



Alice Kaiser
Head of Passenger Track Access
The Office of Rail and Road
By email only

Gianmaria Cutrupi
Customer Manager
Network Rail Infrastructure Limited
By email only

08 December 2025

Dear Alice,

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 Midland, Central and Western Railway

As requested in your letter dated 07 November 2025, this letter provides further representations of Network Rail Infrastructure Limited regarding the Section 17 application for a proposed Track Access Contract (TAC) between Network Rail Infrastructure Limited (we) and Midland, Central and Western Railway (MCWR).

This representation builds upon the final representations submitted by Network Rail for this application on 21 March 2025.

The purpose of this further representation is to provide the Office of Rail and Road (ORR) with updates, and will do so by providing facts, data, and evidence to support our current position.

Network Rail can confirm that for the reasons set out in this letter, Network Rail is unable to support MCWR's Section 17 application.

Access Rights Sought in the Application

The rights sought in this application are for:

<p><u>The rights included in the Section 17</u></p>
<p>8 trains per day in each direction, Nottingham – Bristol Temple Meads (Weekday, Saturday, Sunday)</p>



Comprehensive List of Applications

The following applications are seeking capacity for services that utilise the section between Foxhall and Wootton Bassett Junctions:

- **First Greater Western (trading as Great Western Railway) 301st Supplemental Agreement** – to include rights between Bristol Temple Meads and Oxford, commencing May 2026.
- **Midland Central and Western Railway (MCWR)** – new contract for rights between Nottingham and Bristol Temple Meads, commencing December 2026.
- **First Rail Wales and Western (trading as Lumo) 4th Supplemental Agreement** – to include rights between London Paddington and Hereford, commencing December 2027.
- **First Rail Wales and Western (trading as Lumo) 3rd Supplemental Agreement** – to include rights between London Paddington and Paignton, commencing May 2028.

Background of the Application and Network Rail Representations

Network Rail provided its representations on 21 March 2025, detailing that Network Rail could not support this application due numerous capacity concerns that would involve the East West Rail Project, our Regions and Freight growth.

Review of Draft Track Access and Form P

We shared our key findings on the Form P and draft TAC submitted by MCWR in our letter of representations of 21 March 2025. MCWR did not specifically address the points we raised as part of our previous representations, so we would like to clarify that our findings are still relevant to this letter, and we are listing them below for completeness.

Form P Application

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

Track Access Contract

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

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

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

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

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

Interested Person(s)

Network Rail stated that it 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 this track access application in our letter of representations of 21 March 2025.

The Specified Equipment

Network Rail shared its observations on the Class 221 or Class 222 rolling stock (diesel traction) proposed by MCWR in our letter of representations of 21 March 2025.

Timetable Capacity and Performance

Our findings and concerns on Capacity have been outlined in our letter of representations of 21 March 2025, and its associated Appendices.

Key performance locations relevant to this application included Bletchley and Oxford. Our findings and

concerns on Performance have been outlined in our letter of representations of 21 March 2025, where in summary both timetables (December 2023, June 2024) at Oxford showed steady performance across the day with a slight dip post morning peak, but performance levels stay relatively stable; both timetables at Bletchley showed a dropping performance from 0500 with no recovery until 2000, performance is the worst during the evening peak.

Performance Considerations

Performance on the Western route remains a key challenge. While there have been recent improvements in asset reliability, the performance targets are ambitious, and additional services present a material risk of reversing positive trends. Long-distance service groups on this route remain among the poorest performers, all below the 80% Western route target. Introducing further services heightens the risk of increased delays and reduced network flexibility.

0-3 Moving Annual Average (MAA) for the passenger service groups up to close of Period 8, 2025/26, that operate between Foxhall Junction and Wootton Bassett Junction are:

Route	0-3 MAA Percentage
London Paddington – Bristol	69.4%
London Paddington – South Wales	65.7%
London Paddington – Cotswolds	68.6%

Great Western Main Line Overview

The route section between Foxhall and Wootton Bassett Junctions is predominately a two-track railway and an intensively used mixed-traffic corridor on the Great Western Main Line (GWML), accommodating long-distance passenger (up to 125mph) and regular freight services. Analysis indicates that, during most daytime hours, there is capacity for only one additional passenger path in each direction. Beyond that remaining hourly path, no further compliant regular paths have been identified. Any additional paths must also be compatible with adjacent high-utilisation sections, such as Didcot to Oxford, approaches to Bristol Temple Meads, the Melksham single line, the Severn Tunnel, and the Great Western Main Line, particularly between Reading and London Paddington.

