

Emyl Lewicki

Head of Freight and Open Access

Office of Rail and Road

Email: [REDACTED]

16 July 2025

Dear Emyl,

**Grand Union/Alliance response to Network Rail representations of 27 June 2025
on the Section 17 application for services between Marchwood and Waterloo**

I respond to the above representations from Network Rail on our recent application. Alliance has engaged with Network Rail for many months, initially receiving a degree of support from the organisation as we sought to progress engagement at a reasonable pace, so that the ORR would have the information it required to make an informed decision on the application.

On nearly all occasions, previous open access applications have encountered significant delay in ORR decision making because of Network Rail's inability to respond in a timely manner, often due to its inability to understand its own network and to follow due process. Disappointingly, that is the situation once again unfolding with this application from Alliance.

The Network Rail response is full of the negativity that we have experienced in the past. However, unlike previous applications in which we have been involved, this application is, in relative terms, more straightforward as there are no competing applications and capacity is not an issue. If it was, it would seem unusual for Network Rail to create an Industry Working Group (IWG) to look at a new Timetable for December 2026 in which there would be many more additional trains than the

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Marchwood – Waterloo and Marchwood – Southampton return circuits proposed by Alliance.

The lack of meaningful engagement with Network Rail, particularly in the last two to three months, has become concerning and has built unnecessary delay into the process which affects not only ourselves and our potential suppliers, but also other operators and the ORR.

The Alliance response will address points made by Network Rail in the order in which they have been raised.

Investment conditions

Our consultation for this service started in December 2024, which followed a site meeting with Network Rail at Marchwood on 3 December 2024 where the proposal and our plans were discussed. On 7 March 2025, Alliance also had a very helpful meeting with the Team that undertook the initial Network Rail study on re-opening the line to gain a shared understanding. On 2 May 2025 Alliance met Network Rail at Waterloo for an initial operations discussion about the Waterside Line where the scope of the necessary improvements was discussed, and where we made it clear that the matter needed to be moved on with some urgency.

Since then, Alliance has had little or no feedback from Network Rail, so it is disingenuous for Network Rail to infer it awaits information on our plans when the infrastructure provider will not properly engage.

Alliance is well aware that Network Change would need to be undertaken, but at the right time in the process. Where the infrastructure provider is unwilling to engage in any realistic manner, then the Alliance position is severely compromised and disadvantaged by importing unnecessary and unwanted delay into all aspects of our application.

Industry Consultation

Network Rail appears to have now unilaterally determined that the Alliance application is to be considered only as part of the IWG looking at a new December 2026 timetable. As we have pointed out to Network Rail, ours is the only application for passenger

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rights on this route at this time and was submitted for rights to begin in the May 2026 timetable, with the objective of services starting during that timetable period.

The reference to the Alliance response to the SWR position is not about the IWG and the December 2026 timetable, but the fact that SWR had indicated that they had been working with Network Rail on ongoing timetable development. Network Rail has not engaged with Alliance on its developing timetable; a position covered in more detail later.

We note the comments regarding power supply and would point out to Network Rail that in the risk register for the IWG December 2026 timetable, which seeks to introduce many more services than proposed by Alliance, power supply is not regarded as a significant risk.

Track Access Contract (TAC)

Alliance notes the comments regarding the proposed TAC which are normal at this stage and, as on previous occasions, Alliance would have no objections to the inclusion of a Schedule 11.

The Specified Equipment

Alliance has already advised Network Rail of the changeover time for power change, which will not require further dwell time at Totton.

Porterbrook, along with Atkins/Realis has been engaging with Network Rail for some time on the vehicle characteristics, and we have been frustrated by the lack of urgency from Network Rail. Porterbrook has been seeking to operate a special gauging train for some time and is only now, after many weeks, in a position to understand where there may be gauging issues to be addressed.

A meeting between the parties took place on 24 April 2025 where a significant amount of information was provided to Network Rail. However, no feedback was received until a few days before Network Rail was due to make its submission to the ORR on 27 June 2025. We are advised that Network Rail output for that submission was only undertaken a few days prior to 27 June 2025.

