



Emyl Lewicki
Head of Freight and Open Access
Office of Rail and Road

Joseph Brown
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Network Rail Infrastructure Limited

18 July 2025

Dear Emyl,

Network Rail Representations for the 4th Supplemental Agreement submitted under Section 22a of the Railways Act 1993 for the Track Access Contract between Network Rail infrastructure limited and First Rail Wales and Western Limited dated 13 June 2023.

This letter provides the initial representations of Network Rail Infrastructure Limited (Network rail) in respect of First Rail Wales and Western Limited's (FRW&W) Section 22a application for a proposed 4th Supplemental Agreement between Network Rail Infrastructure Limited (we) and FRW&W to add a new service group to operate the following services from the Principle Change Date (PCD) 2027 to PCD 2037:

- 2 return weekday, 2 Saturday and 1 Sunday services between London Paddington and Hereford.

We have not had the opportunity to work on this application in collaboration with FRW&W due to the commercial implications of the application¹. However, since we were made aware of this application on the evening of 05 June 2025, analysis of the application commenced to assess the impact that it would have on the network. Whilst this letter represents our initial response to the application, as is noted in the respective sections below, the complexity of the interaction of the proposed access with both existing and other proposed services, the finalised evaluation of level crossing risk mitigations and operational considerations have not been able to be fully explored at this time to be able to make final representations in these areas.

Despite this, given the capacity conflicts identified to date, particularly when coupled with the known conflicts with future service commitments, we are not currently in a position to be able to support FRW&W's application. The above notwithstanding, we request the opportunity to have time to further assess the application in collaboration with FRW&W on the areas identified. Whilst we believe it is unlikely we will be able to support this application, owing to the strong conflicts with the strategic plans for the railway network and lack of available capacity, we do acknowledge that some of the challenges identified thus far may be resolved through further discussion and analytical workstreams.

¹ First Rail Wales and Western Limited, *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, p. 4, 05 June 2025

Interested Parties

Network Rail is not aware of any persons who would fall within the definition of “Interested Person” in paragraph 1 of Schedule 4 of the Railways Act 1993 in relation to the application made by FRW&W.

Capacity

Under the grounds of capacity, we are currently unable to support the application of the proposed services. Our Capacity Planning team has carried out a detailed assessment of the proposed paths, from a weekday perspective, and this timetable study is included as Appendix 1 to this response. From the timetable analysis of the weekday services, all the schedules requested have only had viable paths found with major flexing to other services being required, and some conflicts still need to be resolved. Timetable analysis of the weekend services is still ongoing.

We are aware of competing aspirations for capacity on Western between Swindon and Didcot Parkway, which are First Greater Western Limited’s 301st Supplemental Agreement, Midland Central and Western Railway’s Section 17 application for a New Track Access Contract², and FRW&W’s 03rd Supplemental Agreement³. In this section, we believe there is only potential capacity for one new hourly service in this section; therefore, a choice is likely required between competing aspirations.

As mentioned above, analysis undertaken to date indicates that there remains potential for this area of the network to support one additional service in each direction per hour. We are currently conducting capacity analysis to review how current passenger and freight services can be resolved with other proposed applications in this area.

The Capacity Planning timetable study is based on the following assumptions:

- The assessment was made against the December 2025 timetable offer at D-26.
- In addition to the December 2025 timetable, FRW&W’s London Paddington – Carmarthen paths, and the paths for Go-op’s Taunton – Westbury – Swindon, were considered. Both have access rights.
- The assessment did **not** take into account any foreseen changes from the Old Oak Common (OOC) construction phase, which is likely to see a re-write of the Great Western Mainline from December 2028 (date not yet confirmed) with additional time required in services between Old Oak Common and London Paddington to account for a new permanent speed restriction, and changes to timings into Paddington as part of a future Timetable Planning Rules (TPR) review. The timetable for this has not been developed and will be done so once a new programme date for the construction phase is confirmed.