Given the limited capacity opportunities and essentially four applications applying for the one remaining hourly available path, Network Rail wrote to the ORR on the 22 October 2025 with an “Early Indicator of Likely Congested Infrastructure” for this route section.

This assessment is based upon the existing December 2025 timetable plus those future services which already have access rights: Lumo’s London Paddington to Carmarthen services and Go-op Co-operative Limited’s Swindon to Taunton services.

Several of the proposed applications face significant pathing challenges both within and beyond this section. If ORR were not to direct in line with our representations on the four mentioned applications and multiple applications are approved in line with the aspirations, it will result in Network Rail being over committed in capacity it cannot facilitate and as a result major flexing or, but most likely, rejection of services when Part D of the Network Code decision criteria is applied. Full details and supporting analysis are provided in the sections that follow.

MCWR Commentary

Capacity information provided in our letter of representation, and included as an appendix, dated 21 March 2025, remains relevant in addition to the analysis specific to the pinch point between Foxhall Junction and Wootton Bassett Junction.

SX services were assessed to inform our previous letter of representations and all proposed paths conflicted with services accommodated in the May 2025 timetable. Key points that we would like to highlight are:

- Services aligned to this application repeatedly conflict with multiple passenger services across the routes, including the following services:
 - o Great Western Railway (GWR) Swansea to Paddington and Weymouth to Gloucester services with MCWR services in the Northbound and Southbound directions respectively;
 - o London Northwestern Railway (LNR) services between Bedford and Bletchley at Bedford St Johns, in both directions;
 - o CrossCountry services from Cardiff to Nottingham with MCWR Northbound services;
 - o East West Rail (EWR) services Milton Keynes to Oxford from Bletchley High Level with Southbound MCWR services;
 - o Chiltern Marylebone to Oxford services from Bicester Gavray Jn with MCWR services in the Southbound direction.
- This application conflicts with freight paths in key locations (North Somerset Jn – Bathampton Jn, Wootton Bassett Jn – Foxhall Jn, Didcot North Jn – Oxford North Jn, Kettering – Leicester, Trent Junctions).
- There is a lack of Sectional Running Times (SRTs) so timings assessed were indicative, agreed timings may change outcomes.
- On the BBM (Bedford-Bletchley), the schedules provided have {-3} in the Up and {-2.5} in the Down at Kempston Hardwick. There is nothing in the Timetable Planning Rules (TPRs) for this, we presume it is based on an assumption for infrastructure change.

MCWR's individual paths have been assessed against the December 2025 timetable, including First Rail Wales & Western Paddington-Carmarthen services, on Western Route south/west of Oxford, with detailed analysis of conflicts and challenges. Weekday services towards Nottingham see one path fully valid through Foxhall–Wootton Bassett and onward to the Oxford area, three valid only in this route section but not beyond, and others requiring significant retiming or rendered unviable by freight (MoD) conflicts. Services from Nottingham mirror this pattern, with only one path viable end-to-end within the Western route geography, several valid only in the pinch-point section, and others unviable due to conflicts with freight or lack of onward route capacity. On Saturdays, similar issues persist, with some paths requiring retiming and others blocked by conflicts elsewhere on the Western Route. Sundays are particularly problematic: platforming at Bristol Temple Meads is not viable, and major retiming is required, especially on approach to Oxford, often clashing with freight paths. No end-to-end MCWR path is viable on Sundays without heavy retiming, and platform availability remains a critical constraint. As per the capacity assessment shared in our previous letter of representation, all paths conflict with other existing services off of Western Route.

Capacity information provided in our letter of representation on the MCWR application, and included as an appendix, dated 21 March 2025, remains relevant in addition to the above analysis specific to the pinch point between Foxhall Junction and Wootton Bassett Junction and the Western Route.



We included detailed timetable assessment Information for each MCWR path in Appendix B.

