within this timetable which ORR needs to see, WSMR's work and investment to date includes:
  - a) Developing the WSMR case and business plan.
  - b) Undertaking detailed timetable development, conflicts resolution and consequential re-timings, Railsys performance modelling, and the most recent further work submitted to Network Rail in parallel with this letter today.
  - c) Commissioning and funding the independent timetable review noted at (15).
  - d) Undertaking industry consultation in November and December 2023 via Network Rail.
  - e) Actively engaging with Network Rail over and throughout 18 months.
  - f) An agreed lease for the Class 221 rolling stock fleet required for the service.
  - g) Using WSMR's majority owner, Alstom Transportation Ltd., to commence engineering activities to upgrade and modify this Class 221 fleet.
  - h) Structuring the Train Operating Company.
  - i) Beginning recruitment of the operating and customer service staff team.
  - j) Preparing its train crew training programme, including engagement with relevant colleges, universities and the Chartered Institution of Railway Operators.
  - k) Commencing development of its Safety Management System.
  - l) Gaining extensive political support of MPs in the previous Parliament, combined and local authorities and the public along the WSMR route.
  - m) At time of writing preparing engagement with MPs elected to Parliament on 04 July 2024.
  - n) Developing its investment case with local authorities for a new Shropshire and Mid Wales Parkway station (east of Shrewsbury), a widened role and expanded car park capacity for Colehill Parkway and serving new stations in delivery by West Midlands Combined Authority.
  - o) Successfully gaining the in-principle support of the Department for Transport which also, in its own analysis, supports WSMR's 'Not Primarily Abstractive' (NPA) assessment.

### Commentary

39. WSMR recognises the challenges facing the ORR and Network Rail in managing the 83 'higher-than-usual' number of track access applications, which as noted in both the *NR 05 June 2024 High Level Plan* and the *NR Letter 28 June 2024* were received 'at one point in time' (i.e. assumed to not include WSMR's pre-dating March 2024 application).
40. However it may be suggested that the *ORR 24 April 2024 Process* itself generated an unintended consequence of more applications before its 20 May 2024 deadline, and that it is unreasonable that WSMR's application, submitted before the new ORR process, should be included within it and measured against a range of later applications possibly of lesser completeness.
41. The high number of applications, and the link made in the *ORR 24 April 2024 Process* between East Coast and West Coast issues, illustrates how a single existing Open Access application may effectively be swamped by multiple other industry issues in a way that is beyond and not proportionate to its modest scope.

## Appendix 1 – WSMR letter to ORR 22 July 2024

42. It is notable that whilst a number of applicants recently granted Track Access Rights have not subsequently exercised their use, WSMR is highly committed, capable and ready to operate its proposed services from the May 2025 timetable.
43. WSMR is a new entrant to the Open Access rail market, distinctive in its offer of a new investment-led approach not only to train services and connectivity but to stations and infrastructure.
44. Its service proposition and performance have been well-tested, its track access application has fully followed industry processes, and Network Rail has had 18 months of engagement with it. It offers low risk to industry and major benefits to multiple underserved communities.
45. On the basis of WSMR's positive state of readiness, it would be unfortunate if its new connectivity was lost given the imperatives of new ORR and Network Rail processes that were not in place, proposed or consulted during its development or before its formal Section 17 submission.

### Next steps

46. We would greatly value expeditious progression of the following key next steps:
  - a) Swift agreement with yourselves to exclude WSMR's Section 17 application from the *ORR 24 April 2024 Process* and the *NR 05 June 2024 High Level Plan*.
  - b) Network Rail can then itself progress the application separately, as per its suggestion in its 28 June 2024 letter that it could highlight whether WSMR's sought access rights are outside of the scope of the *ORR 24 April 2024 Process*.
  - c) Provision to WSMR of an agreed ORR-Network Rail programme for early determination of the application, with WSMR then being part of the base May 2025 timetable process.
47. Thus enabled WSMR can implement the Class 221 rolling stock leases now, underpinning our own confidence, that of yourselves, the industry and stakeholders that the new services can and will commence within the May 2025 timetable.
48. We hope WSMR, ORR and Network Rail can continue to work together to see these new services bring benefits to the economy, communities and environment of the Wrexham-London route.

Yours sincerely

Darren Horley  
WSMR Mobilisation Director

C.C.

Chris Rowley  
Network Rail Capacity Planning Director

Enc.

WSMR Letter to Chris Rowley - 22 July 2024  
WSMR Timetable and Performance update report - 22 July 2024

## **Appendix 2**

### **WSMR letter to ORR 11 March 2025**

## Appendix 2 – WSMR letter to ORR 11 March 2025



The Wrexham, Shropshire & Midlands Railway Company Ltd  
4 Brindleyplace  
Birmingham  
B1 2JB

E:  
T:

11 March 2025

John Larkinson  
Chief Executive  
Office of Rail and Road

Dear Mr. Larkinson

### **WSMR Section 17 Application - 14 March 2024 - Wrexham General to London Euston**

#### **WSMR response to "Network Rail representations for applications affecting the West Coast Main Line (South)" letter of 7 February 2025**

1. Thank you for asking for WSMR's views on Network Rail's 7 February 2025 letter outlining its reasons for not moving forward with WSMR's application to operate trains between Wrexham General, Gobowen, Shrewsbury, Telford Central, Wolverhampton, Walsall, Coleshill Parkway, Nuneaton and London Euston.