Platforming

This remains a high-risk item as constraints already exist within the capacity and routing at London Paddington and the area regularly sees low levels of performance. For example, in the December 2024 timetable, on-time was 58.8 %, on-time to 3 was 77.2 %, and on-time to 15 was 85.2 %. For June 2024 on-time was 55.1 %, on-time to 3 was 73.3 %, and on-time to 15 was 81.5 %. This is particularly pertinent with proposed turnaround times being close to the minimum required by TPR’s which will impact on the resilience of

² Midland Central and Western Railway (MCWR), *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, 10 February 2025

³ First Rail Wales and Western Limited, *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, 04 December 2024



the service departing London Paddington for Hereford and wider performance at London Paddington. Given that the current ORR regional target for on-time is set at 60.4%, the risk is pertinent. It should be noted that no punctuality targets have been set beyond year 2 of the control period.

Our current analysis indicates that we can accommodate 1L86 and 1B96 at London Paddington. However, the morning down departure and evening up arrival haven't been able to be evaluated or verified. This is due to the ECS moves for these services not being available for analysis. As previously advised, this analysis is solely from a weekday perspective at present.

It is important to note that the application requires the use of platform 2 at Hereford. However, this isn't a fully signalled move. As such, if FRW&W wishes to utilise this platform as demonstrated in their proposed paths, we would require that FRW&W fund the required signalling upgrade to facilitate this application. The sole alternative would be to shunt to platform 2 from platform 3, via the north end of the station. As the platform is only partially signalled, it is only possible to utilise platform 2 as a calling on signal. Calling on signals can only be used for non-passenger (ECS) shunting movements. From a capacity perspective, this could be feasible, given the turnarounds at Hereford. However, this would import too much risk from the additional moves which would be required to facilitate this from both an operations and performance perspective for this to be permissible.

Performance

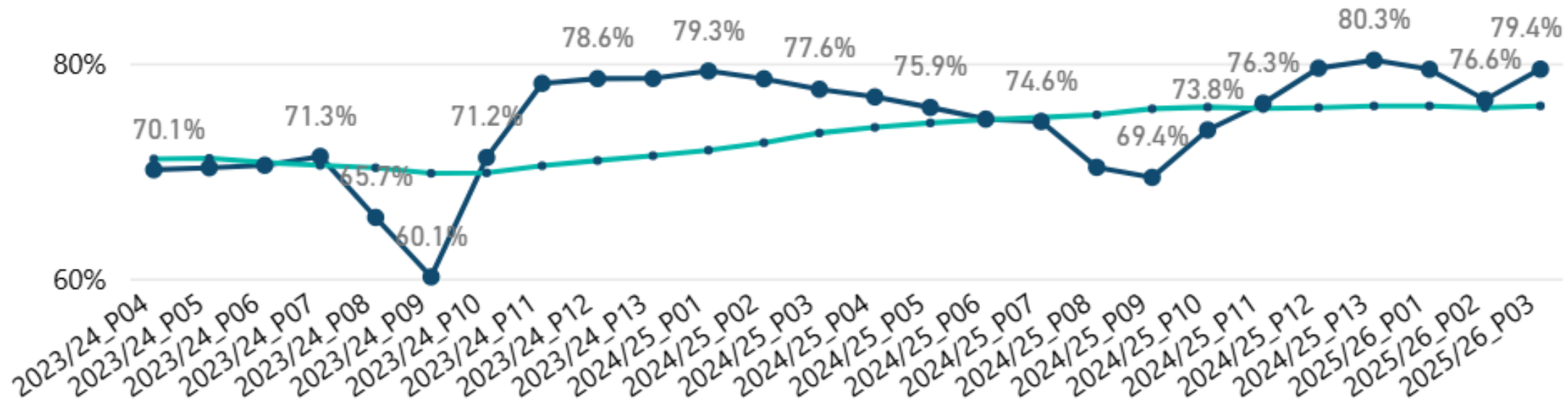
Performance throughout Wales & Borders Route has improved since the introduction of the December 2024 Working Timetable (WTT) and continues to improve through the current operating period of the May 2025 WTT. Subthreshold delay caused by the operating plan across key lines of route is demonstrating an improvement and further improvement is forecast in the December 2025 WTT, with several strategic actions being lined up for implementation and overseen by the Wales & Borders Timetable Taskforce. Following an in-depth post implementation review of the December 2024 WTT, Train Operating Companies within our Route have confirmed plans to amend sectional running times (SRTs) in the December 2025 and May 2026 WTTs – with also making further amendments to stopping patterns and dwell times across stations to mitigate station overtime and loss-in-running delay events. We have also taken the opportunity to review and redistribute Engineering Allowances across our route to reflect the improvements made in reducing temporary speed restrictions (TSRs) following engineering work.

