

### FRWW 3rd (London-Paignton) – Industry Consultation

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All Consultees  
(by email only)

Andy Wylie  
Head of Regulation & OA Contracts  
First Rail

c.c. David Reed, ORR

19th January 2026

Dear Consultees,

**First Rail Wales & West Limited – Section 22A Application (Paignton Services)**

As many of you raised similar points in your comments, these are being dealt with in a composite response, except for the NR representations to the ORR, which have been dealt with separately.

Mant thanks to those that have supported our application. We quite understand and expect the former franchised operators not to be supporting the application, on Competition Act grounds if nothing else. For the avoidance of doubt, we have not colluded with any other TOC/FOC in formulating these proposals.

Some of you mentioned abstraction. We are quite content for the ORR to apply its usual tests as part of the evaluation process. We would like to point out that if any of you are using MOIRA in coming to any abstractive conclusion, the algorithms within it will usually produce abstraction figures of between 74% and 91%, depending on the application. Reality is somewhat different.

Clear choices will have to be made over the use of paths by different operators if capacity is at a premium. However, the existence of any plan that is to take place sometime in the future is not a basis for “reserving” capacity. We contend that reserving capacity without any application for rights is neither legal nor any basis for rejecting the aspirations of others. For those operators that have put in competing applications, the best use will win out.

We are anticipating that our train provider will be procuring maintenance on our behalf so details of exactly where and when they will be stabled will be up to them, all to become clearer as the contractual discussions take place. We will just drive them to the relevant depot, but it is anticipated that the Hitachi maintenance depots at Stoke Gifford and North Pole will be used. Capacity at both is a matter for the maintainer and we have been assured that it exists at both locations.

The forthcoming Old Oak Common works will put pressure on capacity on days when access is limited. We are quite content that existing processes for determining who gets

such access will be followed and there is no expectation that First Rail Wales and West will be favoured in that process, even with the higher average load factors that OA services tend to have.

Goodrington Sidings were specifically mentioned by Cross Country, and we anticipate having to make investment in staffing there. Following the recent incident in the sidings, we will also be looking closely at the need to make investments in the siding infrastructure itself.

The awarding of rights does not prevent those rights being terminated if a “better use” can be found for the section of railway concerned. This process is clearly set out in part J of the Network Code. So, the ORR awarding rights to First Rail Wales and West does not prevent any strategic rail plan being implemented in the future.

Yours Sincerely

(signed)

Andy Wylie

**From:** CVL Track Access  
**Sent:** 19 December 2024 07:36  
**To:** Joseph Brown  
**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Good morning Joe

Thank you for including Amey Infrastructure Wales in your consultation, on behalf of FRWW. We support this application.

Thanks  
Gary

**Gary Davies-Knight**  
Rheolwyr Mynediad At Gledrau | Track Access Manager





Department  
for Transport

Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Tel: [REDACTED]  
Email: [REDACTED]

17 February 2025

Joseph Brown, Customer Manager

by email: [REDACTED]

Dear Joseph,

**FRWW 03<sup>rd</sup> SA – Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Ltd**

Thank you for sharing the above track access application from First Rail Wales and Western (FRWW), and for providing the Department for Transport the opportunity to respond to this industry consultation.

The Department remains committed to Open Access where it can deliver benefits for passengers and support growth. However, these benefits must outweigh costs to taxpayers and impacts to the ability to operate the network effectively. The Secretary of State was clear on the importance of this in her 6 January letter to the ORR.

This application from FRWW raises a number of concerns regarding impact to both taxpayers and upon network performance.

DfT analysis suggests that the application would not pass the 'Not Primarily Abstractive' (NPA) test as outlined in ORR's guidance, coming well below the 0.3 threshold specified with an NPA ratio of just 0.19. This would represent a significant abstraction of funds from existing operators and poor value for money for taxpayers, who would be left to make up shortfalls.

While offering an increase in service frequency for the stations that would be served, FRWW's proposals offer few new connectivity benefits for passengers due to overlapping considerably with existing GWR and CrossCountry services. We have concern that additional Open Access services on the Great Western Mainline would adversely impact performance and resilience of existing services, particularly on the busy corridor between London Paddington, the Thames Valley, and Reading, and also around Bristol. Capacity is already severely constrained in these areas of the network, and FRWW's proposals would increase pressure on paths to Swindon, Bristol, Taunton and Weston-super-Mare, as well as reducing ability to provide much needed additional connectivity between Yorkshire, the Midlands, Devon and Cornwall that has already been funded as part of the CrossCountry National Rail Contract.

GWR also has plans for additional Bristol-Oxford (as evidenced by ongoing trials) and London-Bristol services that would be restricted if FRWW's application was successful, reducing taxpayer and passenger benefits of projects such as the upgrade of Filton Abbey Wood to four-track running.

