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Office of Rail and Road
By email only

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Network Rail Infrastructure Limited
By email only

05 December 2025

Dear Emyl,

Network Rail Infrastructure Limited Representations for a New Track Access Contract submitted under Section 17 of the Railways Act 1993 between Network Rail Infrastructure Limited and First Rail Stirling Limited (XC Services)

This letter provides the representations from Network Rail for a new Track Access Contract (TAC) submitted under Section 17 of the Railways Act 1993 between Network Rail Infrastructure Limited (we) and First Rail Stirling Limited (First Rail).

The application was submitted by First Rail to the Office of Rail and Road (ORR) in October 2025, which included the submission of the Form P and a draft Track Access Contract. First Rail aspire to run the following services from the Principal Change Date in 2028 to the Principal Change Date in 2033:

- Six (6) trains per day in each direction on weekdays (SX), five (5) on Saturdays (SO), and up to four (4) on Sundays between Cardiff Central and York
- One (1) train per day in each direction on weekdays and Saturdays, and up to one (1) on Sundays between Cardiff Central and Derby
- One (1) train per day in each direction on weekdays and Saturdays, and up to two (2) on Sundays between Derby and York

The purpose of this representation is to provide ORR with Network Rail's position on this application (and the specific access rights within it) and will do so by providing facts, data and evidence to support our position.

Network Rail can confirm that based on the facts, data and evidence outlined in this representation, it is

not supportive of this application. Our rationale for not supporting this application is explained in the following sections.

Competing and/or Complex Track Access Applications

In line with ORR's letter of 24 April 2024 to the industry on 'Competing and/or complex track access applications for December 2024, May 2025, and December 2025 timetable changes', Network Rail has now submitted all of its final representation on those applications and ORR has directed on a majority of those applications.

As part of the 'Competing and/or Complex applications' workstream, Network Rail also submitted three relevant General Representation letters to ORR as follows:

- West Coast Mainline (WCML) General Representation dated 07 February 2025
- WCML General Representation dated 25 April 2025
- East Coast Mainline (ECML) General Representation dated 14 March 2025

Whilst this application is not part of that workstream, there are elements of the general representation letters for the WCML and the ECML which are relevant to this application and, where applicable to particular sections of this letter, references and / or extracts from those letters will be made.

Interested Person(s)

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 First Rail.

Form P Application and Track Access Contract

Network Rail acknowledges the TAC that First Rail have included with their application. As we do not support this application, we cannot agree with the terms drafted in the TAC.

Network Rail has performed an initial assessment of the Form P and associated documents submitted with this application.

Network Rail would like to highlight the following:

Form P

First Rail's mentioned in section 4.2 ('Capacity') of their Form P that "a timetable study has been carried out". We would like to have sight of the study, if possible. First Rail have confirmed that this consisted of examining the December 2025 Working Timetable and looking for gaps. We do not consider this a suitable timetable study methodology. Additionally, we would note that post-December 2025 changes should be taken into account, such as the new Transpennine Route Upgrade (TRU) paths.

Track Access Contract

- *Company Number*
    - Network Rail would also like to highlight that First Rail has also submitted two other Section 17 Applications under the same company name and number (11408012), but with differing expiry dates and for access rights which are not included in the current TAC or

this new application. Network Rail would like clarification from First Rail if this is an interim measure until new company names and numbers are created, or if First Rail plans for all of what is requested in these applications to be part of one contract. If it is the latter, Network Rail would like the opportunity of viewing a draft of that proposed contract were ORR to direct on all or some of these applications. The consideration given to these applications as one or three separate contracts will be different. Based on the current status of the applications we will review them as separate applications, but will make comments or references in the individual representation letters where Network Rail feels there is a collective point to be made to all three applications.

- *Contract commencement vs Service Commencement*

    - We assume the applicant may plan to undertake driver training and testing before the services commence. The ORR may wish to seek assurances from the applicant as to whether the proposed commencement date of the services is realistic considering the rolling stock has not yet been confirmed, driver training / testing will need to commence and the necessary vehicle and route acceptance to be obtained in time.

    - The 'Expiry Date' mentions two different dates. We assume that the correct date is the 'Principal Change Date in 2033', as indicated in the 'End Date' of First Rail's Form P.

    - The 'Longstop Date' must be set one year after the 'Effective Date', therefore, it should correspond to the 'Principal Change Date' in 2029.

    - Clause 3.2, 'Conditions precedent to Clause 5': has been amended by First Rail with the inclusion of additional wording for testing and training. The proposed new TAC contains the same Conditions Precedent clauses that are in the existing TAC, which were due to be met by SCD 2025 and with a Longstop Date of 17 May 2026. These conditions have not yet been fully met:

        - A passenger licence granted under section 8 of the Act; and/or a European licence and corresponding SNRP.
        - Agreement to become a party to the Claims Allocation and Handling Agreement
        - A signed access agreement with Network Rail granting First Rail Stirling permission to use London Euston station

    - Clause 5.6, 'The Services and the Specified Equipment': the reference to Schedule 12 must be removed, given that there is no Schedule 12 in this TAC.

    - Clause 19.2, 'Definitions': the "Previous Access Agreements" definition should not be marked 'Not Used', as First Rail already has an existing TAC under company number 11408012.

- *Schedule 5*

    - Clause 2.1: the sentence "and within the Peak and Off-Peak times" should be deleted.