Our On-Time-to-3 Performance Forums are taking place on a periodic basis and are providing a strategic focus on impacts to day-to-day performance; each forum is driven by data outputs from our analysis team and utilises the industry agreed Whole System Performance Model to drive changes. Recent focus has been put on Points based infrastructure and detection equipment to build a high performing railway; all of this is overseen by the Joint Performance Improvement Centre forum where a strategic theme is agreed upon by Network Rail and our industry equivalents within the TOCs. Other examples have included a focus on station working at Carmarthen, axle counter failures along the South Wales Main Line and vegetation management between Wrexham and Bidston; all of which have brought sustainable result to our operational performance.

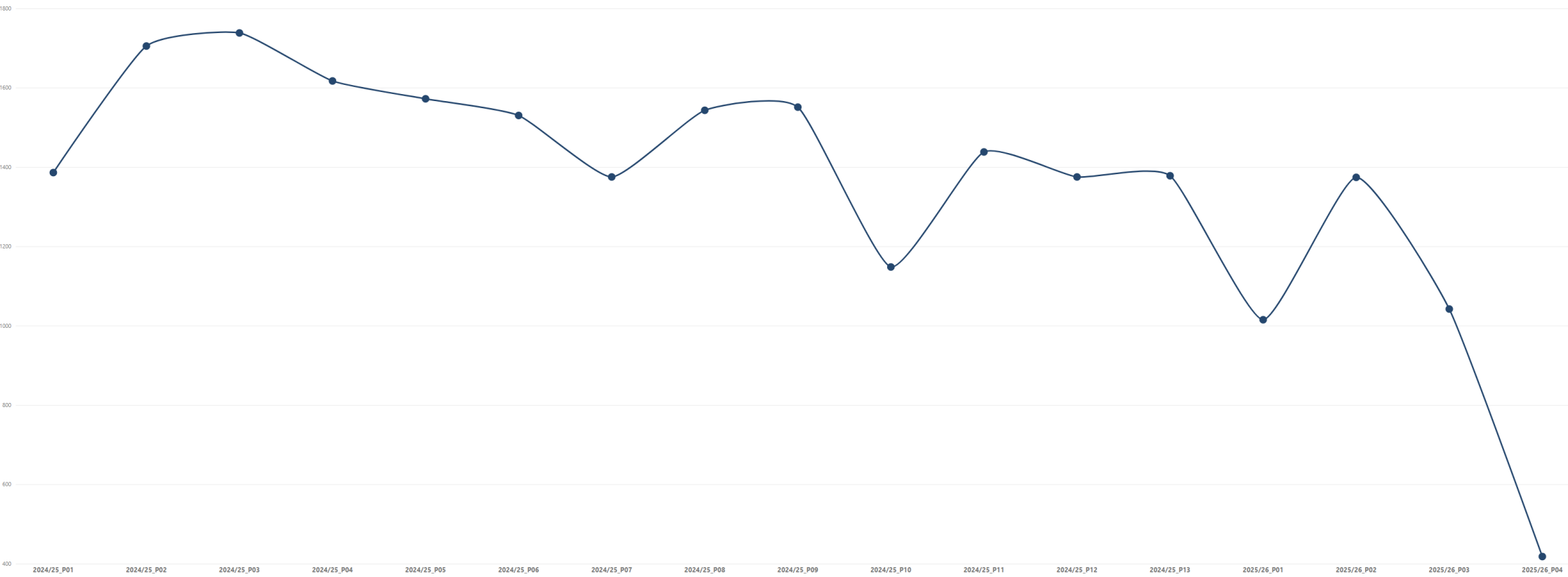
Wales & Borders Route has been leading the way with devolution with the establishment of the Local Railway programme in 2023. This endeavour empowers local staff to use their subject matter expertise to make the railway in their area reliable and resilient, whilst delivering efficiencies for the taxpayer through resolute decision making. The next Local Railway to be established will be the Marches Local Railway covering Newport to Wrexham and Nantwich, incorporating the key stations at Abergavenny, Hereford and Shrewsbury. This is due to commence by the end of calendar year 2025 – more information will be released as it happens.