#### **Purpose of this letter**

2. The purpose of this letter is to respond to Network Rail's 7 February 2025 letter to facilitate expeditious determination by ORR of WSMR's Section 17 application of March 2024.
3. Such swift determination will enable WSMR to commence wholly new rail connectivity from the May 2025 and/or December 2025 timetables for the 6 key underserved cities and towns of Wrexham, Gobowen, Shrewsbury, Telford, Walsall and Coleshill.
4. This letter also aligns with the support for WSMR services most recently noted:
  - a) By the Secretary of State for Transport, Rt. Hon. Heidi Alexander MP in Parliament on 13 February 2025.
  - b) In the Open Access principles set out by the Secretary of State in her letter to the ORR of 6 January 2025 in respect of opening up direct connectivity markets that do not exist today.
  - c) By the Department for Transport in its letter to ORR of 4 February 2025, including its own assessment indicating the proposal would meet the 'Non-Primarily Abstractive' (NPA) test, and subject to any risks to performance being mitigated "as far as is possible".
  - d) In the support of multiple local stakeholders along the WSMR route.

#### **Scope of this letter**

5. Its principal scope is to address and resolve the issues raised in Network Rail's letter to ORR of 7 February 2025 and thus facilitate ORR's determination of WSMR's Section 17 application.

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WSMR is a company owned by ALSTOM Transportation Ltd. and Sable Leich Consultancy Ltd. (trading as SLC Rail)



## Appendix 2 – WSMR letter to ORR 11 March 2025

### An extensively delayed determination process

6. For our wider contextual analysis of the lengthy delay in determination of WSMR's 14 March 2024 Section 17 application we attach our letter to you of 22 July 2024, some 9 months ago.
7. We do not restate the detail of this analysis, but paragraphs 8-15 below summarise the key components of a scale of delay running directly counter to the ORR's principles of timely, prompt and fair assessment.
8. This delay is further exacerbated by the content of Network Rail's letter of 7 February 2025.
9. ORR will recall that WSMR started working with Network Rail on timetable development of its proposed service in February 2023, more than 2 years ago, with this being:
  - a) 14 months prior to the ORR's 24 April 2024 letter to the industry setting out its '*Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes*' process ('ORR 24 April 2024 Process').
  - b) 16 months before Network Rail's 'High Level Plan' ('NR High Level Plan') set out in its 05 June 2024 response to ORR in respect of its 24 April 2024 letter.
  - c) 24 months before Network Rail's 7 February 2025 letter.
10. Network Rail also carried out the pre-Section 17 submission industry consultation in November-December 2023, 14 months before Network Rail's 7 February 2025 letter.
11. WSMR's Section 17 application was made to ORR 12 months ago, pre-dating the 'ORR 24 April 2024 Process' and the 'NR High Level Plan', and a significant number of post-24 April 2024 competing Open Access applications.
12. Network Rail's letter of 7 February 2025 confirms the existence of 9 West Coast South Rugby-Euston Open Access paths but concludes that notwithstanding two years of work with WSMR and nine months of work under the 'NR High Level Plan' it is unable '*to comment on the ability to accommodate the rights between their origin and destination*'.
13. However, Network Rail's letter does comment on a breadth of topics, including Euston Station passenger flows and the impacts of HS2 away from the geography and Section 17 application timeline of WSMR services, and in doing so appears to extend beyond the fundamental purpose of the 'ORR 24 April 2024 Process' to address specific timetable capacity concerns for various identified pinch points on the Network.
14. It is unfortunate that Network Rail's Timetable Capacity Assessment contained in the 7 February 2025 letter, undertaken in September 2024, was not shared with WSMR (or presumably ORR) for comment and resolution for c. 5 months, adding further to determination delay.
15. WSMR believes it is disproportionate, unnecessary and in breach of ORR's principles of fairness that its application under the ORR's preceding processes has been drawn into the significant national evaluation of capacity instigated via the 'ORR 24 April 2024 Process' and 'NR High Level Plan', and that this is continuing to inappropriately delay and preclude ORR's determination.

### WSMR Response

16. However, WSMR fully understands the risks of new services to performance, has undertaken detailed performance assessment using Railsys, and worked with Network Rail to demonstrate how these are mitigated "*as far as is possible*" (DfT as per 4(c) above).