    - Clause 2.7(A): First Rail have inserted an additional testing and training clause. Network Rail understands that testing has not yet been carried out, and there are no plans to do so. Should this not be the case, this clause needs to be updated to give First Rail rights to carry out testing of the Class 222 rolling stock, as the date specified has now passed and,

as stated previously, First Rail has not met all of the Conditions in paragraph 3 of the front of end of the TAC.

- *Schedule 9*
    - Clause 1: the 'Effective Date' should correspond to the 'Principal Change Date' in 2028.

The Specified Equipment

In their drafted TAC, First Rail has included in paragraph 5.1 of Schedule 5 of the TAC "Class 222 DMU". We would ask First Rail to engage with us on commissioning works to deliver the required capability and to undertake the Route Clearance processes. First Rail should commission a full gauging study from a recognized gauging company for the complete route which could take a few months – depending on the availability of external suppliers – and then a complete compatibility analysis.

As specified in Part F of the Network Code, an Access Beneficiary is required to carry out Vehicle Change prior to introducing new rolling stock to its Specified Equipment table in Schedule 5 of the TAC. This is covered in the 'Definitions' section of Part F, which states:

> *""Vehicle Change" means, in relation to an Access Beneficiary:*
>
> *(a) any change to Specified Equipment (or, in the case of an Access Option Holder, any change to the type or performance specification of any vehicle specifically identified within an access option) including by way of: […]*
>
> *(iii) the inclusion in Specified Equipment of any railway vehicle which is not so included; or*
>
> *which, in any case, is likely materially to affect the maintenance or operation of the Network or the operation of trains on the Network, but excluding any authorized variation".*

Therefore, Network Rail expects First Rail to undertake Vehicle Change prior to the Rolling Stock being added to the Specified Equipment.

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

Timetable Capacity

Cardiff Central Introduction

Over the past 18 months, Network Rail's Strategic Planning Team has been leading a capacity study considering capacity between Cardiff Central and Newport in line with committed enhancements and existing aspirations. This work has been developed in collaboration with a range of stakeholders including Train Operating Companies, Freight Operating Companies, Department for Transport and Welsh Government. There have been a number of regular workshops with these stakeholders since the workstream began.

The capacity analysis has identified that there are some key capacity pinch-points in this area which will

need infrastructure interventions and/or capacity trade-offs to support delivery of the highest priority commitments and aspirations. Commitments include upgrade of the relief lines in South Wales and delivery of additional services and stations between Cardiff Central and Severn Tunnel Junction – both of these schemes have received funding from UK Government in the recent Spending Review. Analysis to date has not considered the impact of this aspirant Open Access request and the draft report is expected to be shared with stakeholders for consultation early in the New Year.

Cardiff Strategic Study Review

The proposed First Rail services face significant challenges when reviewed against each phase of the Cardiff Strategic Study.

There is limited platform availability at Cardiff Central throughout each of the phases of the study. Infrastructure interventions are suggested as a result of the study from Phase 2a onwards to accommodate additional services, but this does not improve capacity opportunities for other services not within the planned specification.

A high proportion of existing services have been planned on minimum Timetable Planning Rules (TPR) margins within the phases of the analysis, leaving no flexibility for recovery during disruptions. This tight scheduling creates a high risk to performance, as even minor delays could cascade through the network. Attempts to accommodate First Rail paths often result in conflicts at key junctions such as Long Dyke and Newport, where re-platforming and proposed new service patterns further constrain options.

Additionally, with regards to Empty Coaching Stock (ECS) movements at Cardiff: turning First Rail services within Cardiff platforms is not feasible, requiring additional shunt moves west of Cardiff. These ECS moves will block relief lines and through routes from Swansea and Bridgend, reducing capacity for other planned services and worsening operational complexity. Overall, while occasional paths may exist through Cardiff, aligning them with platform and ECS requirements under current constraints will significantly impact timetable robustness and network performance.

Birmingham New Street

Apart from the limited Derby to York services proposed by First Rail, all the other proposed services pass though Birmingham New Street, spanning more than one route. Network Rail has noted below that there are specific performance concerns at Birmingham New Street and the First Rail services which use Birmingham New Street have either arrived from or are travelling onwards to Western and Eastern Regions. This means that minor delays at Birmingham New Street can escalate quickly across the journey and there is potential for this to be exported or spread onto other regions and vice versa any delays on other routes can be transported into Birmingham New Street and potentially onwards onto the route where the through service is travelling towards.

As well as there being performance concerns around Birmingham New Street, Network Rail would also like to highlight that there is uncertainty around capacity at Birmingham New Street and the impact of wider timetable changes in the future. Camp Hill is a new line of route opening on Central Route which brings with it the introduction of new services and stations, which are planned to run in the December 2025 Timetable.

In the "Competing and complex applications for the December 2024, May 2025 and December 2025 timetable changes" workstream that concluded earlier in the year, the Birmingham area was a highlighted

area for focus in the ORR letter of 24 April 2024.

The full week timetable was reviewed at New Street to see if platforms were available for the services. About half the time a free platform could not be found for the services. This is mostly due to other trains turning around on the through platforms therefore blocking them being used by another through service such as the First Rail services.

Of the services that could be accommodated at New Street (only, and not considering end to end journeys either side), the Cardiff to York services would generally have to use platform 9B SX and SO. They must use the B end of the platform to platform share with CrossCountry services on the A end of the platform. In the other direction (York to Cardiff) the services that could be accommodated at New Street, only, generally run through platform 12 with minimum dwell times so were not required to platform share. There is an increased risk to performance as a result of services being planned with minimum dwell times at Birmingham New Street. Minimum dwells reduce the opportunity to recover from delays or mitigate against the impact of other performance challenges at this major station, increasing the chances or transporting delay across the end-to-end route. In December 2024 56.3% of three-minute minimum dwells by other long distance passenger operators at Birmingham New Street over-dwelled. The complexities of operations in the station throat at Birmingham New Street increase the risks of additional delay, if a planned departure is missed.