OnTime% OnTime% MAA

OnTime% and OnTime% ...



Below graph is sub-threshold delay across Wales & Borders:



In analysing the impact of this application to performance, due to the interdependencies on the output of the capacity assessments, we have not been able to provide a thorough review of performance. Once the capacity assessments are available, we will proceed with this review and will provide this in later representations. From our current review of performance, at Hereford, 1B78 sits on Platform 2 for forty-five minutes, whilst 1B86 arrives on Platform 2 and the return 1Lxx departs from Platform 3 two hours later. Given that ECS plans have not been shared by FRWW, we are unable to assess any potential shunt moves or plans for where the service intends to sit. We do note the potential resilience and reduced possibility of late running on the inbound (1B78) carrying onto the next service (1Lxx) and causing reactionary delay. However, this does cause potential issues with service recovery, as platforms which could be used for service recovery would be occupied and unable to be utilised, which lowers our operational resilience.

The timing load used in the proposal between Maindee North Jn and Hereford is a Class 67 and 140 tonnes trailing load. However, these trains are anticipated to be Class 802 units, which will have a difference in Sectional Running Times. Class 67 units have poor acceleration in this area, as such, these are not an appropriate proxy for a Class 802 unit. We are in the process of creating the SRTs for Class 802 units.

Safety Risks - Level Crossings

In total, fifty-nine level crossings have been identified that interact with this application. The crossings of particular concern will be detailed below. Whilst the increase in risk for this application, when assessed in isolation, is minor, due to the low service levels proposed, it is important to note that both routes also have live applications which also interact with a number of the same level crossings. These applications are clarified on page 9 of this response. These applications will cause cumulative issues, which we could not support, if all current applications were approved.

From a Wales and Borders route perspective, FRW&W's proposal will interact with fifty-one level crossings. This consists of two road crossings, thirty-one footpath crossings, and eighteen user work crossings. The two road crossings identified, Tram Inn and Bishton, will be impacted by extended wait times for public vehicles. It is important to note that Tram Inn is also in the vicinity of a new housing development, so we will also potentially see additional users of this. In addition, we note that there are the following crossings which have been identified as requiring minor works prior to any timetable uplift being supported. It is also important to note that this work is currently unfunded.

- Llantillo Pertholy 162: this requires improvement to the crossing approach prior to any uplift.
- Kilpeck 26: this is currently an undecked crossing and would require a deck to be installed prior to any uplift.
- Abergavenney 18: currently an undecked crossing and would require a deck to be installed prior to any uplift.
- Maerdy: this has stepped access and a step within the deck, both the approach and deck require improvement prior to any uplift.
- Goetre Fawr 78: there are minor works in the work bank for both the approach and deck, which are required for any uplift.
- Tucking Mill: fencing improvements required to approach the Level crossing prior to any uplift.

There are five crossings to highlight as having potential causes for concern in the event of a timetable uplift. These are as follows:

- Manning Upper House: We are awaiting the results of an investigation into a near miss and any recommendations which may be required following this investigation. We would note that this

investigation could impact timetable change decisions and may additionally require mitigations to be implemented.

- Crucorney Fawr 319: there has been a near miss in recent years involving school children. A recent census has shown groups of young people and mountain bikers crossing. Analysis is currently being undertaken by the Level Crossing Manager to establish if intervention is required for additional users, which would be required ahead of any uplift.
- Hills: currently a supplementary audible warning system in place at this crossing. We are awaiting decisions on the future of this equipment. In addition, we note that there is deficient sighting in the down direction.
- Llancillo Hall: there is a new AU with agricultural business, the full impact of this has not yet been established and will need to be assessed ahead of any service uplift.
- Howton Court: accesses a quarry, it should be noted that, although there is currently good telephone discipline, this crossing does have a high level of usage and will be impacted by service uplifts.