## Appendix 2 – WSMR letter to ORR 11 March 2025

17. We thus address the full range of topics in Network Rail's 7 February 2025 letter as below:

- a) Timetable capacity - paragraphs 18 to 24
- b) Timetable performance - paragraphs 25 to 32
- c) Euston Station Passenger Flows - paragraphs 33 to 34
- d) High Speed 2 - paragraph 35

### Timetable Capacity

18. WSMR agrees with Network Rail's assessment in the 7 February 2025 letter (final paragraph; p.3) that there is unused capacity on the West Coast South route, notably the 9 unused paths per day in each direction between Rugby and Euston identified in the December 2022 Event Steering Group (ESG) timetable for potential Open Access operations.
19. WSMR's May 2025 and December 2025 timetable bids thus have each specifically sought to make use of these Open Access West Coast paths identified by Network Rail.
20. Via extensive, in-depth and constructive work with Network Rail's timetable planning teams over 2 years, WSMR has demonstrated clearly that "viable paths" (Network Rail planners' description) exist for its proposed services on all seven days of the week for the May 2025 timetable.
21. However, Network Rail's 7 February 2025 letter (paragraph 2, p.4) states:

*"Network Rail is currently unable to comment on the ability to accommodate the rights between their origin and destination as work to assess the access rights in full is continuing in accordance with the plans provided to ORR on 05 June, 28 June and 12 August 2024 as updated on the 3CJhJanuary 2025."*

22. Network Rail proposes no WSMR-specific programme to provide any such comments.
23. Taken together with our comments at paragraphs 8-15 above and performance evidence we have developed and submitted to Network Rail and ORR as set out at paragraphs 25-32 below, we suggest Network Rail does now possess sufficient evidence after 2 years of work to expeditiously complete the capacity and performance analysis noted by the DfT (as per 4(c) above) and comment on and support WSMR's application under Section 18 of the Railways Act 1993.
24. In parallel we suggest it is now reasonable for WSMR to have initial priority on the identified paths given their availability, its application predating the 'ORR 24 April 2024 Process' and 'NR High Level Plan', and the inappropriately lengthy determination timescale.

### Timetable Performance

25. WSMR notes Network Rail's assertion that *"we would expect resilience to be significantly reduced in an already poor performing area of the network should additional access rights and services be accommodated."*
26. However, WSMR's detailed Railsys-based performance modelling and analysis presented to Network Rail in February 2024 and ORR via the Section 17 application in March 2024 does not support this assertion, with its key findings being:
- a) *"The performance of the WSMR paths themselves is good, being (at worst) equivalent to existing WCML paths and in most cases performing better."*
  - b) *"The overall network impact is low, with most service groups being unaffected and even those being affected showing a minimal impact. Performance impacts are generally identified on individual train paths (rather than service groups); this is highlighted so that specific interventions (either timetable, operational or in terms of regulation policy) can be developed."*

## Appendix 2 – WSMR letter to ORR 11 March 2025

27. WSMR notes from Network Rail's 7 February 2025 letter (p.7) that West Coast South performance has gradually declined since the implementation of the December 2022 ESG timetable. However, examples such as a c. 25% deterioration in right time arrivals Moving Annual Average (MAA) at Euston (graph p.7) between 2021/22 P.1 and 2024/25 P.10 is of a much more significant scale than the c. 3% *loss of improvement* (our italics - i.e. not in fact a net deterioration) in Time-to-3 that Network Rail notes with additional services such as Euston-Liverpool and Euston-Stirling (paragraph 1 and Table 3; p.6).
28. This suggests that either the December 2022 ESG timetable is flawed, or 'other factors' are relevant to this significant decline. This demands immediate cross industry attention and action, but it would be perverse if competition to existing operators were prevented by their current poor performance.
29. 'Other factors' may include:
  - a) Causes of ongoing and deteriorating performance on the WCML, such as staff resourcing/shortages and industrial disputes, which may be wholly discrete from timetable capacity.
  - b) The overall level of delay being caused by Network Rail's infrastructure and/or Avanti's recognised poor level of service which is preventing the timetable operating at a realistic level of resilience.
  - c) WSMR believes that there is an element of built-in 'firewall buffer' or 'resilience' exists in the timetable due to the differing sectional running times between the agreed timetable planning headway (averaging 180 seconds) and the physical signalling headway (90 - 110 seconds) over the route.
  - d) Any lack of planning that has led to inadequate power supplies being available to support the capacity of the route.
  - e) The industry seeking to eliminate WCML diesel hauled services for both "green" credentials and emissions concerns whilst their replacement is precluded due to power supply issues as above.
  - f) Introduction by the Avanti West Coast contract and Network Rail of Class 8xx units which do not comply with Enhanced Permissible Speeds (EPS) for other electric and diesel traction on the WCML, thus reducing overall route capacity and offering less for recovery when perturbation occurs. (n.b. WSMR is proposing to use Class 221 units which are already cleared to operate at full WCML EPS speeds and therefore able to take best advantage of the capability of the infrastructure.)
  - g) Any lack of planning that has allowed overcrowding issues to develop at Euston without a credible plan to deal with the footfall at the station.
  - h) The 'appeared and often experienced loss' of the industry's ability to manage network incidents effectively, promptly implementing network recovery protocols such as CMS and Golden Hour recovery.
30. WSMR does not believe that current poor levels of service and performance should be a rationale for Network Rail or incumbent operators to oppose introduction of new rail connectivity. Nor can WSMR seek to offer solutions to 'whole industry' challenges.
31. Rather, and as indicated by the DfT (4(c) above), capacity and performance risks of WSMR's proposed Open Access services meeting the Secretary of State's "*right circumstance*" test (4(b) above) should be mitigated "*as far as is possible*".