Submitted Track Access Applications Interacting with the Geographic Area of the MCWR Proposal

Live Interacting Locations Matrix - Oxford

Operator/Application/Type	WCML south	Birmingham	BHM-Derby	Derby-Sheffield	Sheffield	ECML&Leeds	Oxford	Gloucester	Cardiff
CrossCountry 38th SA 22a		x	x	x	x	x	x	x	x

In addition to applications submitted to ORR by 20 May 2024 as part of the “Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes” workstream, ORR will be aware that there have been several applications submitted since then where some of the aspirations utilise part of the same geography as the rights in this MCWR application, namely:

- Grand Central Railway Company Limited Section 17 Known Aspiration (Newcastle <> Brighton)
- First Rail Wales and Western Limited 3rd Supplemental Agreement (London Paddington <> Paignton)
- First Rail Wales and Western Limited 4th Supplemental Agreement (London Paddington <> Hereford)
- First Greater Western Limited 301st Supplemental Agreement (Bristol <> Oxford)

ORR is aware that Network Rail has issued an Early Indicator of Likely Congestion in relation to the Great Western Main Line between Didcot and to the west of Swindon, specifically between Foxhall Junction (MLN1: 53m and 55ch) and Wootton Bassett Junction (MLN1: 82m 72ch).

Western Route

Freight and Strategic Growth

This corridor serves as an essential freight route, enabling crucial east–west connections between London, the West of England, and South Wales, alongside important north–south links from Westbury to the South Midlands via Oxford. It supports a wide array of freight movements, such as intermodal traffic to the Wentloog terminal, aggregate shipments from Mendip, Tytherington, and South Wales, and waste transfers from West London to Avonmouth. The line further accommodates fuel trains from Pembrokeshire and Network Rail’s own engineering services. Anticipated growth includes increased scrap metal shipments to Port Talbot’s new electric arc furnace and up to three additional daily construction trains supporting the proposed South-East Strategic Reservoir near Abingdon, Oxfordshire.

Despite Network Rail’s bold targets for expanding freight volumes, the corridor faces significant capacity constraints. The parallel Berks & Hants line, which could serve as a diversion, is heavily utilised by long-distance passenger services to the South-West and by ‘jumbo’ aggregate trains travelling from Mendip to London. This intensive use restricts the potential for rerouting freight traffic, further limiting operational flexibility and presenting challenges to accommodating projected freight growth within the region.

Western Level Crossings



Since our letter of representation of 21 March 2025, Network Rail's review identified 13 level crossings that would be affected by the proposed MCWR services, as shown in Appendix A. Risk modelling shows an average increase in risk at these crossings, with no decreases, and outlines potential mitigations and alternatives. Notable crossings like Wantage Road and Grove require collaboration and funding for viable diversions or closures, while others such as Canalside 1 and Bathampton may need upgrades including footbridges or Overlay Miniature Stop Light (OMSL) systems, each with substantial associated costs.

There are a number of crossings, such as Causeway, Stocks Lane, Appleford, Upper Studley, and Christian Malford, where maximum protection levels have already been reached, meaning no further action can be taken to mitigate risk. In cases where no alternative routes exist, negotiations and improvement works are planned, although some, including Tuckwells and Kennington, present additional challenges due to infrastructure limitations or pending development projects.

Network Rail requests that, should ORR direct in line with what MCWR are seeking in this application, ORR include as a condition to the decision a total contribution of £1.75 million on MCWR to help fund mitigations measures. The contribution should be proportionately provided alongside other applications affecting the same level crossings, which might be positively determined by ORR. The Level Crossing Risk mitigation risk workstream demonstrates that risk management is a critical component of introducing new services, requiring investment in infrastructure improvements, legal negotiations, and ongoing risk reduction efforts to ensure safety at affected crossings.

As Network Rail commented within the FGWL 301st Supplemental Agreement, the incremental Level Crossing risk with associated 8 return services is considered manageable only in the short term. To facilitate the commencement of services, MCWR's commitment to provide funding for the mitigations is required, and this funding should be in place ahead of the date on which MCWR plan to operate services. This approach enables Network Rail to expedite mitigation delivery and minimise the duration of elevated risk.

During the period between service initiation and completion of mitigation measures, ongoing risk monitoring at these crossings would take place. Interim risk management actions may be implemented as necessary, which could include but not limited to safety awareness events and updates to signage. It is important to acknowledge that these interim measures will not fully address the risk increase associated with the new services, and are intended as temporary risk management until more comprehensive mitigations are implemented.