The use of 5-car trains by FRWW would also be a much more inefficient use of the available capacity in comparison to the 9 or 10-car trains operated by existing inter-city services.

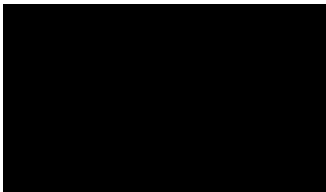
We have significant concerns regarding depot and stabling capacity on the Great Western network, and further pressure on existing facilities due to additional Open Access trains would have a negative impact upon existing fleet and services and cause disbenefit for passengers.

Access to depot facilities will be further constricted during HS2 work and construction of Old Oak Common station, while overall capacity into Paddington will also be severely impacted. During this period, only a limited service will be able to operate and it will be critical to operate at optimum efficiency to minimise disruption for passengers. However, use of 5-car trains would reduce usable capacity if limited paths were allocated to FRWW services. Further, post construction, it is unclear whether additional paths can be accommodated as impacts of an operational Old Oak Common station upon capacity and performance are still under review.

**For the reasons listed above, the Department for Transport does not support this application from FRWW.**

Please contact me if you wish to discuss this matter further.

Yours sincerely,



**Joe Hickey**  
**Deputy Director, Rail Reform Coherence and Cross Cutting Policy**

**From:** Joseph Brown  
**Sent:** 28 February 2025 16:54  
**To:** Chris Matthews  
**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25  
**Attachments:** GWML Composite Timetable v10.9.xlsx

Hi Chris,

I've received a response back from Andy Wylie, please find pasted below:

I attach the latest draft of the composite timetable so you can see the possible effect on your current and future services. At present both sets of timetables are indicative, based on a December 2024 database. Both these sets of times will evolve as other services are added, subtracted or altered on the relevant sections of the GWML.

Many thanks,

Joe



#Be safe, Be patient, Be kind

**Joseph Brown**  
Customer Manager



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**From:** Chris Matthews  
**Sent:** Thursday, January 30, 2025 6:26 PM  
**To:** Joseph Brown  
**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Hi Joe,

I've finally had a chance to look at this, I do have one question – it would be good to understand how these paths compare to the proposed paths for the Carmathen paths – given these sit broadly in a 2 hourly path between Didcot and Wooton Bassett, does this replicate the other proposals on the opposite 2 hours?

Given the difficulty in finding freight paths through this section of line due to the speed differentials we are a little nervous about future capacity so it would be good to understand this.

Thanks  
Chris

Chris Matthews  
Head of Planning (Long Term)  
Freightliner Group Limited

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**COMMERCIAL CONFIDENTIAL**

Joseph Brown  
Customer Manager  
Wales and Western  
Network Rail Infrastructure Limited  
[REDACTED]

**Great Western Railway**  
Milford House  
1 Milford Street  
Swindon, SN1 1HL

GWR.com

T [REDACTED]

31 January 2025

(Redacted Version)

Dear Joe,

**FIRST RAIL WALES AND WESTERN LIMITED (“FRWW” - FORMERLY GRAND UNIONS TRAINS NO 2 LIMITED) T/A LUMO – APPLICATION UNDER SECTION 22A SEEKING AN AMENDMENT TO THE FRWW TRACK ACCESS AGREEMENT DATED 13 JUNE 2023 FOR SERVICES FROM LONDON PADDINGTON TO PAIGNTON**

We refer to the Section 22A application in respect of London Paddington – Paignton services submitted by FRWW (the “**Application**”) and thank you for inviting GWR to submit a consultation response regarding the Application.

GWR has grounds for concern regarding the Application and objects to its approval. GWR’s concerns are set out in further detail in this response and include:

- (a) the services proposed in the Application conflict with the requirements placed upon us by the Department for Transport in our National Rail Contract; and
- (b) it is our opinion that the Application will not pass the relevant ORR tests. As emphasised in the letter dated 6<sup>th</sup> January 2025 from the Secretary of State to the ORR in respect of the consideration of Open Access applications, there is a balance to be struck to ensure the benefits provided by Open Access operators outweigh the impacts they have on taxpayers and the ability to operate the network efficiently. Whilst the ORR will determine how much weight will be placed on each of its statutory duties when considering the Application, we believe the following considerations are particularly relevant to GWR:

- i. **Abstraction:** GWR's initial analysis indicates a high level of abstraction of industry level, with the service unlikely to meet the ORR's "Not Primarily Abstractive" test and it is likely that the absolute level of revenue abstraction will be too great;
- ii. **Performance:** The GWR main line service is fast approaching congested status. FRWW has not yet undertaken detailed performance monitoring so additional time is required to fully assess the potential impact;
- iii. **Capacity:** FRWW has not validated the paths required and the proposed changes conflict with strategic plans in place by Network Rail and sub-national transport bodies;
- iv. **Operational Readiness and Viability:** FRWW's maintenance and stabling plan is not viable and is likely to adversely impact GWR operations. The depots to be utilised by FRWW are at or nearing full capacity; and
- v. **Financial Viability:** No new markets or sections of track are being served. The services proposed under this Application can only be financially viable through substantial revenue abstraction from GWR services.