## Appendix 2 – WSMR letter to ORR 11 March 2025

32. WSMR believes it has sufficiently evidenced its case in both capacity and performance terms and against the "right circumstances" test to enable its March 2024 Section 17 application to be determined separately from the 'ORR 24 April 2024 Process' and the 'NR High Level Plan' and be accelerated to enable its new services to commence for the public in the May 2025 and/or December 2025 timetable periods.

### London Euston Station Passenger Flows

33. WSMR notes Network Rail's stated concerns about passenger flows at Euston. However, whilst this is a subject that warrants and is receiving industry attention, we note:
- a) That in any one hour the proposed Open Access path would consist of one 5-car train arrival/departure, whilst the Avanti service will consist of 16 trains made up of c. 80 coaches, together with 38 services operated by West Midlands Trains and London Overground. One Open Access path in each direction would thus make up c. 2.5% of the hourly passenger flow.
  - b) Euston passenger volumes remained significantly reduced in 2023/24, at 36.2m, 20% lower than pre-COVID 44.7m in 2019/20 and 14% lower than 41.9m 10 years before in 2013/14. Given concourse space has been revised and extended via recent projects this may suggest volume alone is not the sole determinant of passenger flow management, and that passenger numbers from one Open Access service per hour are unlikely to be foundational to the station's overall management.
  - c) Network Rail suggests Open Access Stirling services will exacerbate Euston passenger volume challenges in two evening peaks between 16.45-17.00 and 17.30-17.45 (Figure 2 p.8). These are, however, not at times when Stirling services are due to leave Euston, understood to be at 16.20 and 19:20 (the latter as far as Preston only).
  - d) Network Rail predicts that these peaks will grow significantly by 2042, yet neither the Stirling nor proposed WSMR services would initially receive approval to operate beyond the early 2030s. Presumably in considering overall passenger footfall growth at Euston in the next 20 years Network Rail will be able to consider plans to accommodate this generated via both GBR-contracted and Open Access services, whilst taking account of future volume transfer to High Speed 2.
  - e) WSMR services at London Euston would be opened as early as possible allowing for customers to board the train ahead of scheduled departures. This facilitates prompt service boarding and would support the removing of WSMR customers from accumulating on the station concourse; although WSMR is sure Network Rail welcomes these additional customers circulating the station concourse to browse the many retail outlets in order to make purchases prior to boarding trains.
34. Therefore, it seems difficult to justify that one Open Access service an hour would be a materially detrimental to passenger management at Euston Station.

### High Speed 2

35. WSMR notes Network Rail's comments about HS2, but we suggest these are not relevant to the WSMR application given:
- a) WSMR services would leave the West Coast Main Line (WCML) at Nuneaton, some 23 miles south of Handsacre where HS2 services would join WCML to head to locations further north.
  - b) The gap in the pattern created by WSMR services leaving the route at Nuneaton can

## Appendix 2 – WSMR letter to ORR 11 March 2025

provide capacity for other northern-direction services.

- c) WSMR would be reaching the end of its initial proposed 7 year duration before HS2 services are likely to operate.

### Summary

36. WSMR believes the capacity and performance cases for its Open Access proposals have been solidly evidenced, evolved over 2 years of development work with Network Rail with risks mitigated as far as is possible, are proportionate for a five trains a day service, align with the Open Access principles of the Government and Department for Transport, and are sufficient for both Network Rail and ORR to reach a supportive position and determination enabling services to commence in the currency of the May 2025 and/or December 2025 timetables.
37. As noted in our letter to you of July 2024 we hope WSMR, ORR and Network Rail can continue to work together to see these new services swiftly bring benefits to the economy, communities and environment of the Wrexham-London route from this year.

Yours sincerely



Darren Horley  
WSMR Mobilisation Director

Enc.