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There have been no informed discussions with Network Rail about the Class 769, concerning fleet recovery, route knowledge, vehicle change, or indeed about anything meaningful.

Alliance has made strong representations to Network Rail about its lack of engagement, a theme which runs throughout this response.

Capacity

We had not anticipated that Network Rail would not support the Alliance application based solely upon a draft timetable that we had developed to confirm to ourselves that capacity and paths were available, but would instead, use its understanding of its network to consider the overall capacity position. The paragraph below in italics is from Network Rail's 2026 Network Statement:

"Following an approach from a current or potential RU¹ we will advise on the likelihood of train paths being available on the relevant part of the network for the RU to operate a service. This will be based on the active timetable in operation at the time".

No such advice has been received from Network Rail, instead it has sought to not support the Alliance application based solely on potential issues with our initial draft timetable. Unfortunately, this type of behaviour from Network Rail is regularly faced by prospective open access operators, a position the ORR will be aware of from previous applications made by Grand Union and others elsewhere on the network.

In its response to the ORR Network Rail states that:

"The primary issues that have been identified with the proposal is the disregard of the Class 3, 5 and 8 services in the timetable.."

Alliance undertook a capacity exercise with the electronic file for the SWML provided by Network Rail and subsequently submitted to Network Rail an amended version with our proposed paths included, advising that a number of occasionally running (ad-hoc) empty stock, infrastructure maintenance and freight services and the Waterloo station area required further discussion. We then expected engagement as has happened on

¹ RU – Railway Undertaking

other routes, notable GWML and WCML, to progress the timetable. This did not take place, and our first awareness of issues was the Network Rail response to the ORR.

Upon sight of the Network Rail response, when checked against the file provided by Network Rail, it was that noticed an entire operator and a number of service groups of class 1, 3 and 8 classifications were missing from the file provided. These included one which contained in excess of 70 trains that interact at major and junction locations shared by our proposals. Several of the conflicts referenced involve the aforementioned missing trains. As a result, Alliance will not specifically address, in this response, the individual trains identified by Network Rail.

Alliance has also previously advised Network Rail, (where to be fair local operations staff have always been approachable and helpful), that Platform 5 is not critical to operating local services, and a number of other options are available. This has now been progressed following a positive meeting with local Network Rail operational colleagues on 7 July 2025.

Network Rail reference a number of 'operational considerations' initially discussed on 7 March 2025. This was a very positive meeting with the Team that developed the business case for reintroducing passenger trains on the Fawley Branch and was focusing on the potential solutions to address those operational considerations. It is unfortunately typical of Network Rail to put a negative spin on what was a very positive meeting. Alliance is aware of the position, but there is nothing in Network Rail's response that identifies any progress with those operational considerations as Network Rail steadfastly refuses to properly engage and co-operate, instead focusing attention on Alliance's involvement with the IWG.

Network Rail make further comment about SWR's and other operator's aspirations that might compete for capacity with the Alliance application. This is mixing aspirations with applications and is entirely at odds with Network Rail's position as the infrastructure provider. It is clear that Network Rail is seeking to roll all the aspirations into the same category as the live Alliance application, thereby discriminating against Alliance and putting us at a significant disadvantage. There are no competing applications.

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We suggest that Network Rail is in breach of its Network License. For the avoidance of doubt, should Alliance be awarded track access rights in line with this application, we will fully engage with the December 2026 IWG, just as we have done on other routes.