There are also three level crossings which are currently temporarily closed. There are no plans to reopen these crossings. However, there is always potential that the closure is not supported and cannot be realised. As such, other mitigations would then be required ahead of any uplift. The crossings are as follows:

- Ashely: this is pursuing permanent closure.
- Haywood 8: this is pursuing permanent closure.
- Abergavenny Rural No. 7: this is temporarily closed; a six-month extension has been applied for. The long-term aspiration is to divert, though this will be an issue if needed to reopen.

The two Level Crossing Managers in Wales & Borders route, involved with this application, have not expressed any major concerns with regards to the Hereford to Paddington services due to the low number and we will pursue the minor works identified in the work bank, if the application is approved. However, whilst there are lower numbers in this application, we do note that there is a concern to be raised when reviewing this application alongside other applications for this section of geography. In reviewing the Liverpool & South Wales Railway's Section 17 application for a New Track Access Contract⁴, and the Transport for Wales Rail Limited's aspiration for services between Liverpool and Cardiff from the December 2029 timetable change alongside this application by FRW&W, we note that there is a total proposal of approximately seventeen new services in each direction over fifty of the level crossings identified. If all applications were approved, this would bring a significant risk of misuse. It is important to note that this section is, approximately, a fifteen-minute-long section, which would increase the waiting time of users at the user's work crossings, which could result in increased misuse of the crossings. Further mitigations to what have been identified above would be required if all three uplifts were approved.

From a Western route perspective, eight level crossings have been identified that interact with this application. All Level Crossing Risk Model (ALCRM) modelling has been completed and shows an increase in calculated risk of 2 % at each crossing when compared to its presently calculated risk. No crossings are calculated as having a decrease in risk because of this application. Cost Benefit Analysis (CBA) and Gross Disproportionality Testing (GDT) has not yet begun, but this will identify the reasonable practicability of ensuring that all risk increases will be kept within tolerable levels. We will provide a report as soon as this is completed.

⁴ Liverpool & South Wales Railway (L&SWR), *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, 10 February 2025

It must also be noted that FRW&W's 03rd Supplemental Agreement⁵, to introduce a Paddington - Paignton service, will also impact these same eight level crossings. When the impact of both applications is modelled together, the average increase in calculated risk across the eight crossings increases to 7.5 %, with a low of 6 % and a high of 8 %. As is the case with this application in isolation, CBA and GDT has not yet begun for the increase of the two combined applications. We are aware of other applications which also intend to operate over these crossings, such as First Greater Western Limited's 301st Supplemental Agreement. The cumulative impact of all live applications on the eight crossings has not yet been assessed, due to the dependency on understanding the output of the ongoing capacity assessments.

Operations

From an operations perspective, we have not been provided with sufficient detail to provide an assessment at this time. We appreciate the detail that has been provided with the proposed passenger services. However, a lack of visibility for the supporting ECS moves means we cannot fully resolve our concerns. In order to be able to fully assess the operational impact, as well as capacity, performance, and any safety implications, we would require precise information and datasets to produce an informed view, which is in the interest of passengers and users. A satisfactory level of operational information is also important to create a risk-free, reliable, and resilient timetable and assists in avoiding over allocating capacity. We would have to consider the provision of information, such as but not limited to the below, to fully assess this application:

- Driver training.
- ECS movements, acknowledging that certain moves may require infrastructure changes.
 - As previously stated in the Capacity section of our response, we have noted the signalling upgrade which would be required to enable the use of platform 2 at Hereford.
- Confirmation that the rolling stock will be fitted with digital signalling (ETCS) to ensure the future operability of the intended fleet, as per the current published Network Statement⁶.
- Operational contingency plan, including proposed diversionary routes for planned or unplanned disruption.
- Rolling stock depot strategy.
- Rolling stock maintenance plan.
- Rolling stock stabling.