WSMR Letter to ORR - 22 July 2024

## **Appendix 3**

### **WSMR letter to Network Rail 22 July 2024**

## Appendix 3 – WSMR letter to Network Rail 22 July 2024



The Wrexham, Shropshire & Midlands Railway Company Ltd  
4 Brindleyplace  
Birmingham  
B1 2JB

E:  
T:

22 July 2024

Chris Rowley  
Network Rail Capacity Planning Director

Dear Mr. Rowley

### **WSMR Section 17 Application to ORR - 14 March 2024 Wrexham General to London Euston**

#### **Scope of this letter**

1. I am writing to provide WSMR's further response to Network Rail's letter of 02 May 2024 to ORR headed "Application for directions: proposed track access contract between Network Rail ... and WSMR".
2. This builds on our first letter of response of 05 June 2024 to ORR, which was copied to Gianmaria Cutrupi, Aspirant Open Access Operations Manager.
3. It also takes account of Network Rail's 28 June 2024 letter to ORR in respect of the WSMR Section 17 application, within which its 02 May 2024 was included as Annex C.
4. We attach an updated Capacity and Planning Report and indicative WSMR timetable with detailed and developed information on potential clashes with respective June and December 2024 timetables as promised at Sections 1.4 and 1.5 of our 05 June 2024 letter to ORR.
5. We have today also written to ORR to request that it exempts WSMR's Section 17 application from the 'Competing and/or complex track access applications' process set out in its industry letter of 24 April 2024, and Network Rail's 05 June 2024 'High Level Plan'. We have copied this to you, and do not address the issues therein here.

#### **Scope of WSMR Capacity and Planning Report**

6. The attached Capacity and Planning Report reflects WSMR's continuous process of updating its indicative timetable against the emerging June 2024 and December 2024 timetables.
7. The timetable analysis included in Network Rail's 02 May 2024 letter/Annex C to its 28 June 2024 letter is based upon the December 2023 timetable. Clearly this is now superseded.
8. We trust our analysis against the current and next timetable can support expeditious determination of the WSMR Section 17 application outside of the 05 June Network Rail High Level Plan.

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WSMR is a company owned by ALSTOM Transportation Ltd. and Sable Lele:ch Consultancy Ltd. (trading as SLC Rail)



## Appendix 3 – WSMR letter to Network Rail 22 July 2024

### Other operator timetable changes

9. In looking forward to the December 2024 timetable our analysis considers the following timetables and their changes since the December 2023 timetable:
  - a) West Midlands Railway - Birmingham to Shrewsbury.
  - b) Transport for Wales - Shrewsbury to Wrexham General.
  - c) Avanti West Coast - London Euston and Nuneaton.

### Sutton Park Line

10. It assumes no line speed improvements on the Sutton Park line to enable Network Rail to validate the paths based on current rules and avoid uncommitted infrastructure changes being material to any decision making.
11. This results in the need to remove provision to call at the new station currently under construction at Darlaston, with any future timetabled calls being Contingent Rights.

### Nuneaton-London Euston Open Access Paths

12. Our latest indicative timetable assumes use of the 'Open Access paths' between Nuneaton and London Euston wherever possible - maximising the tilt line speed profile where applicable.
13. This takes account of the precedent of ORR's March 2024 approval of Grand Union Trains' Stirling-London Euston services which will use the equivalent 2-hourly path in the opposite hour from WSMR, with issues and solutions in their use thus presumably already understood by yourselves and ORR.
14. The Down path does not allow for a stop at Milton Keynes without adding to journey time given the necessity for a circa 15 minute dwell at the station to allow other trains to pass.
15. Future timetabled calls at Milton Keynes in the Up and Down directions may thus need to be Contingent Rights.
16. In Section 1.5 of WSMR's 05 June 2024 letter to ORR we commented on WSMR being required to plan its services around a number of services shown in timetables that are not being operated and for which the operator does not hold rights.
17. The Milton Keynes issue arises in this context, with a number of Q paths held for which we understand the operator, Avanti West Coast, does not have rights.

### Analysis and resolution

18. WSMR and Network Rail have been in discussion for 18 months since February 2023 on the proposed 5 daily Wrexham General - London Euston services in each direction, and we value the support of Network Rail in the November-December 2023 industry consultation.
19. We recognise the budgetary and resource challenges which have precluded Network Rail progressing its analysis of work on WSMR's proposed timetables beyond the December 2023 timetable.

### Appendix 3 – WSMR letter to Network Rail 22 July 2024

20. Therefore, WSMR has itself undertaken considerable further detailed work against the June 2024 and December 2024 timetables as set out in the attached Capacity and Planning Report.
21. This includes:
  - a) Seeking solutions to timetable clashes via flexing other trains.
  - b) An assessment at Water Orton that includes CrossCountry's aspirational paths for the Reading to Newcastle group, as subject to its own Section 17 application.
22. In proactively wishing to progress industry analysis in the absence of Network Rail resource WSMR has also commissioned and funded an independent specialist peer review of the attached Capacity and Planning Report and the work underpinning it which we will share with Network Rail and ORR upon its imminent completion.
23. We hope it may be possible to determine WSMR's Section 17 application expeditiously, outside of the 05 June Network Rail High Level Plan, and see these new services bring benefits the economy, communities and environment of the Wrexham-London route within the May 2025 timetable.

Yours sincerely



Darren Horley  
WSMR Mobilisation Director

c.c.

John Larkinson  
Chief Executive  
Office of Rail and Road

Enc.