Network Rail has reviewed Level Crossing mitigations and the impact of an 8 return service traversing the 13 level crossings. While a reduced level of service lessens the increased risk compared to other applications that we see proposing to use this same geography, some risk remains at all affected crossings, and existing mitigations as proposed under the FGWL 301st have not changed. No available mitigations fully restore previous risk levels, so further action is needed. Network Rail maintains that there will be an increased and ongoing risk. However, services may operate before mitigations are in place, if funding is secured and committed to limit risk as much as reasonably practicable for the shortest period of time possible, should ORR direct upon this application in line with MCWR's proposals.

Conclusion

Network Rail acknowledges the GWML between Foxhall Junction and Wootton Bassett Junction is a route of strategic significance, serving both freight and passenger operations. However, there are substantial

challenges regarding capacity constraints and safety that must be addressed. Recent actions include the submission of an early warning indicating congestion on this section, which highlights the necessity for prudent management and careful consideration of new applications. Owing to current infrastructure limitations, the corridor can only accommodate one application per hour in each direction, underscoring the importance of prioritising proposals that best align with operational and safety imperatives.

In this representation letter we have confirmed that we do not support this application for a TAC and the access rights sought in this application due to numerous capacity concerns that would involve the East West Rail Project, our Regions, Freight growth, and level crossings. Network Rail is not supportive of MCWR's access rights for the reasons set out in our letter of representations dated 21 March 2025, and further evidenced in this representation letter.

Network Rail considers that this further representation letter, coupled with representations submitted on 21 March 2025, contain sufficient information on this application to enable ORR to make a direction.

Network Rail does not expect ORR to direct the rights and TAC being sought in this application on the basis of the information provided in this representation letter. However, if ORR were to direct Network Rail and MCWR to enter into contract, we would like the opportunity to review the terms of the contract.

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 "Gianmaria Cutrupi". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gianmaria Cutrupi
Customer Manager
System Operator

List of Appendices

Appendix A – Level Crossings Mitigations Risk Assessment

Crossing Name	Type	EL	Milea	Current Risk Score	Current FWI	Additional Trains	Resultant Risk Sco	Resultant FV	Increase	net FWI increase	Intervention Required	COI
Wantage Road	FP	MLN	60.58	C3	0.007216886	16	C3	0.007824624	8%	0.000607738	Closure Contribution	£400,000.00
Canalside 1	FP	MLN	81.74	C4	0.001776464	16	C4	0.001926061	8%	0.000149597	OMSLs	£300,000.00
Causeway	CCTV	MLN	56.72	F4	0.00123222	16	F4	0.00133574	8%	0.000103520	N/A	£0.00
Grove	BW+T	MLN	61.37	C5	0.000999261	16	C4	0.001083409	8%	0.000084148	Closure Contribution	£50,000.00
Bathampton	FP	MLN	103.18	C6	0.000359968	15	C6	0.000425416	18%	0.000065448	OMSLs	£300,000.00
Stocks Lane	CCTV	MLN	56.58	F5	0.000820425	16	F5	0.000876212	7%	0.000055787	N/A	£0.00
Kennington	UWCT	DCL	61.04	B6	0.000158935	16	B6	0.000184005	16%	0.000025070	Closure Contribution	£200,000.00
Tuckwells	UWCT	DCL	62.64	B6	0.000232408	16	A6	0.000251281	8%	0.000018873	N/A	£0.00
Butterfly Lane	BW+T	MLN	59.61	B6	0.000183430	16	B6	0.000198877	8%	0.000015447	Closure Contribution / SESRO	£200,000.00
Knighton	FP	MLN	69.12	C6	0.000111029	16	C6	0.000120379	8%	0.000009350	Closure Contribution / OMSLs	£300,000.00
Appleford	CCTV	DCL	54.53	F7	0.000074251	16	F7	0.000079103	7%	0.000004852	N/A	£0.00
Upper Studley	FPMSL	MLN	80.64	C8	0.000032585	16	C8	0.00003501	7%	0.000002425	N/A	£0.00
Christian Maford	FPMSL	MLN	88.79	D8	0.000016151	16	D8	0.000018379	14%	0.000002228	N/A	£0.00

Appendix B – Timetable Assessment Information

Sx Services

MCWR Services – Down

1Z02, 06 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads.

1Z04, 08 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads.

1Z06, 10 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads.

1Z08, 12 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to a direct conflict with another service between Foxhall Junction and Swindon, and unable to platform at Bristol Temple Meads.