### Summary of Objections

The key grounds for GWR's objection include congestion (particularly in the Thames Valley and during/after works to build Old Oak Common with its resultant impacts on timetabling as a result of reduced speed and increased station calls), the likely detrimental effect on performance and extremely significant revenue loss from abstraction. In addition, there is a significant potential effect on GWR services, including cost of resourcing and revenue loss through extended journey time. We believe that the increased use of maintenance and stabling facilities identified in the Application for the nominated rolling stock would have an adverse effect on GWR's current operations.

Fundamentally, with the possible exception of Bath to Exeter and Torbay, GWR believes that there are no new markets served in this proposal that are not already sufficiently covered by existing Operators. The Application – and the commercial intentions underpinning it – should, we believe, be seen in this light. There are potential opportunity costs of approving a duplication of existing connectivity that could obstruct potential alternative uses of the network in the future that should also be considered.

At the outset we note that further detailed work will be required to both test the assumptions within the Application, particularly regarding timetabling and the resultant operational and economic impacts on GWR. This will require the building of a timetable and performance model that has not been possible within the current consultation timescales. We assume that Network Rail have identified a similar need for more detailed and time-consuming work in order to more fully and appropriately respond.

Whilst we are firmly of the view that this modelling is required, this response sets out in more detail the principles for our objections, alongside identifying where further detail is needed from FRWW and where time for more rigorous testing is required on GWR's part.

### Congestion: Pathing

To fully understand the impacts of the Application on the existing timetable, GWR will need to create a new base timetable with the proposed services included. This would then require services to be deconflicted to ensure that the Application can be accurately modelled from a revenue and performance perspective. This exercise will require more time than allowed by the consultation timescales but is something GWR believes is critical prior to any decision due to the potential cost impact to the taxpayer and to establish the true detriment of the Application, including declining performance and associated revenue depletion.

We understand from initial information provided that the proposed changes are likely to conflict with the potential introduction of a new hourly Bristol to Oxford service which is documented within strategic plans by various parties (including Network Rail and sub-national transport bodies), is a clear aspiration of stakeholders across our region and continues to be the subject of a successful ongoing trial of two round trips on winter Saturdays when resources are available. We believe that this is one of a number of potential cases for better use of capacity and connectivity across the route, providing journeys between Oxford, Swindon, Bath and Bristol that are poorly served by rail at present and by other modes. It also has the potential, subject to the Secretary of State's instruction, to transform connectivity beyond Western, utilising East West Rail to open up new opportunities for direct services to places such as Milton Keynes, Bedford and Cambridge and population centres emanating from these points. These Bristol to Oxford services could use valuable and scarce existing capacity on Western Route without having a direct impact on the Thames Valley.

### Congestion: Performance

The Application suggests that detailed performance modelling is yet to be undertaken. We believe that this is vital to understand the performance challenges

arising from this Application and would wish to ensure an industry underwritten exercise is undertaken. As well as any Network Rail modelling, in particular GWR would be seeking to use our performance modelling software to understand performance implications arising from increased congestion in the Thames Valley (which we know has particularly acute performance challenges already), Paddington platforming, regulation at Reading and congestion challenges in Bristol and the Southwest, including any proposed turnback of open access services at Highbridge.

It is clear that the railway in the Thames Valley between London Paddington and Swindon is a particularly challenging part of the network – something that will be further exacerbated in the coming years because of work at Old Oak Common and the introduction of additional services to West Wales.

In recent years there has been a significant deterioration in infrastructure reliability in the Thames Valley resulting from previous uplifts in service, which in part led to ORR issuing an Improvement Notice to Network Rail. Whilst Network Rail's Project Brunel has started to produce the green shoots of recovery in terms of infrastructure reliability, there is still significant work to do to ensure that performance in this critical area reaches the levels our customers rightly need and expect.

The Paddington to Reading corridor already has a significantly worse primary reactionary (P:R) ratio [Redaction Reason 1: technical or financial information relating to an undertaking's know-how] vs the rest of the GWR network [Redaction Reason 1: technical or financial information relating to an undertaking's know-how] as shown in the diagram below.

[Redaction Reason 1: technical or financial information relating to an undertaking's know-how]

Due to the limited headway, even small subthreshold delays can often knock onto multiple other services. Further increasing the volume of services between Paddington and Reading is likely to compound this issue and further worsen the P:R ratio in the Thames Valley, with increased reactionary delay spreading across the network. This further highlights the requirement for detailed performance modelling to understand if additional paths can be added without detriment to the existing performance of GWR, Heathrow Express and Elizabeth Line services (including knock-on performance impacts into the Central Operating Section).

