

Gianmaria Cutrupi  
Customer Manager  
Network Rail Infrastructure Limited

27 January 2026

Dear Gianmaria

**Midland Central and Western Railway (MCWR)  
Section 17 Open Access application: Nottingham-Bristol Temple Meads**

1. Thank you for the copy of your letter of 08 December 2025 to Alice Kaiser, Office of Rail and Road in respect of MCWR's Section 17 Track Access application of 10 February 2025, in which you also reference the contents of your letter of 21 March 2025 to Emyl Lewicki at the ORR.
2. This forms MCWR's response to your letter and is copied to Alice Kaiser.
3. We note Network Rail's position in both letters that it does not support MCWR's application on the grounds of:
  - a) Capacity on the East West Rail route and on NR Western, North West and Central and Eastern routes and potential for freight growth.
  - b) Its view that all proposed MCWR paths, without exception, are defined as not viable or 'red status'.
4. We note, by contrast, Network Rail's welcome in its 21 March 2025 letter to the provision of a Bristol-Oxford flow in the MCRW application (page 7 para 1), and its recognition of the value of improved onward connections from Oxfordshire to locations such as Bedford and Leicester (page 7 para 2), both of which are indeed specific components of the MCWR proposition.
5. **Given Network Rail's clearly expressed support of the principles of both MCWR's Bristol-Oxford and east of Oxford components as noted at (4) above we thus request that you withdraw your objections, support the proposal on a Section 18 basis, and work jointly with MCWR to resolve the challenges that exist in our application as they do in any and every Railways Act 1993 Section 17, Section 18 and Section 22 Track Access application.**
6. Our request is based on our positive and constructive view that the issues you cite for your rejection are resolvable, and that it is feasible for a service to commence expeditiously within the December 2026 timetable.
7. We recognise the concerns expressed regarding bridge BBM 01 on the Bletchley to Bedford Midland Branch and its 'temporary restriction (RA2)', (Network Rail letter 21 March 2025 page 5 numbered para 1) and the uncertainty about its rebuilding in prospective East West Rail Connection stages 2 or 3 work. On the basis of this restriction, presumably supported by an industry-agreed temporary Network Change and capability reinstatement financed and delivered within the East West Rail project, **we propose a reduced-scope amendment to our application, seeking:**
  - a) **Firm rights for Bristol-Oxford-Bletchley services within the December 2026 timetable.**
  - b) **Contingent rights for extension of these services to Bedford, Leicester and Nottingham taking account of the proposals to resolve bridge BBM 01 and the BBM route level crossing issues noted at page 5 of Network Rail's letter of 21 March).**

8. Our commentary on Network Rail's grounds for rejection is set out at 9 – 28 below.

#### **Alignment with a parallel application to which Network Rail has given its support**

9. We note a parallel Section 22A application has been made by First Greater Western Limited (GWR) on 27 May 2025, identical to MCWR's in respect of the Bristol-Oxford section of the route, consisting of 8 services per day on a 1 train per 2 hours basis from the May 2026 timetable.
10. Your letter of 13 November 2025 to Alice Kaiser ORR indicates Network Rail's support for the application and recognises the rationale for future provision of a 1 train per hour service whilst noting that in either frequency case some level crossing works may be necessary.
11. **Notwithstanding the application's Section 22A status, MCWR wishes to understand Network Rail's rationale for its supportive approach to GWR's proposed service and its inclusion already in the timetable system, compared to its rejection of MCWR's identical service proposition submitted some three months before GWR's.**
12. Given this is *de facto* in the context of available capacity in that standard hour path we also ask why Network Rail did not make any reference to this in its response to MCWR's application which, respectively, were two and three months before GWR's Section 22A application?
13. We should be concerned if one application were approved for use of only a proportion of one available standard hour path across the day and another rejected for use of capacity in that same path, and thus possibly be seen as anti-competitive practice by Network Rail.

#### **Early delivery of an hourly Bristol-Oxford service**

14. In our 10 February 2025 Form P application we expressed our intention to "*build on and add value to the Government's public sector investment*" (page 8 para 3).
15. **We suggest there is a clear logic to MCWR's proposed 8 Bristol-Oxford-Bletchley services combining with GWR's 8 x 1 train per 2 hours structure to provide a full hourly complementary, non-competitive two-operator Bristol-Oxford service, potentially using the available hourly path in the 'non-GWR' hour as an alternative to the paths we have identified in our application.**
16. **This would not only mean an hourly service could commence more swiftly than it otherwise would, prospectively from the December 2026 timetable, but investment and risk would be shared between the public and private sectors.**
17. We recognise Network Rail's concerns regarding level crossing issues between Bristol and Oxford (Letter 13 November 2025 Section 12), and express our commitment to working with Network Rail and GWR to support investment in mitigation if we were granted our firm rights (whilst also noting that one of the crossings referred to (Section 12.1) at Grove has already been closed in July 2025<sup>1</sup>.)

#### **Working together with Network Rail and East West Rail**

18. We shall continue to work with Network Rail and East West Rail to ensure MCWR services can be implemented in a strategically robust and collaborative manner complementing East West Rail services, delivering greater capacity to manage and spread the major new demand quantum when the new Universal Theme Park and Resort at Stewartby opens.