1Z10, 14 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads.

1Z12, 16 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads.

1Z14, 18 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads, and a lack of associated ECS movements.

1Z16, 20 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to a lack of platforming information at Bristol Temple Meads, and a lack of associated ECS movements.

MCWR Services – Up

1Z01, 06 39 Bristol Temple Meads– Nottingham- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads, and a lack of associated ECS movements.

1Z03, 08 39 Bristol Temple Meads– Nottingham- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads and a lack of associated ECS movements, and conflicts with 6A16/6A33 and with 1A73 07.06 Paignton – London Paddington.

1Z05, 10 39 Bristol Temple Meads– Nottingham- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads.

1Z07, 12 39 Bristol Temple Meads– Nottingham- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads.

1Z09, 14 39 Bristol Temple Meads– Nottingham- RED Status

This path is not viable owing a lack of platforming information at Bristol Temple Meads and no viable path between Wootton Bassett Jn and Foxhall Jn due to 6A16DA and multiple MOD traffic Y paths.

1Z11, 16 39 Bristol Temple Meads– Nottingham- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads and no viable path between Wootton Bassett Jn and Foxhall Jn due to 6M50EG and Y paths.

1Z13, 18 39 Bristol Temple Meads– Nottingham- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads and no viable path between Wootton Bassett Jn and Foxhall Jn due to 6L81HB and Y paths unless 1A81LU is removed.

1Z15, 20 39 Bristol Temple Meads– Nottingham- RED Status

This path is not viable owing to unable to platform compliantly at Bristol Temple Meads.

So Services

MCWR Services – Down

1Z02, 06 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to a clash with freight services between Foxhall Junction and Swindon, and a lack of platforming information at Bristol Temple Meads.

1Z04, 08 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to a lack of platforming information at Bristol Temple Meads.

1Z06, 10 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to a lack of platforming information at Bristol Temple Meads.

1Z08, 12 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to a lack of platforming information at Bristol Temple Meads.

1Z10, 14 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to a lack of platforming information at Bristol Temple Meads.

1Z12, 16 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to a lack of platforming information at Bristol Temple Meads.

1Z14, 18 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to a lack of platforming information and associated ECS movements at Bristol Temple Meads.

1Z16, 20 23 Nottingham – Bristol Temple Meads- RED Status

This path is not viable owing to a lack of platforming information and associated ECS movements at Bristol Temple Meads.

MCWR Services – Up

1Z01, 06 39 Bristol Temple Meads - Nottingham- RED Status

This path is not viable, owing to a lack of platforming compliance and associated ECS movements at Bristol Temple Meads.

1Z03, 08 39 Bristol Temple Meads - Nottingham- RED Status

This path is not viable, owing to clashes with freight services between Bristol Temple Meads and Bath Spa, and between Wootton Bassett Junction and Swindon, and a lack of platforming compliance and associated ECS movements at Bristol Temple Meads.

1Z05, 10 39 Bristol Temple Meads – Nottingham- RED Status

This path is not viable at this time, owing to a lack of platforming compliance at Bristol Temple Meads.

1Z07, 10 39 Bristol Temple Meads – Nottingham- RED Status

This path is not viable at this time, owing to a lack of platforming compliance at Bristol Temple Meads.

1Z09, 14 39 Bristol Temple Meads – Nottingham- RED Status

This path is not viable at this time, owing to a lack of platforming compliance at Bristol Temple Meads.

1Z11, 16 38 Bristol Temple Meads – Nottingham- RED Status

This path is not viable at this time, owing to a lack of platforming compliance at Bristol Temple Meads.

1Z13, 18 39 Bristol Temple Meads – Nottingham- RED Status

This path is not viable at this time, owing to a lack of platforming compliance at Bristol Temple Meads.

1Z15, 20 39 Bristol Temple Meads – Nottingham- RED Status

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1Z06, 10 23 Nottingham – Bristol Temple Meads- RED Status

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1Z07, 10 39 Bristol Temple Meads – Nottingham- RED Status

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1Z09, 14 39 Bristol Temple Meads – Nottingham- RED Status

This path is not viable at this time, owing to a lack of platforming compliance at Bristol Temple Meads.

1Z11, 16 38 Bristol Temple Meads – Nottingham- RED Status

This path is not viable at this time, owing to a lack of platforming compliance at Bristol Temple Meads.