Birmingham – York

The proposed First Rail Birmingham–York paths for SX, SO and Su face significant conflicts with other services, which are unresolvable at this stage. These proposals would also be additional to that of the proposed December 2025 ECML timetable. Key concerns include lack of capacity for these proposed paths through the station throat at York, loss of freight paths on the ECML, and performance risks from running directly in front or behind of CrossCountry services and additional ECS movements to/from York Holgate sidings. These ECS moves nearly double additional throat activity at York and create tight turnaround times (as little as six minutes), which is unrealistic given current capacity limitations. Furthermore, the northbound proposals in this application would seek to utilise three freight opportunities between Doncaster and York, compounding existing trade-offs when Northern Hull–York services divert via ECML.

In addition to the above, several of the proposed services directly conflict with Grand Central (GC) aspirations on both SX and SO. Examples include:

- First Rail 12:34 York - Cardiff is in the same path as GC 11:31 Newcastle – Brighton between York and Doncaster
- First Rail 18:32 York - Cardiff is in the same path as GC 17:31 Newcastle – Brighton between York and Birmingham
- First Rail 20:36 York - Cardiff (Derby [SO]) is in the same path as GC 19:30 Newcastle – Brighton between York and Birmingham
- First Rail 12:34 York - Cardiff interacts with GC 13:00 Doncaster – Cleethorpes at Doncaster. Also, this proposed service is in a similar path to CrossCountry 1V88 (12:36 York – Reading), which is a new train for the May 2026 timetable.

May 2026 Timetable Assessment

The analysis of First Rail Stirling services between Cardiff and York against the May 2026 timetable identified significant TPR compliance issues.

The analysis found that none of the proposed First Rail paths for SX, SO, or Su were conflict-free against the base timetable.

In total, 2,268 conflicts were recorded: 799 on weekdays, 449 on Saturdays and 221 on Sundays. All weekday and Saturday services, plus 3 of 11 Sunday services, have at least one major conflict. One of these Sunday services also lack platform capacity at its destination. These major conflicts are unresolvable at this stage and would significantly impact other existing services. Please see the table in Appendix A. Key hotspots for these conflicts included Birmingham New Street, Sheffield, and York (including the station throat), where multiple services across all days faced significant issues.

In addition to major conflicts, platforming constraints were identified at Cardiff Central, Birmingham New Street, Derby, and York, where scheduled services lack available platforms or turnaround time. Several services attempt to utilise almost identical slots as other planned services, such as 1M11 SX conflicting with CrossCountry's 1E68 SX. 1E68 SX is a CrossCountry service included from the May 2026 timetable. It was excluded from December 2025 after being withdrawn by the operator to balance unit diagrams following the rejection of another CrossCountry service, though it was originally bid in line with Network Rail expectations as part of the December 2025 ECML timetable. Additionally, the extensive pathing time proposed in First Rail schedules poses a risk to regulation.

There is an increase in planned CrossCountry services from May 2026, which will require an uplift in their rights, which are reflected in the offered timetable. These reflect the 2tph Birmingham-York CrossCountry services which were part of the original ECML ESG specification:

- 5 SX, 5 SO, and 0 Su trains from Birmingham to York
- 2 SX, 2 SO, and 1 Su trains from Birmingham to Newcastle
- 5 SX, 3 SO, and 0 Su from Newcastle to Birmingham
- 4 SX, 4 SO, and 0 Su from York to Birmingham

The relevant CrossCountry paths primarily run between Reading and York and share the same routing between York and Birmingham but have different routings, and origin/terminating location, South of Birmingham – First Rail intend to operate to/from Cardiff via Gloucester and CrossCountry to/from Reading via Oxford. The constraints and conflicts identified for First Rail services against the base timetable between Birmingham-Cardiff apply to the First Rail aspirations only. The CrossCountry paths have also been assessed by Timetable Change Risk Assessment Groups (TCRAG); the capacity for the CrossCountry services to run in and out of Birmingham New Street was an assumption of the December 2022 timetable recast. For clarification, these services do not currently have access rights.

Some of the First Rail paths clash with the remaining aspirational Project Hydra services proposed by CrossCountry. Additionally, we are aware of First Rail interactions with the aspirational CrossCountry services beyond what has currently been accommodated in the May 2026 timetable and with existing freight paths which hold Firm Rights on the Birmingham to Derby corridor.

Network Rail has provided evidence on capacity and performance in our two letters of representations on the WCML, dated 07 February 2025 and 25 April 2025, and in our letter of representations for applications affecting the ECML Kings Cross-Edinburgh and Leeds, dated 14 March 2025. Network Rail is not

supportive of First Rail's application for capacity on the basis of the evidence provided in those representations and supplemented in this representation.

Network Rail cannot currently provide support to rights which have been identified as having additional challenges through the assessments completed to date. We do not expect ORR to make a direction in support of these paths for the reasons we have outlined above, however should it be minded to do so, we want to be clear that further discussion would be needed.

Competing Applications

It is necessary for us to consider other current and live applications which this application interacts with. It is our belief that this application could interact with Liverpool & South Wales Railway's Section 17 application for a new TAC, Midland Central and Western Railway's Section 17 application for a new TAC, First Rail Wales & Western Limited's 4th Supplemental Agreement, Transport For Wales Rail Limited's 52nd Supplemental Agreement, the remaining aspirational Project Hydra services proposed by CrossCountry, Grand Central Railway Company Limited's upcoming Section 17 aspiration for a new TAC (currently not submitted to ORR), and Alliance Rail Limited's upcoming Section 17 aspiration for a new TAC (currently not submitted to ORR).