[Redaction Reason 1: technical or financial information relating to an undertaking's know-how]

The tables below show lateness by hour for all GWR services in Up and Down directions between Reading and Paddington.

[Redaction Reason 1: technical or financial information relating to an undertaking's know-how]

## Congestion: Old Oak Common calls

The construction of Old Oak Common station will present significant challenges to the operation of Western Route in the coming years, both during its delivery and in its final end state.

### *OOC Interim state*

It is currently understood that, prior to the opening of Old Oak Common station, services through the area will be subject to a slower 60mph speed limit as a result of slewing the current track layout through the new station footprint. It is well established that this speed limit will have a significant performance impact in the Thames Valley. Network Rail has undertaken work to understand these impacts which, to date, has no cognisance of the additional challenges that FRWW services to/from Paignton would present. As a factual certainty, any assessment of the proposed services needs to be undertaken in recognition of these new permanent speed restrictions in order to reflect the likely capacity and performance impacts in the Thames Valley.

### *OOC End state*

It is unclear from the proposal whether FRWW intends for their services to call at Old Oak Common once the station is in use. Whilst this omission may be on the grounds that the station is still under construction, it would be helpful to understand whether FRWW has future aspirations to stop there.

Discussions are still ongoing as to which services will stop at Old Oak Common but - especially in the peak - there is a view that if one service calls then all services may have to or otherwise be baulked outside. In its "Old Oak Common 2030 Performance Assessment", Network Rail showed the detrimental performance consequences of all trains stopping at Old Oak Common.

In addition, there are currently proposals under evaluation to ease conflicts within Paddington throat, where the opening of Old Oak Common station and the increase in Elizabeth Line services will make use of the high-numbered platforms more difficult (and Line 5 almost unusable). However, this work to look at Paddington platform optimisation as a mitigation is not committed within Network Rail's constrained CP7 financial settlement, and the industry has only just started a session to work through different options and outputs to which intervention is best.

## NR Engineering Access

Two-track operation in the Thames Valley as a result of Old Oak Common possessions will be a common occurrence in the coming years at weekends, late evenings and over many public holiday weekends as well as some weekday possessions. There is already a significant challenge in agreeing how to make best

use of the 14.5tph limit that results from this today, with an inherent tension between providing a Metro and Long Distance service offer. We already know that the previously-approved Grand Union Trains (now FRWW) service to Carmarthen will need to be added to these considerations. GWR has reviewed its weekend offer to ensure we now use 9- or 10-car IETs on the limited number of paths and 12-car Class 387 EMUs also making their first appearance in weekend paths. To remove such a train and replace it with a 5-car service would not be a prudent use of capacity in line with established industry decision criteria and could lead to passengers being left behind.

GWR believes that the Application compromises NR Engineering Access needs in a number of ways that would impact on GWR. Implied ECS moves to and from Highbridge from Stoke Gifford appear to compromise Section 5 blocks, which could result in GWR evening services needing to be removed in order to facilitate the earlier start of the possessions to finish early enough for FRWW.

Furthermore, NR's Access Strategy currently includes cyclical blocks to maintain junctions at Stoke Gifford and North Pole (1 in 6 and 1 in 4 weeks respectively). Where these occur, significant outstabling of trainsets is required (typically 5 x GWR IETs stable within Bristol Temple Meads platforms). It is not clear where FRWW's rolling stock would be stabled in these instances. Conversely, if Network Rail had to move access as a result, it would likely impact GWR further than just empty coaching stock moves and start impacting passenger services, increasing overall industry cost for any necessary mitigations, or removal of journey opportunities.

Finally, GWR needs to understand the impact of the proposed services on our current diversion strategy, which sees GWR services divert via Bristol if the route between Westbury and Cogload Jn is closed and which will therefore see more congestion if the services proposed in the Application also run.

### Rolling Stock Maintenance and Stabling

[Redaction Reason 1: technical or financial information relating to an undertaking's know-how; and Redaction Reason 5: technical or financial information relating to an undertaking's supply sources.]

### Rolling Stock type and Automatic Train Protection

As with previous applications of this nature, it is important that the rolling stock that is proposed to be used meets the exact safety, speed and configuration requirements, etc. to fit into the timetable and meet the needs of the network. In addition, any service operating at high speed on the Great Western Main Line is required to be fitted with GW Automatic Train Protection. This is a legacy system and even with the limited rolling stock currently operating with it installed, it is becoming increasingly difficult to support the on-going maintenance of the system due to limited component availability and support from the OEM (Alstom).