Key Location Performance Analysis

We are now aware that this work was completed on 23 May 2025, but no discussion was held with Alliance on the emerging output, instead, after a number of requests, Alliance was provided with the output on 25 June 2025, just two days prior to the Network Rail submission on 27 June 2025. Disappointingly Network Rail has not undertaken any actual performance analysis, instead it has simply reviewed a number of locations where Alliance trains would interact with others. It is therefore misleading for Network Rail to state that any performance analysis has been undertaken. As an example, below is the Network Rail 'performance analysis' at Northam Junction:

The GTR 1N – Brighton to Southampton Central services join onto the SWML at St Denys, running on the down slow line (DSL). The Alliance Rail 1B – London Waterloo run down on the fast line from St Denys towards Northam Jn, timed 1-4 minutes ahead of the 1Ns. At Northam Jn, the line goes from 4 lines to 2. The 1Ns would cross from the SL behind the 1Bs. The GTR services currently have an On Time performance of 72.9%, which is higher than the national average. However, with the 1Bs 1-4 minutes ahead of them, there is a risk that these services could be impacted.

In view of the missing information supplied by Network Rail to enable us to properly develop our timetable, and the paucity of Network Rail's performance work, we would suggest that the ORR treat with caution any information provided by Network Rail that seeks to support its position.

Complex and Competing Applications

Network Rail listed 10 applications that it stated were competing within the geographic area of our application, citing the ORR letter 24 April 2024. The industry is aware that the reasoning behind the ORR letter was the large number of applications (of which only a small number were open access) it was having to deal with on the WCML and

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to a degree the ECML. It would appear that Network Rail is seeking to take advantage of that letter to delay dealing with the Alliance application in a timely manner.

Of the applications listed, of which most are freight, some are already running on contingent rights, so should be in the timetable now, some are to relinquish a number of firm rights while seeking a smaller number of firm rights than are to be relinquished, and some are for more general changes and non-specific points. From what we have seen, most do not go near the SWML and one we could not find. The XC application is in respect of extending rights to 2027 and the reintroduction of some Reading-Newcastle services.

In essence, none of the applications listed has any material impact on the timetable that Alliance is trying to develop with Network Rail, and indeed the Network Rail response to the ORR is the first time the issue has been raised, as indeed are a number of matters in its response.

Waterside Line & Additional Considerations

We are not sure why Network Rail would, at this stage, go into some detail on what is required to bring the Waterside Line up to passenger standards. Alliance has had a number of meetings with Network Rail, both operationally and with the Network Rail National Programme team. Meetings have also been held on site, and we have been trying to move the issue forward for many months. Our discussions have covered the topics listed by Network Rail; Level crossings, signalling, track and maintenance, power and resources.

With guidance from the National Programme team based on their experience from the RyR (Restoring your Railways) programme and other recent rail reconnections, we have been looking at the Gross Disproportion Risk Factor (GDRF) process which requires projects to weigh the costs of a proposed control measure against its risk reduction benefits. GDRF principles have been successfully applied to establish pragmatic solutions on several recent re-openings, notably the Northumberland Line, and the principles continue to be applied to risk management on level crossings across the rail network. Network Rail Route need to properly engage so that GDRF based evaluation can take place on the Waterside Line.

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Alliance can only presume that in its response, Network Rail is trying to present the situation to make it look as if little progress has been made by Alliance in trying to move matters forward, whereas, as infrastructure operator, the current action lie with themselves.

Conclusion

Network Rail is required to work with operators, so being '*willing to continue working with Alliance*' is a disappointing (and unnecessary) statement, but is a pointer to their mindset - that open access is something that they have to tolerate, but in which they have no positive interest.

Not for the first time, Network Rail is again highlighting the timetable via the SWML IWG when the Alliance application is based upon introducing services during the timetable that begins in May 2026, prior to the IWG timetable date.

We would ask the ORR to bring pressure to bear on Network Rail in this instance to ensure that engagement is significantly improved so that progress can be made to a more realistic position on available capacity to enable ORR to be in a position to make a decision in a reasonable timeframe. We would suggest that an urgent meeting is required, led by the ORR to address the many concerns raised in this response.

As mentioned previously we would ask the ORR to note the lack of due process by Network Rail and the delay this has imported into the application, to the disbenefit of Alliance and our potential suppliers. We will be writing separately to the ORR on this particular matter.

Yours sincerely

Ian Yeowart

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