Timetable Performance

We undertook a key location performance analysis for this application, using the May 2025 timetable. Performance data and commentary relevant to Cardiff Central, Newport, Gloucester, Birmingham New Street, Derby, Sheffield, Doncaster, and York have been shared below. This evidence demonstrates that performance is an existing challenge in these locations prior to the inclusion of First Rail. First Rail services would travel through multiple areas of current poor performance, adding increased pressure to these locations through reducing recovery opportunities and increasing the risk of transporting delay across the network. Additionally, all paths were shown to have conflicts with other services in the base timetable and therefore pose a high risk of importing delay into the timetable.

Cardiff Central

Performance at Cardiff Central in May 2025 is above the national On Time Working Timetable (WTT) performance, 62.3% Nationally compared to 65.3% at Cardiff Central.

Cardiff Performance by hour in May 2025, throughout the day, shows steady performance up to the morning peak where performances drops from 84.8% On Time between 0500-0559 to 64.4% On Time between 0800-0859. Performance stays steady throughout the day not rising higher than 68.6% with slight dips in the evening peak, but recovers back to 65.5% between 2300-2359.

Congestion delay shows that Marshfield <> Cardiff Central and Cardiff Central itself suffers the most reactionary delay attributed to late running services.

Newport

Performance at Newport in May 2025 is below the national On Time WTT performance, 62.3% Nationally compared to 54.5% at Newport.

Newport Performance by hour in May 2025, throughout the day, shows steady performance up to the morning peak where performances drops from 69.1% On Time between 0700-0759 to 49.5% On Time between 0900- 0959. Performance stays steady throughout the day not rising higher than 61.7% with slight dips in the evening peak with recovery starting from the late evening.

Congestion delay shows that Llanwern West Jn <> Newport, Marshfield <> Newport and Maindee North Jn <> Newport suffers the most reactionary delay attributed to late running services.

Gloucester

Performance at Gloucester in May 2025 is below the national On Time WTT performance, 62.3% Nationally compared to 55% at Gloucester.

Gloucester Performance by hour in May 2025, throughout the day, shows steady performance up to the morning peak where performances drops from 68.4% On Time between 0800-0859 to 53.9% On Time between 0900- 0959. Performance stays steady throughout the day not rising higher than 59.5% but drops in the evening from 1800-1859 to 44.5% with no recovery until 2300-2359.

Congestion delay shows that Standish Jn <> Gloucester, Barnwood Jn <> Gloucester and Gloucester itself suffers the most reactionary delay attributed to late running services.

Birmingham New Street

Performance at Birmingham New Street in May 2025 is below the national On Time WTT performance, 62.3% Nationally compared to 45.5% at Birmingham New Street.

Birmingham New Street Performance by hour in May 2025, throughout the day, shows steady performance up to the morning peak where performances drops from 56.5% On Time between 0700-0759 to 38.4% On Time between 1200-1259. Performance rises to 49.2% at 1400-1459 then drops down to a low of 35.3% at 1700-1759 with no recovery until 2300-2359.

Congestion delay shows that Birmingham New Street itself, Galton Jn <> Birmingham New Street suffers the most reactionary delay attributed to late running services.

Derby

Performance at Derby in May 2025 is below the national On Time WTT performance, 62.3% Nationally compared to 51.9% at Derby.

Derby Performance by hour in May 2025, throughout the day, shows steady performance up to the morning peak where performances drops from 85.1% On Time between 0600-0659 to 40.7% On Time between 1200-1259. Performance stays stable not rising more than 9% throughout the afternoon, then drops to 33.5% 1700-1759 with recovery starting from 2000-2059.

Congestion delay shows that Derby <> Sheet Stores Jn, Derby to Ambergate Jn and Derby itself suffers the most reactionary delay attributed to late running services.

Sheffield

Performance at Sheffield in May 2025 is below the national On Time WTT performance, 62.3% Nationally compared to 50.7% at Sheffield.

Sheffield Performance by hour in May 2025, throughout the day, shows steady performance up to the morning peak where performances drops from 69.1% On Time between 0700-0759 to 43.4% On Time between 1000- 1059. Performance stays stable not rising more than 7% throughout the day, with one dip at 1800-1859 dropping to 36.1%, with little recovery in the evening.

Congestion delay shows that Sheffield itself, Dore Station Jn to Sheffield and Meadowhall to Sheffield

suffers the most reactionary delay attributed to late running services.

Doncaster

Performance at Doncaster in May 2025 is below the national On Time WTT performance, 62.3% Nationally compared to 58.2% at Doncaster.

Doncaster Performance by hour in May 2025, throughout the day, shows steady performance up to the morning peak where performances drops from 82.1% On Time between 0600-0659 to 64.8% On Time between 0700- 0759. Performance stays stable in the morning until 1100-1159 where it drops further to 51.7% with gradual recovery in the late evening.

Congestion delay shows that Doncaster itself, suffers the most reactionary delay attributed to late running services.

York

Performance at York in May 2025 is below the national On Time WTT performance, 62.3% Nationally compared to 47.9% at York.

York Performance by hour in May 2025, throughout the day, shows steady performance up to the morning peak where performances drops from 70.8% On Time between 0600-0659 to 43.3% On Time between 1100-1159. Performance stays stable not rising more than 4% throughout the afternoon, with one dip at 1400-1459 dropping to 38.4%, and no recovery until 2300-2359.