We note that FRWW is proposing to use Cl.802s, which would likely meet all of these criteria. However, such is our experience of rolling stock procurement and delivery, GWR recognises that these units may not be in traffic in time for the proposed commencement of the requested Track Access Rights in May 2028. We would have significant concerns if this proposal was to be changed and an alternative traction type put forward as either an interim or long-term solution for the operation of the proposed services. Any alternative rolling stock would be older than a Class 802, with the potential to import greater performance risk as a result (especially noting the acceleration performance of the IETs). Older, heavier rolling stock is also likely to have greater wear and tear on Network Rail's track assets. Whilst such stock will have a Variable Access Charge appropriate to the class, noting the Secretary of State's position on public finances, this could mean that the applicant is paying less for Access whilst having a disproportionately high impact on infrastructure that would necessitate increased maintenance spend as a result.

### Revenue Abstraction from GWR

[Redaction Reason 1: technical or financial information relating to an undertaking's know-how; Redaction Reason 4: technical or financial information relating to an undertaking's marketing and pricing strategies. We have included timetable and product offer in this category;

Redaction Reason 5: technical or financial information relating to an undertaking's supply sources. We have included anticipated operation by Network Rail of Part D in this category; and

Redaction Reason 6: technical or financial information relating to an undertaking's market shares.]

### Increased cost of GWR operation

The Application is short of detail in a number of areas that are likely to have a material impact on GWR's cost base.

To make a full impact assessment of the proposed services, GWR would require the full list of changes to GWR's services that are needed and would apply in practice. Without this level of granularity, our initial assessment is that the proposal is likely to create additional turnarounds, impacting GWR diagrams and potentially necessitating increased resourcing costs which would be passed on to the taxpayer. For example, as a result of the additional congestion in Paddington throat - coupled to the impact of Old Oak Common station - we could expect further timetable impacts and delays in this area for all services which would then require additional resources

GWR has put significant effort and resource into the recruitment, selection and training of drivers in order to meet our own service needs following COVID. We would be concerned if a new operator was to seek to then recruit these drivers, who would then need to be backfilled at increased expense to the taxpayer. As a result, GWR would like to understand FRWW's plans for recruitment and training of traincrew for these new services.

In terms of station operations, GWR has seen a marked increase in the number of customer assists in the current year, with a 24% increase in Assistance Requests in the first 10 periods. Given the additional pressure that the proposed services are likely to place on stations – particularly where they may be targeted at the leisure market - it would be helpful to understand what consideration FRWW has given to resourcing in this respect.

Finally, it is unclear what is being proposed in terms of Personal Needs Break (PNB) locations for train crew, or where those train crew will be based. GWR does not consider the existing facility at Paignton to be sufficient to meet these needs without further investment.

### Operability at Paignton

[Redaction Reason 1: technical or financial information relating to an undertaking's know-how]

### Special Events

Paignton is a significant location in terms of additional traffic for the popular summer season, with other major events along the line of route over the course of the year, including the Torbay Airshow in early June as well as the Bath Christmas Market. GWR and CrossCountry have typically run more long distance trains to/from Paignton on summer Saturdays, in addition to the 2tph local services. The operational constraints at Paignton that have already been described in this response would become even more acute in the event of the application for these additional services being granted.

In the case of special events, the proposed non-stop services are likely to prove attractive to customers. Given the volumes and planning that such events necessitate – and the potential impact on GWR that result - we would welcome sight of FRWW's proposals for managing them and ensuring that they are able to provide the significant capacity that is required. This includes understanding how they will prioritise the movement of people in such instances, given the specific restrictions that they are likely to have in place for customer conveyance on their services.

### Conclusion

In conclusion, GWR believes that significant additional work and analysis is required in order to fully understand the impact of the proposed services on the economics and operability of our own business. Only through detailed timetable modelling can we fully understand those implications.

However – as detailed in this response – we expect this analysis would support our initial view that these services would have a significant abstractive effect on GWR's revenue returns to the Secretary of State's funds, import additional operating costs

and introduce significant performance risks into the Thames Valley at a critical time. More clarity is required around the rolling stock maintenance and stabling strategy in order to understand the impact that this could have on the operation of [Redaction Reason 5: technical or financial information relating to an undertaking's supply sources.] depots and GWR services as a result.

Crucially, it is our view that these proposals duplicate existing connectivity to a significant extent and obstruct potential near-term opportunities to make better use of limited capacity in linking up parts of the network that would not directly impact performance in the Thames Valley.

Therefore, GWR objects to the Application on the following grounds:

- (a) It would be very strongly primarily abstractive in nature;
- (b) It would have an adverse impact on GWR's finances;
- (c) It has untested an unverified assumptions on timetable and operability;
- (d) The adverse performance impact the Application (if indeed viable) will import to this part of the network;
- (e) It being unclear on the wider benefits that such a service would provide; and
- (f) FRWW's services not being able to be accommodated alongside GWR and other operator's including freight.

In view of the above GWR is not content for the Application to be Approved.

Yours sincerely

A large black rectangular redaction box covering the signature of Mark Hopwood.