WSMR Capacity and Planning report- 22 July 2024  
WSMR Letter to John Larkinson, CEO, ORR - 22 July 2024

## **Appendix 4**

### **WSMR letter to Network Rail 25 April 2025**

## Appendix 4 – WSMR letter to Network Rail 25 April 2025



The Wrexham, Shropshire & Midlands Railway Company Ltd  
4 Brindleyplace  
Birmingham  
B1 2JB

E:  
T:

25<sup>th</sup> April 2025

Emma Goodman  
Network Rail  
The Quadrant MK  
Milton Keynes MK9 1EN

Dear Emma

### **WSMR Section 17 Application - 14 March 2024 - Wrexham General to London Euston**

1. Thank you for your decision letter ('the decision letter') of 4<sup>th</sup> April 2025 to my colleague Andy Hamilton stating that, under Part D Section 2.4.6 of the Network Code, Network Rail believes it cannot accommodate any of WSMR's "Access Proposals" as bid in line with the D-40 Priority Date for the December 2025 Timetable.
2. We are unsurprisingly very disappointed by the decision letter which appears to wholly ignore the 2 years of in-depth joint engagement between WSMR and Network Rail timetable planners since February 2023 to evidence and demonstrate our "Access Proposals" are compliant and could be accommodated on the network.

### **WSMR's request of Network Rail**

3. Given the decision letter fails to refer to the evidence provided we ask that Network Rail:
  - a) Withdraws the decision letter of 4<sup>th</sup> April 2025.
  - b) Expeditiously reviews its position taking full and proper account of our evidenced joint discussions over the past 2 years, including the specific work in respect of the December 2025 timetable supplied to and discussed with you in our November/December 2024 meetings.
  - c) Reissues its decision letter which we believe should be in favour of our Access Proposals being progressed - as previously 'Bid' in line with the D-40 Priority Date for the December 2025 Timetable.
  - d) Recognises and accepts that our current Access Proposals application for the December 2025 timetable remains 'live' and, as the decision letter does not take account of material information already shared and discussed with yourselves, does not require a fresh submission under Network Code Part D 2.4.1 (c).

### **Use of West Coast Main Line South capacity as 'firebreaks'**

4. We disagree with your core assertion that the relevant WCML South paths (xx.20/xx36 from Euston and xx.00 arrivals at Euston) you refer to in paragraphs 3 and 4 of page 2 of your letter are 'firebreaks' and that '*it is essential that these firebreaks remain in the timetable*' for the following reasons:

The Wrexham, Shropshire & Midlands Railway Company Ltd. 4 Brindleyplace, Birmingham, England, B1 2JB  
Registered number: 14695841 | [www.wsmr.co.uk](http://www.wsmr.co.uk) | [info@wsmr.co.uk](mailto:info@wsmr.co.uk)  
WSMR is a company owned by ALSTOM Transportation Ltd. and Sable Leich Consultancy Ltd. (trading as SLC Rail)

## Appendix 4 – WSMR letter to Network Rail 25 April 2025

- a) These paths were clearly identified for Open Access use in the December 2022 Event Steering Group, a position at variance with your assertion.
  - b) The status of these paths as firebreaks was not asserted until Network Rail's 5<sup>th</sup> February 2025 'west Coast Main Line South - Fast Lines Timetable Capacity Assessment', some 11 months after our formal Section 17 application, and 24 months since we commenced discussions with you. This does not represent timely provision of information to operators.
  - c) Network Rail had removed its objections to a Section 17 application for use of 4 of these relevant paths on 25<sup>th</sup> January 2024 by Open Access operator, Grand Union Trains, which was then approved by the Office of Rail and Road (ORR) on 7<sup>th</sup> March 2024 with agreement from yourselves under Section 18.
  - d) As you know our Access Proposals use the equivalent 2-hourly path in the opposite hour. Your agreement to their use for one Open Access operator is thus at clear variance with your assertion of their reserved purpose as firebreaks. Given these are 'standard hour' paths, they either need to function as firebreaks throughout or not at all.
  - e) We dispute that these 'firebreaks are designed to absorb sub-threshold delay' when we believe that Network Rail should be focusing its efforts on investigating and eliminating the root cause of any 'sub-threshold' delay and correctly attributing such lateness.
5. We thus do not accept your position set out in the penultimate paragraph of page 2 of your letter that the Network Rail decision does not 'unduly discriminate' against WSMR as an affected timetable Participant, when, given approval of Grand Union Trains' use of some of the relevant paths, it clearly does.
  6. We suggest your decision is indeed evidently and unduly discriminatory in this respect.