Congestion delay shows that York itself, suffers the most reactionary delay attributed to late running services.

Western Performance

It should also be noted that Network Rail Wales and Western Region are currently delivering its performance improvement plan, which includes performance modelling of the future timetable for the introduction of Old Oak Common station, which has an expected opening date of 2029-2033. There will also be a review of sectional running times on the routes, and implementation of resultant findings. The outputs of these activities would have potential to impact this application and timescales have been included within the 'Wales & Western Region Performance Improvement Plan'.[1]

This application includes planned interactions at Gloucester and Cheltenham. Network Rail has conducted performance assessments for On Time, Time to 3, and Time to 5 for the respective currencies of the December 2024 and May 2025 timetables, as shown in the tables below.

These results show that performance has degraded against all three metrics and indicates that introducing additional services at these locations may further degrade all three metrics. Currently, Western Route's target for Time to 3 is 80%, and both locations are below this target.

[1] 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)*, Appendix 1, 09 November 2024

Geography Description	Recorded WTT Points	On Time WTT %	Time to 3 WTT %	Time to 5 WTT %
Cheltenham Spa	19,821	48.0%	67.0%	77.5%

Figure 1 - May 2025 Timetable

Geography Description	Recorded WTT Points	On Time WTT %	Time to 3 WTT %	Time to 5 WTT %
Cheltenham Spa	18,090	54.9%	74.7%	84.4%

Figure 2 - December 2025 Timetable

Geography Description	Recorded WTT Points	On Time WTT %	Time to 3 WTT %	Time to 5 WTT %
Gloucester	17,916	55.9%	73.0%	82.1%

Figure 3 - May 2025 Timetable

Geography Description	Recorded WTT Points	On Time WTT %	Time to 3 WTT %	Time to 5 WTT %
Gloucester	17,895	61.4%	78.8%	86.7%

Figure 4 - December 2024 Timetable

Performance Information

The Network Performance Board has published a Performance Restoration Framework (PRF), which includes as one of its five priorities having an Operating Plan that works. This means not just train paths which are validated, but also a plan that is robust to minor perturbation and minimises the spread of delay across the network. It is unclear at this stage what the referenced timetable study has consisted of, as the only information provided is a set of F3 prints. It would be helpful to understand how the additional services can be expected to perform versus existing services on the network, including as a minimum some testing of different levels of perturbation.

In addition, the Secretary of State (SoS) has made clear that improving industry performance to deliver 90% T-3 and under 2% cancellations overall is a government priority. Existing long-distance services operated on this corridor are currently significantly adrift of these levels, which illustrates the challenge of making such an operation compatible with and supportive of the industry direction of travel. Applicants should demonstrate how their proposals can be made compatible with this objective.

We would expect to see evidence that there are plans to address or cover the following items as part of a performance assessment:

- Strategic allowances in the timetable plan to enable effective recovery from minor perturbation
- An understanding of the impact of platform occupation and measures to mitigate if necessary
- Opportunities for greater standardisation of timetable patterns
- Plan to deliver trains into service right time and supporting information about depot and maintenance strategy for rolling stock. The F3 prints supplied indicate no requirement for overnight stabling at York. We would note that if Crofton were required for stabling, it would require

TransPennine Express to move away. This would be dependent on their procurement of new rolling stock

- Location and level of contingency cover for rolling stock and traincrew diagrams proposed
- Proposed strategy for diversion route learning, retention and use, should the primary route via Mexborough and/or the ECML become unavailable
- Proposed strategy for fitter coverage and rescue and recovery arrangements
- Engagement with Station Facility Owners (SFO) to understand risks and constraints relating to passenger handling and dispatch, and mitigations agreed or proposed as necessary
- Proposed approach to working with industry to manage disrupted customer flows, including adoption of integrated train service recovery and ticket acceptance arrangements to be used during disruption

Additional Performance Information

A performance assessment for the North of England was included in the 'General Representation on Complex and/or Competing Applications Interacting on Location ECML Kings Cross - Edinburgh and Leeds' (Annex L), provided by Network Rail to ORR on 14 March 2024. The assessment identifies York station as a critical point on the network that contributes to the delivery of high performance outcomes across both the East Coast Mainline and cross-Pennines / services towards Birmingham. Data shows that during the December 2024 timetable long distance services caused congestion and further delays to other services at York. Furthermore, the final round of ECML timetable performance modelling saw On Time punctuality drop at York by 4.4 percentage points. Any quantum of services above that included in the ECML ESG quantum would further increase the pressure that York station is under and add further risk to the successful delivery of performance outcomes in the future. First Rail services were not included in the ECML ESG performance modelling.

Noting that ORR requested performance improvement plans from Wales & Western and Eastern Regions, First Rail's aspirations would be additional to the quantum that has previously run in all these locations indicated above and therefore they are likely to deteriorate performance and reduce resilience. Performance risks would be carried across multiple Routes and Regions.

We would like to see how the new ECML December 2025 Timetable performs, which does not include the additional hourly path that CrossCountry used to run prior to COVID (and which First Rail are applying for in this application). Once we have some performance data which demonstrates the actual performance of the ECML December 2025 timetable, then we will give consideration to that additional cross-country path running each hour.

Eastern Region

ECML Proposed December 2025 Timetable

As referred to in the ECML General representation letter dated 14 March 2025, in February 2024 the ESG closed following an ECML Programme Board endorsement on 17 January 2024 to deploy the new ECML Timetable in December 2024, subject to the outputs of the completed performance modelling.