We welcome the opportunity to work with FRW&W to allow us to assess their proposal and address our concerns before we can support the application.

Maintenance

Network Rail notes that the services, along with their supporting ECS movements, may need to be diverted via the usual accepted routes in the case of planned engineering work. As an example, we note that there may be a requirement for services to be able to divert via Gloucester or Bath. Indeed, there may also be a requirement to divert the trains to reverse at Newport Station, should Maindee East Junction be blocked. We would require that all services and accompanying ECS movements do not impact the prompt taking of planned engineering work, nor should it fall foul of Section 4 of the Engineering Access Statement. Currently, due to the ECS plans not being shared with us by FRW&W, we have not been able to fully assess this to address our potential concerns.

⁵ First Rail Wales and Western Limited, *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, 04 December 2024

⁶ Network Rail Infrastructure Limited, *Network Statement 2026*, p. 27-28, 08 November 2024

Future service commitments and the Long-Term Planning Process (LTPP)

The FRW&W application should be considered alongside the anticipated use of network capacity during the period for which rights are sought, not only against the current working timetable. This is particularly relevant to the duration of rights sought and the time before the proposed commencement date. This proposal will impact network capacity until 2037, which is close to our current strategic planning horizon.

It is necessary for us to consider other current and live applications which this application interacts with. It is our belief that this application interacts with First Greater Western Limited's 301st Supplemental Agreement, Liverpool & South Wales Railway's Section 17 application for a New Track Access Contract⁷, Midland Central and Western Railway's Section 17 application for a New Track Access Contract⁸, and FRW&W's 03rd Supplemental Agreement⁹.

In addition to the above, we also have concerns over freight growth and our ability to meet regulatory targets, particularly on the Great Western mainline between Oxford and Bristol. We would also like to note the future capacity required to serve the arc furnaces TATA are building at Port Talbot to retain UK steel manufacture. From an aspirational perspective, an hourly freight path each way would service foreseeable requirements.

It is also essential to consider network capacity constraints that are planned to occur during the period for which rights are sought, and the industry planning undertaken to mitigate those constraints. Chief among these is the impact of the construction of Old Oak Common Station, which is further detailed below. As previously referenced, there are also the aspirations held by Transport for Wales Rail Limited for services between Liverpool and Cardiff from the December 2029 timetable. Equally, we are aware that Transport for Wales Rail Limited have aspirations to operate services between Cardiff Central and Bristol Temple Meads from the May 2026 timetable, which are joint Welsh Government and UK Government priorities.

Finally, it is essential to consider how the network itself can be expected to change in the relevant period and the impact that this will have on the timetable capacity into which FRW&W services are looking to integrate. Particularly relevant is the introduction of Old Oak Common.

FRW&W's Form P indicates that this consideration has taken place in stating 'none of the rights sought are inconsistent with any Long-Term Planning Process'¹⁰. We do not regard this as an accurate statement, as per the above paragraphs, and therefore do not support the proposal in this respect. We will expand upon this position in both the Wales and Borders Route & Western Route subsections of this response.

HS2 Old Oak Common (OOC)

Construction

Ongoing OOC construction involves extensive periods of two-track timetable in the inner Thames Valley, up to 33 Sundays per year. Extensive timetable development has been undertaken to satisfy the passenger handling requirements whilst making best use of available capacity. Furthermore, all existing access rights cannot be

⁷ Liverpool & South Wales Railway (L&SWR), *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, 10 February 2025

⁸ Midland Central and Western Railway (MCWR), *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, 10 February 2025

⁹ First Rail Wales and Western Limited, *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, 04 December 2024

¹⁰ First Rail Wales and Western Limited, *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, p. 6, 05 June 2025

fully accommodated during periods of two-track operation. For FRW&W services to run during these periods other operators with existing rights would have to surrender paths. The existing passenger handling plan would need to be amended, with some existing services removed. As such, the sale of further firm access rights on a Sunday will apply greater pressure on already constrained network capacity.