### A decision ignoring extensive evidence discussed between WSMR and Network Rail

7. As we have already noted your letter appears to ignore the joint work we have done on both timetable development and performance over the past 2 years-plus since February 2023, and the evolution of solutions to the challenges that always arise in timetable development.
8. Most recently we met with your timetable planners in November and December 2024, the outcome of which was a list of agreed flexes which, when applied, resulted in a timetable that is TPR compliant with WSMR's proposed service plan.
9. All of these flexes were within the scope of contractual flexing as part of the normal timetable development process (with the exception of two specific changes which have subsequently been agreed with the impacted TOC/FOC).
10. Our December 2025 Access Proposal submission was thus based upon this information, and a copy of both our requested flexes and Network Rail's notes on the changes was supplied as part of the bid.
11. Therefore, once the discussed flexes were applied to the timetable in the manner previously discussed and agreed with yourselves, we believe our submission is compliant with the supplied Prior Working timetable.
12. It is thus more than disappointing that your 4<sup>th</sup> April 2025 decision letter and bid rejection does not appear to take cognisance of these agreed flexes nor reflect the significant effort undertaken by both WSMR and the Network Rail planning team itself to produce what we believe is a TPR compliant timetable.
13. We are concerned that the decision letter makes definitive statements about paths being non-compliant when the discussed timetable flexes have not been applied. This therefore does not

## Appendix 4 – WSMR letter to Network Rail 25 April 2025

represent the true picture of the timetable and performance work that has been undertaken and shared with yourselves.

14. On this basis we do not believe the decision letter meets the spirit or detail of the Network Code including condition 1.1.18 (collaborative approaches), or the requirements of conditions 4.6.2 (considerations in capacity use) and 4.6.3 (fairness and non-discriminatory practice).
15. Similarly the decision letter conflicts with Network Rail's obligations under its Network Licence, including conditions 6.9 (transparency and impartiality), and 7.17/7.18(b)(i) (accurate and timely information to operators).
16. In particular we challenge the decision letter's Access Proposals rejection and weighting under Network Code Part D 4.6.2 (c) (maintaining and improving train service performance). We believe this is misplaced as we are unclear on how WSMR's Access Proposals limit Network Rail's ability to 'improve performance' when it appears to freely accept and not challenge poor performance contributors from other industry Access Beneficiaries.
17. We also suggest that the decision letter does not adequately balance the requirements in respect of performance at Part D 4.6.2 (c) with those of 4.6.2(a) on network development and 4.6.2(b) on meeting passenger demand.
18. This is especially so given:
  - a) The evidence we have provided to you, using industry Railsys systems, of the limited performance impact of our proposed 5 trains per day in each direction.
  - b) The status of Wrexham, Shrewsbury, Telford, Walsall and Coleshill as major places significantly underserved given currently non-existent National Rail connectivity to and from London, and other limited or unprovided connectivity between them.
19. This range of concerns underpins our request to you at Section (3) to withdraw the decision letter of 4<sup>th</sup> April 2025, expeditiously review your position against the evidence supplied and jointly discussed and then reissue your decision which we believe should be in favour of our Access Proposals.
20. On this basis, as noted at 3(d) above, we suggest our current Access Proposals application for the December 2025 timetable remains 'live' and, as the decision letter does not take account of material information already shared and discussed with yourselves, does not require a fresh submission under Network Code Part D 2.4.1 (c).

### Building on positive joint engagement

21. We would wish, however, to note that we value the work collaboratively done with Network Rail thus far. It is your decision within the decision letter which we see as unduly discriminatory, not the way your team and its members have worked with us.
22. We recognise that where conflicts have emerged between WSMR and other operators' Access Rights, Network Rail as the custodian of the National Timetabling process is able to flex other operators' access rights in order to accommodate "Access Proposals" made by others and, to make the best use of the capacity available.
23. Moreover, in the spirit of working with industry colleagues and to aid Network Rail in its Train Planning processes, we have sought and obtained other operators' agreement to modestly flex their schedules to accommodate ours.

## Appendix 4 – WSMR letter to Network Rail 25 April 2025

### Impact of Network Rail's decision on WSMR's programme

24. We are further concerned that the final paragraph on page 2 of the decision letter actively indicates that if we were to submit a fresh Track Access application we would effectively be placed 'bottom of the pile' which could significantly impact the ability to achieve viable timetable paths in December 2025.
25. Given the decision letter does not accurately reflect the current timetable position or the work done and engagement hitherto between us we are concerned that this is a second area in which Network Rail is acting in an unduly discriminatory manner towards WSMR.
26. It is thus also for this reason that we ask you to withdraw the decision letter and actively take account of evidence that has already been provided to and extensively discussed with your timetable planning team.
27. For your information we attach our previous letters to ORR of 22<sup>nd</sup> July 2024 and 10<sup>th</sup> March 2025, both of which were copied to Network Rail open access and route colleagues at the time. That the contents of both have to remain relevant is disappointing.

### The wider context

28. We note that the range of support received for the economic, growth and sustainability benefits of WSMR's proposal, is wide, including:
  - a) From the Secretary of State for Transport, Rt. Hon. Heidi Alexander MP in Parliament on 13<sup>th</sup> February 2025.
  - b) By the Department for Transport in its letter to ORR of 4<sup>th</sup> February 2025
  - c) In the support of multiple regional and local stakeholders along the WSMR route.
29. We suggest it is disproportionate for Network Rail to assert after 2 years-plus of engagement and analysis that WSMR's very modest scale of additional use of the WCML cannot be accommodated.
30. We hope WSMR, Network Rail and the ORR can continue to work together to swiftly see these new services bring benefits to the economy, communities and environment of the underserved Wrexham-London route

Yours sincerely



Darren Harley  
WSMR Mobilisation Director

Enc.