The Department for Transport (DfT) later accepted a recommendation from the Industry Timetable Assurance Project Management Office (PMO) to funders that the ECML ESG Timetable should be deferred from the December 2024 timetable change.

An ECML Industry Task Force (herein referred to as "the Task Force") commenced in June 2024 as an independently led executive-level cross-industry meeting that provides strategic direction for the work programme. The Task Force developed solutions to the problems of the new ECML Timetable, drives consensus on the outcome(s), and delivers recommendations for industry funders and specifiers.

On 17 October 2024 the Independent Chair of the Task Force wrote to the DfT to advise that the Task Force met on 10 October 2024, reviewed the considerations, issues, and risks, and recommended proceeding with implementation of the new timetable for ECML in December 2025. This was on the basis that the timetable is deliverable and meets the Task Force objectives that were set. Concerns were noted from GB Railfreight (representing themselves and other Freight Operating Companies), ScotRail and Transport Scotland. The Task Force recommendation was accepted by the DfT and subsequently endorsed by the Secretary of State in December 2024.

The Task Force had worked collaboratively up to 31 January 2025 to further de-risk the transition of the ECML ESG timetable from development to timetable production. The December 2025 timetable will commence on 14 December 2025 following the Timetable Preparation Period.

Network Rail can confirm First Rail's application was not included in any of the Timetable work referred to above as these aspirations were shared after completion of the work.

Level Crossings

The introduction of these services would impact all of the level crossings on the Derby - Tamworth DBP1 route, which are already high-risk crossings due to the line speed and volume of trains in the existing timetable. Increasing the train count further would raise the risk score of each of these crossings.

Operations at York

First Rail propose to shunt to Holgate Reception Sidings to release platform capacity, but this could pose a risk to the performance of trains within the York station limits. Further information related to this is included in the Timetable Capacity Section.

Planning

it's worth noting that the SX and SO ECS movements to/from Central Rivers Depot would cause a significant challenge with Network Rail's regular '1 week in 6' planned access on the Derby-Birmingham route.

Specifically, we block from 2355-0520 on a 1 week in 6 basis. As it stands from analysing First Rail's F3 prints, the following trains would not be able to run via their booked route when that access is taken, so would need to understand what the operator's alternative plans would be in that situation, as the only diversion is a lengthy round trip via the West Midlands to ultimately return via Nuneaton and Leicester to Derby.

Services in the F3 prints that would be problematic are:

- 5M13 MX – around 35mins foul of the possessions
- 5M99 SX and SO – around 60mins foul
- 5V10 MX – around 60mins foul
- 5V97 SO – only about 2mins foul, so suspect this one more easily solved

Railfreight

We are concerned about the capacity that this application is seeking to use. With the arc furnace in Port Talbot due to be coming online back end of 2027, we know that 2mt per annum of inbound scrap will be required, and a large portion of this is expected to come on the corridor via Gloucester.

Wales & Western Region

Canton Depot

Canton Depot capacity is limited, with trains frequently queued up in platforms waiting to get access to the Depot, which then leads to other trains having to wait outside the station for a platform. Any increase to trains on and off the Depot would almost certainly result on more occasions of other trains waiting access to a platform, increasing the risk to performance.

Gloucester

The Gloucester area is highly constrained, and any application for this area also needs consideration of services via Cheltenham which bypass it but interact with the wider Gloucester area. Service levels are limited by the complex interacting crossing movements at Gloucester Yard Junction, Gloucester Barnwood Junction, Gloucester station area and the shunt moves required at Cheltenham for services terminating there. The long-distance nature of many of the passenger and freight services in this area further restrict flexibility due to the need to align with paths through Bristol, South Wales and the West Midlands.

There are many other constraints in the Gloucester area:

- Restricted routeing of services at the east end of the station results in conflicts when platform 1 is occupied (Figure 5)
- Platform length limitations affect platforming of longer Intercity Express Train (IET) formations
- Services terminating and shunting at Cheltenham Spa restrict capacity to / from the West Midlands
- Severn Tunnel Junction layout also impacts on availability of paths towards Gloucester

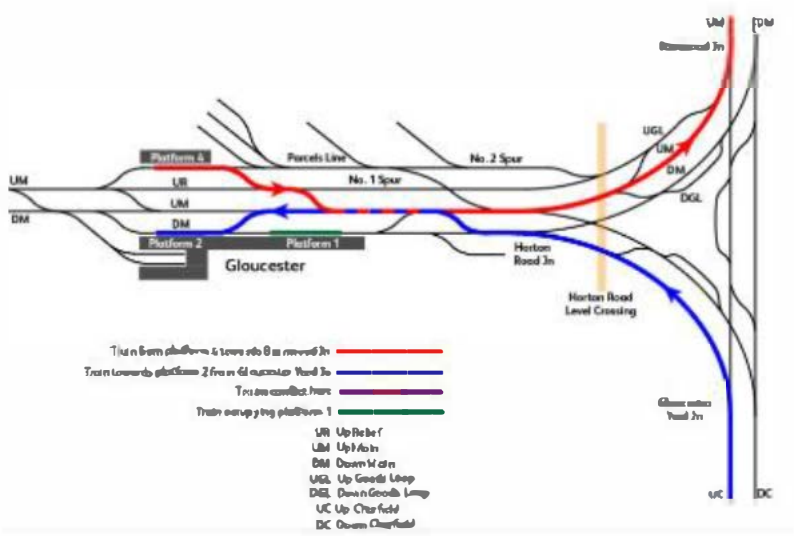

Figure 5 - routing constraints when platform 1 is occupied

Frequency increases affecting Gloucester are envisaged by the promotors of both the MetroWest and the South Wales Metro projects. We published our Greater Bristol rail strategic study in February 2023, with recommendations for this interacting major nearby area, including consideration of the Bristol to Gloucester route.