**Mark Hopwood CBE**  
Managing Director

**From:** London TravelWatch  
**Sent:** 30 January 2025 15:50  
**To:** Joseph Brown  
**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Hello Joe

Thank you for your helpful e-mail, which London TravelWatch has now reviewed.

Whilst we welcome competition on the rail network, we do have concerns about how capacity will be managed during the blockades. And we appreciate that checks have been carried out on station capacity but note that this is yet to be supported by Network Rail.

Regards

Trevor

**Trevor Rosenberg**  
Policy and Advocacy Officer

**From:** Joseph Brown  
**Sent:** 29 January 2025 11:40  
**To:** London TravelWatch  
**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Hello Trevor,

Thank you for your email and please accept my sincerest apologies for the lack of response thus far.

In relation to the Old Oak Common blockades, as determined by the Access Disputes Committee, there are no spare paths available during two-track operation. If the sale of these access rights proceeds, given that they are firm access rights, then, unfortunately, the current contingency plans will need to be updated and as a result, other operators may need to surrender their paths in order for these to operate. This would need to be arranged/agreed

via the usual channels. In reference to the capacity at London Paddington, this is being assessed as part of our own response to the consultation.

I hope that this helps, but please do let me know if anything further is needed and I'll endeavour to reply more swiftly than before.

Many thanks,

Joe



#Be safe, Be patient, Be kind

**Joseph Brown**  
Customer Manager



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**From:** London TravelWatch  
**Sent:** Wednesday, January 8, 2025 11:29 AM  
**To:** Joseph Brown  
**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Dear Joe

Thank you for your e-mail.

Having reviewed the documentation, London TravelWatch welcomes proposed additional services provided that their introduction would not be detrimental to existing services. We also ask how the proposed services would be affected by the Old Oak Common blockades and current capacity in Paddington station.

Regards

Trevor

**Trevor Rosenberg**  
Policy and Advocacy Officer

London TravelWatch, Europoint, 5-11 Lavington Street, London, SE1 ONZ

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**From:** Jonathan James

**Sent:** 03 March 2025 13:24

**To:** Joseph Brown

**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Hi

Thanks very much.

I appreciate the comments.

Some of the confusion has arisen because of the approach Network Rail has taken recently to granting Firm and Contingent Access Rights and applying Network Code Part D.

I will let you know if I receive further comments from my colleagues and TfL.

**Jonathan James** (him/he)

**Head of Industry Coordination**

MTR Elizabeth line

63 St Mary Axe, London, EC3A 8NH

**mtr** Elizabeth line | 

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**From:** Joseph Brown

**Sent:** 28 February 2025 16:54

**To:** Jonathan James

**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Hi JJ,

I've received a response back from Andy Wylie, please find pasted below:

MTREL are mistaken in stating that contingent rights are secondary to firm rights when it comes to blockades. Anyone who operates during those hours should be treated equally. It is the appropriate capacity statement that will determine who gets the paths and this is usually based on demand, or in the case of freight, importance to the national economy.

It would be an act in breach of competition law for an operator to seek to persuade an infrastructure provider to restrict the classification of rights to a potential or other existing operator with a clear view to ensuring that

existing operator had priority. This is forming a restrictive cartel. If that was to occur, the potential or other existing operator would seek legal redress.

Open Access Operators always require their rights to be “firm” and of sufficient duration. This is because of the requirement by funders to obtain a certain degree of certainty in the business plans of the entity they are funding. This is especially true of rolling stock providers who usually require the granting of firm rights as a prerequisite to the signing of any rolling stock contract.

Many thanks,

Joe



#Be safe, Be patient, Be kind

**Joseph Brown**  
Customer Manager



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**From:** Jonathan James

**Sent:** Wednesday, February 12, 2025 1:24 PM

**To:** Joseph Brown (He/Him); Peter Painter

**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Hi Joe

I have discussed this further internally, and our main concern is around 2-track railway operation between Paddington and Reading.

There have been a number of timetable disputes related to the Sunday two-track railway, which have concerned two main issues

- (i) How many train paths can be reliably accommodated during a two-track railway.
- (ii) How those paths are allocated between operators.

Given that we are likely to see regular Saturday, Sunday and evening two-track railways in operation for a number of years, partly due to the delay to HS2, I think we need a clear position on this issue.

My suggestion is that a new operator should only be provided with contingent rights on Saturdays, Sundays and midweek evenings, which will mean that other operators with Firm Rights will be prioritised.

At the moment Heathrow Express, Elizabeth line and GWR operate a much-reduced service when a two-track railway is in operation. This could become more complicated if a new operator is sold Firm Rights. I assume that First Rail Wales and Western Limited is aware of the likely 2-track railway restrictions and are taking that into account with their planning.

I have copied in Peter, as I think this is worth discussing at the next 2-track railway meeting.