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<sup>1</sup> <https://www.networkrailmediacentre.co.uk/news/oxfordshire-level-crossing-closes-following-dangerous-incidents-as-new-safety-campaign-highlights-increase-in-accidental-deaths-on-the-railway>

19. In September 2025 we shared our timetable proposal with the East West Rail Operations Director and team. Positive, constructive discussions considered how the two timetable proposals and the Universal Theme Park and Resort demand could be jointly accommodated in a complementary, non-competitive manner (as per the Bristol-Oxford principles noted at (15) above).
20. We are aware that EWR submitted its Section 17 (including Schedule 5 tables and Form P) for Track Access Rights on 12 January 2026, which covers the whole of its operation, including the section between Bletchley to Cambridge.
21. The rights applied for in the EWR application are in quantum only, without an indicative train timetable, thus leaving it clearly possible both EWR and MCWR applications to be developed together to create a conflict free structure between Oxford-Bedford-Cambridge.

### **MCWR Paths in the application**

22. Notwithstanding the possible solutions and approaches described at (9-21) above we challenge Network Rail's rejection of the paths MCWR identified in its February 2025 Form P.
23. Firstly, Network Rail has focused its representations on the 'number of conflicts', noting a total of 983 (Letter 21 March 2025 page 3 para 8 bullet 2) within 44 paths defined as of 'red status' without explanation of this number or its calculation methodology. We believe that this is a misleading way to present this data because:
  - a) Introduction of any new service onto a well-used section of railway inevitably gives rise to a number of conflicts. What is important is whether these can be resolved within the normal industry timetable parameters and process. We believe they can and that capacity is therefore available to deliver the outputs delivered by MCWR. As such quoting the number of conflicts does not provide any view upon their potential to be resolved.
  - b) Where a proposed path runs too close to an existing service, and a resolution is required to make the services compliant, this can generate multiple conflicts along the line of route. However, they have effectively the same root cause and resolution. Solely quoting a high number of 'conflicts' therefore presents a false picture and artificially implies that there must be that number of trains conflicting. In fact, the number of impacted trains and solutions required are significantly smaller, and the quoting of the high number artificially overstates the level of impact.
24. Secondly Network Rail's paths assessment is against the December 2025 timetable which was not that in operation when MCWR's application was made in February 2025. Notwithstanding this we have further reviewed our original proposed paths against the current timetable which has identified some different resolutions are required but does not impact the overall feasibility of the proposal.
25. Thirdly the detailed responses to 37 of the 44 identified paths (84%) simply list '*Bristol Temple Meads platform capacity*' as the sole cause of concern, to which we respond:
  - a) Given the long turnrounds of the proposed service at Bristol, our proposition is not to wait in the platform for several hours and we are currently considering suitable servicing/ maintenance facility options in the Bristol area, and trains between services will return to the depot for cleaning, fuelling and crew relief etc. as required, thus freeing platform occupation.

- b) Should our suggested joint GWR and MCWR service approach described at (15-16) above be supported this logically ought to enable both to operate within a standard hour Temple Meads platforming envelope.
  - c) Alternatively MCWR could consider extending its service, subject to industry approval, beyond Bristol Temple Meads to another destination (e.g. Weston-Super-Mare or Taunton).
26. Fourthly our February 2025 application paths contain a significant amount of 'pathing allowance' to facilitate 'joining up' the various segments of the route, principally in the Swindon area, on Didcot West Curve, Oxford area and the Midland Main Line. This provides the ability to 'flex' the paths by a significant amount, particularly on Western route, to provide a compliant timetable solution, and provide regulation flexibility during operation minimising their performance impact.
27. Fifthly in terms of managing disruption, we have identified a number of locations where services along the route could terminate and restart as required. This includes Swindon, Bletchley, Bedford and Leicester.
28. Sixthly, and finally, we suggest that Network Rail's description of all MCWR paths without exception as 'not viable'/'red status' appears to contrast both with available capacity and our careful approach to the detail of how this can be used. We question whether such a blanket binary conclusion can be wholly likely, particularly given Network Rail has made no suggestions either on:
- a) Any means of resolution of the conflicts it has identified.
  - b) Wider options such as potential MCWR use of the alternating hour/standard hour path that is not part of the GWR Section 22A application, as we discuss at (9-13) and (15-16) above.

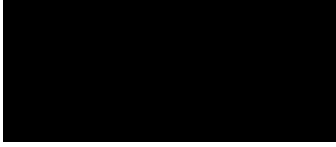
### Summary and next steps

29. In rejecting all 44 MCWR paths without exception whilst supporting GWR's Section 22A application we are concerned Network Rail may be seen by any reasonable observer to be applying an anti-competitive approach.
30. At the same time we recognise Network Rail's point that we undertook no pre-application engagement with its teams on the timetable proposition and hence there was no opportunity for collaborative discussion of it (letter 21-March 2025 page 1 para 3).
31. We should note our experience of formal rejection by Network Rail of other Open Access applications even where direct, positive (and costly) collaborative work with Milton Keynes and Route planning teams had led to agreement that viable, non-conflicted paths for a service existed. We understand a similar situation arose with Arriva Grand Central (GC) which resulted in a formal dispute at Access Disputes Committee (ADC) which ruled that Network Rail failed to properly accommodate the applicant's plans.
32. We would be pleased to engage directly with your teams at your earliest convenience at any time from this week commencing 26 January 2026 to discuss **what are now two prospective options for the MCWR service, namely:**
- a) **MCWR 'firm rights' paths within the application revised to operate between Bristol, Oxford and Bletchley in advance of 'contingent rights' to Bedford, Leicester and Nottingham.**
  - b) **MCWR use of 8 standard hour Bristol-Oxford paths which are not part of GWR's current Section 22A application, and which would thus create an hourly Bristol-Oxford service.**



33. I should note that the ORR has asked for further information from us by 30 January 2026 which we will provide to them and copy to you.

Yours sincerely



Ian Walters  
Managing Director

c.c. Alice Kaiser, Office of Rail and Road