OOO construction will also impose speed restrictions during normal operations, which will limit capacity. Initial analysis of the construction impact demonstrates challenges in sustaining December 2024 peak traffic volumes. This will be further analysed through the 'Wales & Western Region Performance Improvement Plan.'¹¹

Extensive work has already been undertaken on the construction phase timetable including through the established Industry Planning Group. The FRW&W application needs to be considered in relation to this work. We have not had the opportunity to do this since receiving the application. We have invited FRW&W to attend the Industry Planning Group and will jointly assess this with FRW&W and other members of the group.

Station Operations

The assumption remains that all main line services will call at Old Oak Common station. Analysis over a long period of time has shown it is not possible to operate non-stop trains alongside stopping trains at Old Oak Common without reducing the overall quantum of trains. Work has already commenced on the end phase timetable through the established Industry Planning Group. The FRW&W application needs to be considered in relation to this work. We have not had the opportunity to do this since receiving the application.

Wales and Borders Route LTPP

From a South Wales perspective, significant investment has been committed by UK Government, in the Spending Review 2025¹², for the upgrade of the Relief Lines between Cardiff Central and Severn Tunnel Junction, and the delivery of five new stations which have been developed as part of the South East Wales Transport Commission (Burns) to deliver modal shift onto the railway from the M4.¹³ It is currently envisaged that these new stations will be served by proposed additional Transport for Wales Rail Limited services between South Wales and Bristol, funded by Welsh Government.

The Wales Rail Board, comprising of Welsh Government, UK Government, Transport for Wales Rail Limited, and Network Rail, has developed a programme of priorities for rail investment across Wales. This includes several key aspirations and strategic priorities for additional services between South Wales and Bristol, Cardiff and Abergavenny, along with Cardiff and Cheltenham. This is in addition to freight growth proposals, including those impacting on Port Talbot steelworks, and committed FRW&W services between Cardiff and London Paddington.

There are capacity challenges throughout the South Wales Main Line, with specific constraints around key junctions and the Severn Tunnel in particular. These capacity challenges were identified in development work carried out by Transport for Wales and funded by Welsh Government and the Department for Transport, who are undertaking the work to support the proposed new 'Burns' services between West Wales and Bristol in the future. Timetable work and further development is being funded this financial year to explore these constraints further as well as potential interventions which can then be built into any future development.

¹¹ Network Rail Infrastructure Limited, *Wales & Western Region Performance Improvement Plan, Network Rail's Response to the ORR Investigation Report and Final Order (10 July 2024)*, 09 November 2024

¹² HM Treasury, Chancellor of the Exchequer, *Spending Review 2025*, 11 June 2025

¹³ South East Wales Transport Commission, *Final Recommendations*, 25 November 2020

Western Route LTPP

We consider the Greater Bristol rail network strategic study¹⁴, the Reading Area strategic study¹⁵, and the London Paddington Reading Corridor Study of 2021 as relevant to this application. We regard these published strategic plans as formal outputs under the LTPP. Consideration of uses of network capacity across this section of the network in Western Route should refer to these plans.

The fundamental feature of fast non-stop services between London Paddington and Bristol *does not* feature conflicts with LTPP recommendations on development of the use of capacity. These focus instead on delivering local and inter-regional connectivity, for example with the introduction of a direct hourly service between Bristol and Oxford, which is proposed under First Greater Western Limited's 301st Supplemental Agreement. Such a service would compete for the same network capacity as both of FRW&W's proposals and therefore are not compatible. This represents an opportunity cost of the FRW&W proposal, whereby a key LTPP recommendation for use of network capacity would not be able to be implemented, should this FRW&W application be approved, given the previously identified lack of available capacity for all proposed applications to be approved.

In addition to the conflicts already identified, the following list contains potentially conflicting services which have been identified under the LTPP process.