Thanks

**Jonathan James** (him/he)  
**Head of Industry Coordination**  
MTR Elizabeth line  
63 St Mary Axe, London, EC3A 8NH



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**From:** Joseph Brown

**Sent:** 28 January 2025 08:18

**To:** Jonathan James **Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Hi JJ,

I am indeed well thanks, hope you are too?

Please accept my apologies for not responding sooner, I'm afraid that I was awaiting further feedback from FRWW and have not been able to respond without this information. I received a response from FRWW late Friday and I'm afraid that I've been unable to respond until now.

- I assume that as these trains are non-stop Paddington to Bristol Parkway/Bath Spa that they are taking over GWR's intended "fast" South Wales paths? Does this mean we'll see those rights removed from GWR or will we see even more trains operating over a densely populated main line between Paddington and Reading? **The intention, as far as I'm aware, is that these will operate in conjunction with the GWR services & have provided the modelling, which is referenced within the Form P. To confirm, there are no proposed alterations to GWR's access rights**
- As they will be operating 80X units, will the Hitachi team who currently deal with GWR's IETs see an increase in numbers to cope with the additional trains or will there be a dedicated Lumo team? **In regards to this, FRWW cannot comment on Hitachi workloads or how they will undertake their maintenance activities. Elsewhere, Hitachi do not have operator specific teams and as their units are supplied under a TSA, maintenance is organised by Hitachi themselves and undertaken at their own risk.**
- What is the stabling proposal? As it's a peak service, I assume overnight stabling/maintenance will be at Maliphant and Laira depots, what are their plans for any stabling in the daytime? Noting the dearth of stabling in the Thames Valley and platform occupancy at Paddington, should they wish to store trains in the London area off-peak, this will be difficult and could impact the Elizabeth line. **As for stabling, as previously mentioned, arrangements are still to be made. However, FRWW are assuming that the normal Hitachi TSA arrangements will apply and their units can stay out of one of their depots for a maximum of 18 hours / 1500 miles. That would indicate that Stoke Gifford and possibly North Pole will be involved in their maintenance.**
- How will NR manage capacity allocation over periods of two-track operation and during perturbation? Contingency plans will need to be amended to reflect the new services, which may involve reducing the number of train paths allocated to operators. A further reduction in any other operators' services over the two-track will not be palatable and evidence has shown that increasing the number of trains on two-track does not work. **In relation to this item, as determined by the Access Disputes Committee, there are no spare paths available during two-track operation. If the sale of these access rights proceeds, given that they are firm access rights, then, as you mention, the contingency plans will need to be updated and as a result, other operators may need to surrender their paths in order for these to operate. This would need to be arranged via the usual channels.**

I hope that this answers the remaining queries. However, please do not hesitate to get in contact if not. I'm happy to have a phone call if any of the items are not clear, though am admittedly in face to face meetings for most of today/tomorrow, but can always drop out as needed. However, I cannot necessarily promise to have the answer already, as I'm fairly reliant upon FRWW, with it being their application.

Many thanks,

Joe



#Be safe, Be patient, Be kind

**Joseph Brown**  
Customer Manager



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**From:** Joseph Brown  
**Sent:** 06 January 2025 13:00  
**To:** Jonathan James  
**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Hi JJ,

I've repasted the questions to add responses in bold where I can.

- I assume that as these trains are non-stop Paddington to Bristol Parkway/Bath Spa that they are taking over GWR's intended "fast" South Wales paths? Does this mean we'll see those rights removed from GWR or will we see even more trains operating over a densely populated main line between Paddington and Reading? **The intention, as far as I'm aware, is that these will operate in conjunction with the GWR services & have provided the modelling, which is referenced within the Form P. However, I shall seek further clarity to confirm.**
- As they will be operating 80X units, will the Hitachi team who currently deal with GWR's IETs see an increase in numbers to cope with the additional trains or will there be a dedicated Lumo team? **I shall question whether there is an updated answer to this, though do know in mid-December that maintenance agreements for the units had not yet been agreed.**
- What is the stabling proposal? As it's a peak service, I assume overnight stabling/maintenance will be at Maliphant and Laira depots, what are their plans for any stabling in the daytime? Noting the dearth of stabling in the Thames Valley and platform occupancy at Paddington, should they wish to store trains in the London area off-peak, this will be difficult and could impact the Elizabeth line. **As per prior question, I shall question whether there is an updated answer.**
- How will NR manage capacity allocation over periods of two-track operation and during perturbation? Contingency plans will need to be amended to reflect the new services, which may involve reducing the number of train paths allocated to operators. A further reduction in any other operators' services over the two-track will not be palatable and evidence has shown that increasing the number of trains on two-track does not work. **I'll hopefully be able to provide a better update to this later in the week. Unfortunately, due to the commercial confidentiality, NR were not consulted prior to the Section 22A being proposed to the ORR, so are still undergoing our own consultations. However, I do have a call with key consultees this week and shall ensure it's raised.**
- There's mention in the application of indicative public timetables - could we request sight of them please? **Please find the indicative F3's attached, along with the aforementioned Attune modelling undertaken by FRWW.**
- Some of the GWR 'fast' paths were taken out of the timetable when our May 2023 timetable was implemented to accommodate the GWR 'weave' services. Has this been taken into account. **FRWW have undertaken modelling based upon the December 2024 timetable, though I will seek clarity from Andy Wylie that these have been taken into account.**

Also, noted on the potentiality for further questions, please don't hesitate to get in contact if further ones do come up.