Furthermore, there is a major level crossing located close to Gloucester station (Horton Road Level Crossing). Our assessment of this application suggests that we have concerns with barrier downtime at Horton Road Level Crossing. Our rationale is as follows:

At Manually Controlled Barrier (MCB) type crossings, the barrier down time per train is often in the 3-minute area, as opposed to Automatic Crossings which are often around the 30-second area. This provides a different risk to consider. Essentially there is a collision risk and convenience risk.

When we look at smaller freight applications, which may be fewer and less frequent trains, these will often be sporadic in the days they run and often, overnight running is involved. This means there is both less collision risk introduced and significantly less convenience risk. Therefore, additional few freight trains traversing Horton Road Level Crossing and dropping the barriers in the middle of the night a couple of times a week is less intrusive than a new regular passenger service which drops the barriers at frequent times.

Due to the length of barrier down time at MCB type crossings, an additional train can end up more than doubling the time a user waits at the crossing as this train may fit in a slot where the barriers were previously raised for a few minutes, affecting road commuter's plans.

Please see further commentary below that also includes further reference to Horton Road level crossing.

Severn Tunnel

We would like to understand what First Rail's resiliency plans, should there be any issues or planned engineering works in the Severn Tunnel.

Wales & Borders Route Level Crossings

This uplift affects 27 crossings in Wales Route. The information below is based on a desktop exercise using previous analysis for other uplifts and current information from the level crossing manager, which gives an indication of the crossings of concern. In particular, we have 4 footpath crossings which have work identified, and are awaiting the funding to allow the work to go ahead; exploring if this work could be funded and brought forward will be necessary as part of any timetable uplift. Our findings can be found in Appendix C.

Western Level Route Crossings

There are 34 level crossings on the BAG and SWM routes within Western that are affected by the application. The safety risk increase at all these crossings has been modelled through the All Level Crossing Risk Model (ALCRM), and shows that the additional 10 trains per day will increase risk at all crossings on the line of route. The risk increases range between 6% and 16%, and the average risk increase across all crossings is 10%. Horton Road's ALCRM Risk increases by 6%, but it is important to note that ALCRM does not consider the convenience impact to the road user, only the risk to road users and rail users and infrastructure. The convenience impact is where our concern predominantly lies in respect of Horton Road level crossing in particular, and assessment of the current timetable and barrier down time is underway to ascertain the impact of the additional regular service proposed by the applicant.

Conclusion

Based on the evidence presented in this representation, Network Rail cannot support First Rail's Section 17 application.

Our timetable capacity analysis identified 2,268 conflicts across weekdays, Saturdays, and Sundays, with major conflicts at critical nodes including Cardiff Central, Birmingham New Street, Derby, Sheffield, and York. These conflicts are unresolvable without significant disruption to existing services and rights, and would require trade-offs against multiple current and aspirational applications.

Furthermore, the proposed services would operate through locations already experiencing poor performance – such as Birmingham New Street (45.5% On Time) and York (47.9% On Time) – adding risk to network resilience and undermining industry objectives for 90% T-3 punctuality.

Introducing these services would also compromise freight capacity, particularly on corridors critical to future strategic flows (e.g. Gloucester for Port Talbot arc furnace traffic), and increased risks at high-risk level crossings.

In summary, the application is incompatible with available capacity, performance targets, and strategic freight requirements. Should ORR consider directing rights contrary to this position, significant further work would be required to mitigate these risks, including infrastructure interventions and revised industry plans.

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

Yours sincerely,

[redacted]

Gianmaria Cutrupi
Customer Manager
System Operator

List of Appendices

Appendix A – May 2026 Timetable Assessment, Conflict Table

- Minor conflicts are defined as conflicts that can be resolved with minimal impact on other services around the First Rail service, and that do not cause further conflicts.
- Major conflicts are defined as conflicts, occurring between origin and destination, that cannot be resolved without significant changes to the timetable in the area, or are unlikely to be resolvable.
- Platform occupation conflicts, outside of where a service arrives or departs the end stations within 3 minutes of the service occupying the platform before or after it, at origin or terminus stations are not included in the major conflict counts but would still be significant blockers to capacity for services.
- The below table shows a summary of the First Rail services and their conflicts.

Headcode	Days	Origin	Destination	Major Conflicts	Minor Conflicts
1M01XX	SX	Cardiff Central	York	48 (42 without QJ)	2
1M03XX	SX	Cardiff Central	York	84	1
1M05XX	SX	Cardiff Central	York	96	3
1M07XX	SX	Cardiff Central	York	56	3
1M09XX	SX	Cardiff Central	York	27 (24 without QJ)	12
1M11XX	SX	Cardiff Central	York	47 (44 without QJ)	2
1M13XX	SX	Cardiff Central	Derby	24	2
1M99XX	SX	Derby	York	10	6
1V00XX	SX	York	Cardiff Central	23 (21 without QJ)	7
1V02XX	SX	York	Cardiff Central	54	0
1V04XX	SX	York	Cardiff Central	62 (61 without QJ)	5
1V06XX	SX	York	Cardiff Central	38 (37 without QJ)	2
1V08XX	SX	York	Cardiff Central	33	42 (41 without QJ)
1V10XX	SX	York	Derby	49	3

