

David Reed
Senior Executive, Access & Licencing
Office of Road and Rail

Staurt Jones
Managing Director
First Rail Open Access

(by email only)

c.c. Joseph Brown

9th January 2026

Dear David,

First Rail Wales and West Section 22A Applications (Paignton and Hereford)

First Rail Wales and Western Limited (FRWWL) have received copies of Network Rail's final response to ORR concerning FRWWL applications to run services to Paignton and Hereford and wish to record a series of points of process that have emerged:

1. Network Rail has undertaken its assessment against the December 2025 timetable. Given the length of process of the application process (Paignton submission in December 2024) FRWWL have completed two iterations of its submission timetable, one against the December 2024 and one against the May 2025 timetable, in good faith and on the direction of Network Rail, as December 2025 was not known. Every iteration adds cost into the process. The myriads of minor changes from one timetable to the next will inevitably mean that there are minor conflicts along the lines of route, including platforming. To then conclude that each of the paths is unworkable (as is shown in the tables on page 4 (Paignton) and page 3 (Hereford)) is being unduly critical, when the object of this exercise is to assess whether there is available capacity. In practice, retiming's happen all the time with changes often being relatively minimal. It is disingenuous to suggest that new or altered services should never require other operators' services to be retimed and / or re-platformed.
2. Network Rail has taken objection to the two FRWWL applications in that they do not take account of the construction period and opening of Old Oak Common station. They say that the timetable associated with this will start at the earliest in December 2028. There is, however, no visibility of any industry timetable for Old Oak Common; and of course, if granted access FRWWL would work with Network Rail and all operators to ensure that the service was deliverable and punctual, as it will already be doing with the Carmarthen service. Clearly,

without an agreed plan FRWWL cannot begin to prepare a plan, and if FRWWL did it would not be to the same level as that indicated by Network Rail's assessment against the December 2025 timetable. To reject an application for track access because FRWWL have spuriously not taken account of an imprecise and future event, would not benefit the passengers the operation will serve.

3. Network Rail concluded that because platforming at the terminating points, and associated development of ECS movements, has not been completed, then the SX paths are unworkable in their entirety, and have assigned them 'red' status. It is furthermore disingenuous in the appendices to each letter for Network Rail to assign each SO and SuO path a red indicator, when they have identified a path, in most cases slightly quicker than FRWWL, but as platforming work is not complete, it is simply rejected. We recognise that a platforming study will be needed at Paddington, but there is demonstrably plenty of capacity since the opening of the Elizabeth Line, and the detail will need to be examined once there is greater certainty about FRWWL applications. E.g. platform 12 sees little and platform 14 virtually no planned use. Network Rail's remarks about the level of detail they supposedly require, such as driver diagrams, rolling stock diagrams and maintenance and country end platforming, are all relevant to the application but not at this stage in the process where the purpose is to identify that capacity exists.
4. Network Rail has claimed on page 8 of the Hereford letter that engineering allowances have been incorrectly inserted in FRWWL schedules. Network Rail could be using an incorrect version of the proposed timetable as the service headcodes are not aligned to FRWWL submission. The F3 outputs from Attune confirms that there are no such incorrect engineering allowances.
5. Network Rail has indicated that it wishes the ORR to direct FRWWL to pay between £3.395m and £4.425m for upgrading several level crossings on the Great Western region as part of the Paignton application. However, crossings that are listed on page 8 or the appendix of the Paignton letter (such as Appleford, Bathampton, Kennington) are not located on the route. The assertion that a walking route would need to be provided at Highbridge and Burnham to walk between 2 IET units is similarly out of place given the working assumption is that FRWWL trains will be formed by a single unit.
6. Network Rail seems to ascribe greater priority to other aspirational services, such as overall freight growth to south Wales, GWR's proposed 2-hourly Bristol – Oxford service or a doubling of the Barnstaple branch service (which would require infrastructure enhancements that are currently unfunded). Until any of

these are committed the FRWWL applications should be fairly assessed against existing and committed future services.

7. Network Rail describes at length performance problems and challenges on the route, which are recognised. This should, however, stand further scrutiny. If GWML is similar to other routes, whilst performance is worse than in 2019, fewer trains are being operated. Therefore, it does not follow that it is the number of trains operated that is causing operational issues and an increase in services may not actually further worsen performance. However, there has been an increase in the number of services in the timetable since 2019. This may suggest that one aspect of worsening performance is how the services that do operate have been planned (including making provision for those services that do not) and further supports a review of how existing track access rights are being used. Track usage is within the general rule that only 90% of capacity should be used (see below) even after including services that are being applied for. It is therefore unclear what capacity rules we should be applying in order to meet the concerns of Network Rail:

5.2.2 General Capacity Constraints....Network Rail intends to restrict planned usage to 90% of capacity, according to the following criteria: (a) Headways used are strict minimum headways (b) Period of time measured is a minimum of half an hour (c) Capacity is measured over a signal block section, through a junction, through a platform or on a single line section.

8. Similarly, there are many references to other potential uses of the limited capacity, above all on the Swindon – Didcot section. The overarching letter references “regular freight services”. But the average instance of freight trains running over the six-month period we reviewed (Wednesdays only) is less than 20% with many services not having recorded as running any of the days reviewed. This non-use of capacity allocated creates an artificial block on other services and means that the asset is not being used to its full potential. The *Challow Timetable Analysis Example.pdf* illustrates the potential capacity availability.

FRWWL have sought to adhere to the established process for track access applications, several areas have come up through the process that FRWWL are keen to state:

1. ORR’s guidance states that “applications should be submitted to align with Network Rail’s timetable production schedule, which operates on an annual cycle with major changes typically in May and December”. For the FRWWL applications, the first of which was submitted in December 2024 and was submitted to align to timetable at that date, Network Rail are testing for full Timetable Planning Rules compliance

against the December 2025 timetable for a service that starts 2-3 years later, by which time route enhancements may well have been completed and certainly there will have been changes to other operators' services. This process needs to assess the availability of capacity for the purposes of Track Access Rights, not trying to submit a compliant Short-Term Planning notice for services running next week.

2. Whilst there is reference to existing rights, there is no reference to looking at lapsing rights. Where a lack of demand means services have not routinely run, or the conditions of track access rights granted have not been met there should be reference to a process that considers how capacity might be (re)allocated to maximise use of available capacity. Not to do so blocks capacity for other services, and also lead to the conclusion that projected performance will worsen (even if on-the-day performance does not).
3. In the case of these two applications, FRWWL have routinely sought to engage Network Rail, and while our requests for a meeting have sometimes been granted, the response has always been that they had done no work so there was little to update. Meetings took place on 20 June 2025 and 11 September 2025, with position taken that between Swindon and Didcot there was capacity to accommodate a maximum of 1 extra path per hour. It is therefore disappointing to see the implication within the two letters that FRWWL have not engaged with Network Rail.

Yours Sincerely

(signed)

Andy Wylie

On behalf of Stuart Jones