WSMR letter to ORR - 22<sup>nd</sup> July 2024

WSMR letter to ORR - 11<sup>th</sup> March 2025

c.c. Gianmaria Cutrupi, Aspirant Open Access Manager, Network Rail





## **Appendix 5**

### **WSMR route MPs' letter to Network Rail**

#### **25 April 2025**

## Appendix 5 – WSMR route MPs' letter to Network Rail 25 April 2025



### HOUSE OF COMMONS

LONDON SW1A 0AA

Sir Andrew Haines  
Chief Executive, Network Rail

25 April 2025

Dear Andrew,

We are writing to you as Members of Parliament serving the communities that stand to benefit significantly from the proposed re-introduction of a direct rail service to London, operated by WSMR. We are aware of the ongoing dialogue and representations for this application, and we have found WSMR to be proactive both in our local areas, and in their solution-oriented engagement with relevant authorities.

Since Avanti West Coast ceased operating this route in June 2024 due to what was cited as 'poor passenger numbers', passenger numbers have only continued to rise. Shrewsbury station hit over 2 million entries and exits in the latest release figures by the ORR, and Wrexham has returned to its pre-Covid peak levels. Yet these passengers are under-served by the lack of a direct service to London, reliant on connecting services that do not serve our communities effectively and are often beset by delays, complications and cancellations. This latent demand is crying out for services to fulfil our true potential as economically thriving places to work, visit and live.

The WSMR proposal offers five direct trains a day and is a marked improvement on a service that has operated in the past, with far more regular trains. Not only is there incredible untapped economic growth potential that would come from connecting these communities to London, and each other, but we would hope that you are able to honour the previous recommendation in Lord Hendy's Union Connectivity Review of the UK-wide connectivity that this link would support. The Marches area linking the Midlands to Wales and to the capital city, is an overlooked yet thriving commuter belt of high economic demographics, growing business base and some top-class football teams!

We understand that there is complexity in the allocation of paths into Euston with a number of open access requests. There is considerable regional and political support for this service, which was unduly cut at the end of the pandemic. As Members of Parliament for these communities, we know that the benefits such a service would bring to our constituents are significant in both economic and social terms, and would also assist in relieving capacity constraints on other routes in the area.

Since the first service 175 years ago, there have only been twelve of these years in which no direct service to London has operated. With the growth in rail, and the area's strategic position as a gateway for the Union, we believe it is essential that you prioritise the reinstatement of this longstanding direct connection with London.

## Appendix 5 – WSMR route MPs' letter to Network Rail 25 April 2025

we note the Secretary of State's support for WSMR in the Commons Chamber on 13 February 2025, and is following this case with interest. We share her view that there is a vitally important place for Open Access in Britain's reformed rail network. We believe that open access, especially in light of the franchised operators declining to offer such a service to our communities in the foreseeable future, is the only option on the table to reinstate a service that first operated in the 1850s.

The proposed WSMR service not only reconnects the Marches to London, but creates new train routes in the West Midlands, all of which we understand will have minimal abstraction from existing services, unlike other operators applying to operate on the West Coast Mainline. The WSMR route will directly link Shrewsbury and the Black Country to Coleshill, and provide a direct service to London from Coleshill Parkway, increasing the ability for residents to travel across the Midlands and down to London when needed.

We hope that this letter will open communication between ourselves and Network Rail, on this matter and more widely on cross-border rail services. We look forward to working with you over the next four years of this Parliament to mutually find ways to enhance rail services connecting our constituencies alongside the railway's broader restructuring and objectives.

We would urge you to commit to prioritising a positive response to the ORR's consultation and work proactively to find a way to expand the services to our constituents, as time is of the essence. Given that this route was previously available until two years ago we are hopeful that capacity can be found and seek your urgent confirmation.

We look forward to hearing from you in due course and we would welcome the opportunity to meet you to discuss this matter and your wider objectives.

Yours sincerely,

Julia Buckley, MP for Shrewsbury

Sureena Brackenridge, MP for Wolverhampton North East

Emily Darlington, MP for Milton Keynes Central

Shaun Davies, MP for Telford

Jodie Gosling, MP for Nuneaton

Helen Morgan, MP for North Shropshire

Mark Pritchard, MP for The Wrekin

Andrew Ranger, MP for Wrexham

Rachel Taylor, MP for North Warwickshire and Bedworth

Valerie Vaz, MP for Walsall and Bloxwich

Sir Gavin Williamson, MP for Stone, Great Wyrley and Penkridge

Steve Witherden, MP for Montgomeryshire and Glyndwr

cc: John Larkinson, Chief Executive, Office of Rail and Road

## **Appendix 6**

# **WSMR WCML South Performance Analysis**

**May 2025**

Enclosed a separate attachment with this letter

**END**