1V96XX	SX	Derby	Cardiff Central	15	2
1V98XX	SX	York	Cardiff Central	39 (38 without QJ)	5
1M01XX	SO	Cardiff Central	York	55	6
1M03XX	SO	Cardiff Central	York	34	0
1M05XX	SO	Cardiff Central	York	2	16
1M07XX	SO	Cardiff Central	York	40	7
1M09YX	SO	Cardiff Central	York	22	9 (8 without QJ)
1M11XX	SO	Cardiff Central	Derby	17	2 (1 without QJ)
1M99XX	SO	Derby	York	5	14
1V00XX	SO	York	Cardiff Central	40	4
1V02XX	SO	York	Cardiff Central	36	16
1V04XX	SO	York	Cardiff Central	9	6
1V06XX	SO	York	Cardiff Central	33	2
1V08XX	SO	York	Derby	21	1
1V96XX	SO	Derby	Cardiff Central	5	11 (3 without QJ)
1V98XX	SO	York	Cardiff Central	34	1
1M03XX	SU	Derby	York	1	1
1M05XX	SU	Cardiff Central	York	0	4
1M07XX	SU	Cardiff Central	York	42	0
1M09XX	SU	Cardiff Central	York	39	1
1M11XX	SU	Cardiff Central	York	42	3
1V00XX	SU	Derby	Cardiff Central	0	9
1V02XX	SU	York	Cardiff Central	13	11

1V04XX	SU	York	Cardiff Central	4	8
1V06XX	SU	York	Cardiff Central	29	3
1V08XX	SU	York	Derby	0	3
1V10XX	SU	York	Derby	8	1

Appendix B – First Rail Stirling Cardiff-York, Performance Analysis

Appendix C – Wales & Borders Level Crossing Assessment

4 of these are road crossings which will see increased barrier down time, Lydney CCTV in particular sees a high number of incidents which will also likely increase; this crossing would benefit from better CCTV provision to capture misuse more clearly and assist to lead to prosecutions. We have recently been approved regarding proposed increase in trains and line speed at Bishton; as it is a manned crossing, it is supervised during opening times and closed when unmanned:

Crossing Name	Elr	Miles	Chains	Legal Status	Overall Status	Crossing Type	Notes
Naas	SWM2	132	36	Public Highway	Open	AHB	
Lydney	SWM2	133	40	Public Highway	Open	CCTV	
Caldicot CCTV	SWM2	147	3	Public Highway	Open	CCTV	Better CCTV would be aid us in combatting misuse here
Bishton	SWM2	153	1	Public Highway	Open	MG	Subject to a proposed line speed increase, manned crossing increase will see longer wait times

11 Footpath crossings are affected, 4 of which are remitted for minor enhancements which we would likely need in place before any uplift in trains:

Crossing Name	Elr	Miles	Chains	Legal Status	Overall Status	Crossing Type	Notes
Milkmaid Head	SWM2	129	47	Private Footpath	Open	FPS	Requires enhancements to improve the crossing as current ingress and egress arrangements are inadequate. Work currently

							delayed due to budget constraints - also Single WB location, unsure if a 2nd can be installed based on initial site knowledge due to proximity to houses
Gatcombe	SWM2	129	61	Private Footpath	Open	FPS	Temp closed due to non-compliant access stile, work delayed due to budget constraints
Awre 87	SWM2	129	7	Public Footpath	Open	FPS	Remitted for gate to gate enhancements and new deck, pushed back as above
Lydney FP	SWM2	132	72	Public Footpath	Open	FPW	Single WB location awaiting 2nd whistle board install
Plumbers Farm	SWM2	132	19	Public Footpath	Open	FPS	
Woolaston 117	SWM2	135	51	Public Footpath	Open	FPS	
Woolaston 118	SWM2	135	78	Public Footpath	Open	FPS	
Alvington 17	SWM2	135		Public Footpath	Open	FPS	
Alvington 18	SWM2	135	38	Public Footpath	Open	FPS	
Woolaston FP	SWM2	136	14	Public Footpath	Open	FPWM	
Mathern 21	SWM2	144	68	Public Footpath	Open	FPWM	

12 User work crossings, those highlighted in yellow have works we are awaiting on or we would want to investigate for the timetable change (funding dependent):

Crossing Name	Elr	Miles	Chains	Legal Status	Overall Status	Crossing Type	Notes

Aldridge	SWM2	130	65	Accommodation	Open	UWCT	
Garlands 1	SWM2	133	72	Accommodation	Open	UWCT	
Stockwell Lane	SWM2	134	53	Accommodation	Open	UWC	Awaiting telephones to be installed
Hardacre 1	SWM2	134	63	Accommodation	Sleeping Dog	UWC	
Hardacre 2	SWM2	135	4	Accommodation	Open	UWCT	
Woolaston UWC	SWM2	136	14	Occupation	Open	UWCM	MSL does not have an audible alarm, investigate if we can retro fit an alarm?
High Hall	SWM2	138	14	Accommodation	Open	UWCT	
Three Gates	SWM2	143	35	Accommodation	Open	UWCMSL	
Sharpes	SWM2	143	15	Accommodation	Open	UWCT	
Curb Hut	SWM2	144	6	Accommodation	Open	UWCT	Straighten or widen the deck of this crossing due to skew
Ifton Hill Farm	SWM2	145	11	Accommodation	Open	UWCT	
Caldicot Station	SWM2	148	0	Accommodation	Open	UWCT	

Should both this and any other application seeking similar uplifts be approved, a larger assessment may find more interventions required.