Service	Driver	Interface with FRW&W services	Status
Half hourly Exeter-London Paddington (via Westbury)	Greater Exeter strategic study; Peninsula rail corridor strategic study	Reading-London Paddington	LTPP recommendation
Hourly direct Bristol Oxford	Greater Bristol rail network strategic study	Bristol-Didcot Parkway	LTPP recommendation (live Section 22a application)
Freight services in Somerset	Gravity Campus and gigafactory	Bristol	LTPP recommendation

We have not yet had the opportunity to consider the FRW&W proposal against any of the proposed services listed above. We would need more time to work in collaboration with FRW&W to understand the fit, along with trade-offs required, with the services identified above as meeting future strategic needs. However, as explained previously within the application, we believe that there is insufficient capacity to operate all current live applications for proposed services.

Form P Application and Track Access Contract

From the proposed changes, whilst Network Rail cannot currently support them, we would request that the consultation documents be updated to resolve a discrepancy which currently exists between the proposed paths and the Supplemental Agreement/Form P. To explain, one of the current paths, specifically both the weekday & Saturday paths for 1L84 has a call at Reading station. However, neither the Supplemental nor the

¹⁴ Network Rail Infrastructure Limited, *Greater Bristol rail network strategic study*, 28 February 2023

¹⁵ Network Rail Infrastructure Limited, *Reading area strategic study*, 28 February 2023

Form P¹⁶ request any rights under Table 4.1 for Reading station. We would either require agreed paths which did not have services calling at Reading, or an updated application which better reflects the intentions of FRW&W.

We acknowledge the other changes to the TAC, outside of Schedule 5, that FRW&W has included within its application¹⁷. As Network Rail currently does not support this application, we are unable to agree to the changes referenced within the Form P. However, should we be able to support the application, we would agree with these changes.

Investment Conditions

We note that FRW&W within the Form P has not identified any potential costs in relation to the delivery of network enhancements¹⁸. It is our view, from the potential risks already highlighted, that physical interventions may well be required to mitigate risks that this application imports. Indeed, as stated earlier in the letter, there are already mitigations identified which would require investment to resolve current identified issues. Until our full analysis of the application is complete, we will not be able to confirm the investment conditions that will be required.

¹⁶ First Rail Wales and Western Limited, *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, p. 4, 05 June 2025

¹⁷ First Rail Wales and Western Limited, *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, p. 3-4, 05 June 2025

¹⁸ First Rail Wales and Western Limited, *Application to the Office of Rail and Road for a passenger track access contract, or an amendment to an existing Contract*, p. 8, 05 June 2025

Conclusion

We are not currently able to support FRW&W's application. As stated, there are several outstanding issues to be resolved concerning the application.

Our capacity assessments undertaken to date has identified that we do not believe there to be sufficient capacity to be able to operate all current proposed applications between Swindon and Didcot Parkway. As previously stated, current analysis indicates that we believe that there is only potential for one new hourly service in this section. In addition, our capacity analysis of the weekday services highlighted numerous non-compliances between the proposed paths and other existing services, as well as services from already funded and committed projects, such as OOC and Burns, which we do not currently believe can be easily resolved through the flexing of other operators' services. Based on this assessment, our conclusion is that we are currently unable to accommodate the access rights sought by FRW&W owing to the capacity challenges identified and taking into consideration the other risks which we have identified. We are undertaking capacity analysis and performance analysis, which we believe we will be in a position to share with ORR in mid to late August. Furthermore, it is referenced earlier within this letter that there are outstanding questions to inform our position on operations and maintenance, owing to not having sufficient detail to assess the application, which we need to be addressed to ensure that the application will not cause unacceptable impact upon the performance of the railway network.

We strongly feel that consideration of the application should consider not only current use of network capacity but also committed, planned, and anticipated use of network capacity over the duration of the rights sought. Whilst we have not yet had the chance to assess these impacts due to only recently being made aware of the proposal, we regard it as highly likely that the proposed services will impact on the ability to deliver committed services; those that deliver the benefits of committed investment plans; and strategic plans for use of network capacity established in the LTPP.

We do acknowledge that, whilst currently being unable to support weekday proposals, as outlined in this response, there is further analysis required to form a final view of all the proposed services.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read "JB", with a stylized flourish at the end.

Joseph Brown
Customer Manager
Wales and Borders Route