

Gareth Clancy
Head of Access & Licensing



24 June 2022

David Golding, Passenger Strategy Director, North West & Central, Network Rail

Copied to:

Georgia Ehrmann, Head of Network Development & Planning, Avanti West Coast
Ian Yeowart, Managing Director, Grand Union

By email only

Dear David,

Competing applications for access to the West Coast Main Line (WCML)

I am writing regarding the updated representations Network Rail submitted to ORR for the Grand Union Trains Limited (Grand Union) and First Trenitalia West Coast Limited (Avanti West Coast) access applications on the WCML. The existing representations do not meet our requirements and this letter contains questions for which formal representations from Network Rail are needed by 15 July 2022.

These applications were submitted in 2019 under Section 17 of the Railways Act 1993. At that time, we asked Network Rail to conduct a capacity assessment to inform our decision-making. We published this [assessment](#) on our website in March 2020. Network Rail concluded “there is no available capacity without significantly impacting performance and causing a reduction in timetable resilience”. Following this conclusion, Network Rail declared the WCML South as congested infrastructure and launched an Industry Planning Group (IPG) with WCML operators and applicants. Its aim was to establish what additional capacity and improved performance a WCML timetable recast could deliver. When the IPG ended Network Rail reached agreement with industry in July 2021 to set up an Event Steering Group (ESG). The stated remit for the ESG was to plan for a timetable recast in December 2022, which along with other improvements, could fit in paths for the Grand Union and Avanti West Coast access applications. Network Rail concluded the ESG in March 2022.

In March 2022, we asked Network Rail to provide updated representations on the Grand Union and Avanti West Coast applications. This provided Network Rail the opportunity to present formally the conclusions of the work it had been carrying out since December 2019. We have repeatedly advised Network Rail that it is essential it provides prompt and accurate analysis showing clear evidence-based decisions on these applications.

The representations provided by Network Rail on 27 May 2022 did not meet these standards, lacking clarity and containing insufficient supporting evidence. The representations for each application were not consistent with each other or other Network Rail information. For example, it is not clear from the representations whether Network Rail supports the Avanti West Coast application, and therefore whether the two applications were considered against a consistent standard.

As the representations do not provide us with a solid basis on which to proceed, we require Network Rail to provide us clear and comprehensive evidence-based answers to the following questions by 15 July 2022. These additional representations from Network Rail will be published on our website:



1. Is Network Rail able to support the Avanti West Coast application, or a subset of the application?
 - i. If Network Rail cannot support the application, or parts of it, please explain with evidence all areas it cannot support.
 - ii. Please set out which of the rights can and cannot be supported, clearly identifying which are existing rights, amended rights or additional rights.
 - iii. If Network Rail does not support Avanti West Coast's additional Liverpool services, planned to be phased in from December 2023, is there a date from which Network Rail can support them? If not, why not?
 - iv. The representations state Network Rail could only support a contract expiry date of December 2030. Please explain the rationale for this position. Our understanding is that Avanti West Coast's National Rail Contract will last until 2032.
2. Network Rail has expressed performance concerns with both applications:
 - i. Please set out modelled performance impacts of the proposed services, in T-3 terms. Please provide this per path and confirm the applications have been modelled separately; and
 - ii. Please explain the choice of base timetable for the performance comparisons.
3. Network Rail has said it proposes to implement a "quantum limit" of 12 or 13 fast line London Euston departures per hour from December 2022. It has used different terminology in communications for the "limit", also using a "cap", "phased reintroduction" or an "introduction of service". This inconsistency can lead to confusion. For clarity, we refer to it as a "limit". Please can Network Rail set out:
 - i. How it arrived at this "limit" proposal, both in terms of evidence considered and governance process;
 - ii. What periods of the day it covers;
 - iii. What it will be considering during its review process, what information would lead to a change to the limit prior to the power traction issue being resolved, a specific date when the first review will take place, and an explanation why the reviews will take place every 12 months, rather than a shorter/more flexible period; and
 - iv. A specific planned date for the implementation of the Bushey feeder upgrade, rather than it possibly being delivered in "Spring 2024".
4. Network Rail has highlighted power supply concerns at the Gowkthrapple feeder station in Scotland. It is not clear from Network Rail's representations whether this issue is serious enough on its own to refuse access;
 - i. Please can Network Rail set out when it identified this as an issue, whether this issue can be mitigated and, if so, what those mitigations are;
 - ii. Please set out how this impacts each application and the timeline for completely resolving any power traction issues in Scotland; and
 - iii. Please provide your conclusions on the impact of the Harker feeder issues, which appear to be overdue.

We have discussed with the relevant Customer Managers in Network Rail our process for escalating our concerns. The quality of these representations is similar to other relatively recent representations from the region. Therefore, we expect Network Rail to rectify the quality and clarity promptly. The provision of the updated representations may lead to further ORR information requests from Network Rail and/or the operators.

We will publish this letter on our website. We will treat your response as a formal update on your representations on these applications, so it will be published as well.



Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Clancy', is enclosed in a light grey rectangular box.

Gareth Clancy