Many thanks,

Joe



#Be safe, Be patient, Be kind

Joseph Brown



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**From:** Jonathan James **Sent:** Monday, December 23, 2024 1:32 PM  
**To:** Joseph Brown  
**Subject:** RE: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Hi Joe

Good to see you getting stuck into your new job....

I have received some comments as follows. I may receive some more before the end of the consultation period:-

- I assume that as these trains are non-stop Paddington to Bristol Parkway/Bath Spa that they are taking over GWR's intended "fast" South Wales paths? Does this mean we'll see those rights removed from GWR or will we see even more trains operating over a densely populated main line between Paddington and Reading?
- As they will be operating 80X units, will the Hitachi team who currently deal with GWR's IETs see an increase in numbers to cope with the additional trains or will there be a dedicated Lumo team?
- What is the stabling proposal? As it's a peak service, I assume overnight stabling/maintenance will be at Maliphant and Laira depots, what are their plans for any stabling in the daytime? Noting the dearth of stabling in the Thames Valley and platform occupancy at Paddington, should they wish to store trains in the London area off-peak, this will be difficult and could impact the Elizabeth line.
- How will NR manage capacity allocation over periods of two-track operation and during perturbation? Contingency plans will need to be amended to reflect the new services, which may involve reducing the number of train paths allocated to operators. A further reduction in any other operators' services over the two-track will not be palatable and evidence has shown that increasing the number of trains on two-track does not work.
- There's mention in the application of indicative public timetables - could we request sight of them please?
- Some of the GWR 'fast' paths were taken out of the timetable when our May 2023 timetable was implemented to accommodate the GWR 'weave' services. Has this been taken into account.

Thanks very much

**Jonathan James** (him/he)  
**Head of Industry Coordination**  
MTR Elizabeth line  
63 St Mary Axe, London, EC3A 8NH

**mtr Elizabeth line** | 

**From:** Transport Focus

**Sent:** Monday, December 23, 2024 12:25 PM

**To:** Joseph Brown

**Subject:** Re: FRWW 03rd SA - Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Limited, SCD '28 - PCD '37, 18 December '24 - 01 February '25

Hi Joe

Thanks for this. We would support this application given the positive impact that open access operations have had on passenger satisfaction and usage on the East Coast Main Line.

Best regards

Martin

30<sup>th</sup> January 2025

Dear Joseph,

**XCTL's response to Proposed Application under Section 22a between Network Rail Infrastructure Ltd and First Rail Wales and Western Ltd.**

This letter constitutes XCTL's formal response. Unfortunately, we are unable to support this Section 22a Track Access Application at this current time. After reviewing your response to the concerns we raised, we still do not have sufficient information or clarification to demonstrate to us that your proposal is viable, due to several outstanding issues.

Whilst we greatly appreciate the responses on behalf of First Rail Wales and Western Ltd, there is still work required on this application before we can support this.

XCTL's current operation at Paignton requires some shunt moves to and from Goodrington Sidings, to clear the platforms at Paignton, and we believe FRWW will need to make similar shunt moves. While it is possible for more than one train to occupy the Sidings simultaneously, a Person in Charge needs to be appointed in this situation. XCTL will need to be assured that arrangements will be put in place for the appropriate staffing of Goodrington Sidings, and the associated level crossing, so that XCTL's operation will not be impeded by the presence of FRWW trains in Goodrington Sidings. As things stand, our 5M61 SX and 5M93 SO will both be occupying the Sidings at the same time as FRWW, so will trigger the need for a Person in Charge.

Furthermore, in terms of the comment from the Sponsor: *"I'm afraid that the ECS services are still to be determined as the maintenance arrangements for these are yet to be completed, so I'm afraid that there is no definitive answer for this. In terms of the location, FRWW are assuming that the normal Hitachi TSA arrangements will apply, and their units can stay out of one of their depots for a maximum of 18 hours/1500 miles. That would indicate that Stoke Gifford and possibly North Pole will be involved in their maintenance"*. XCTL require further clarity once their services have been determined, therefore some evidence will be required.

XCTL would like Network Rail/First Rail Wales and Western Ltd to resolve the above before we will be in a position to support this application.

Yours Sincerely

Martin Haffner  
Track Access Manager