

Transport for Wales Rail Ltd (TfW Rail) response to Network Rail's further Representations on Proposed 4th Supplemental Agreement

10 June 2022

TfW Rail is responding to Network Rail's representations of 16 May 2022. We have provided comments on the following documents:

1. Network Rail Representations – GBRf's 17th SA and Transport for Wales 4th SA
2. Wrexham to Bidston Timetabling Study ORR Update Paper [which replaces Annex C Capacity Planning timetable review]
3. Annex D Network Rail proposed TfW timetable
4. Wrexham – Bidston Report v0.5 – Final [economic analysis]

Many of our comments in our previous representations to ORR (January 2022) are still relevant, and where appropriate we repeat them in this paper.

General comments

1. Network Rail has stated which Access Rights requests it supports and has decided that where there is a conflict between freight services and passenger services, it will prioritise the freight services.
2. This is despite Network Rail's economic analysis not considering the specific situation where Welsh Government has used public money to purchase (not lease) trains for this route and public money has been used for level crossing improvements necessary to allow 2 trains per hour (2tph) on this route.
3. Furthermore, no apparent consideration has been given to the fact that the North Wales Metro is a key political commitment to the people of Deeside and Borderlands, recognised in the Union Connectivity Review and in place since 2018, and for which public money has been used to facilitate. Essential 2tph services are now being denied in order to prioritise freight Train Slots that are poorly used, or not used at all in the case of the freight flow for a future nuclear power station over 200 miles away in Eastern England that does not yet have planning consent.
4. Network Rail has produced a timetable with these freight services prioritised over passenger services, which also requires TfW Rail to accept the following:
 - a. Prior to completion of track renewals planned for later this year, no additional passenger trains at all are to operate on Thursdays due to track patrolling requirements; and
 - b. From the start of a 2tph service, TfW Rail must fund Network Rail's additional maintenance costs (due to the need to replace daytime maintenance between trains with additional night-time maintenance) until the end of the current Control Period (1 April 2024). It is unclear whether the freight operator has been asked to contribute to their share of these extra maintenance costs?
5. TfW Rail accepts that it could operate the timetable that Network Rail has produced, but that proposed timetable still falls a long way short of our committed obligations to TfW and Welsh Government and publicly stated political goals. TfW Rail cannot accept a timetable

with an improved passenger service that does not include Thursdays and removes two key evening peak journeys: this is not a metro service.

6. TfW Rail is considering Network Rail's requirement to pay for additional maintenance costs, but we consider those costs to be high and we question why it has taken so long to provide them.
7. The Class 230 fleet has been temporarily taken out of service for modifications and so no traincrew training can be undertaken at the moment. Training will resume soon, but we will not have sufficient traincrew trained to operate a 2tph service from September. The December Timetable Change date is achievable.

Comments on Network Rail's documents

1. Network Rail Representations – GBRf's 17th SA and Transport for Wales 4th SA
 - a. The timeline of events in Answer 1 omits the date on which Network Rail first accepted a Train Operator Variation Request (or similar) for trains 6V41 and 6M42. It is our contention that Network Rail incorporated them into the timetable much earlier than 25 June 2020 (the date on which the Access Rights request for those Train Slots was considered by the SoAR Panel), with no consideration of TfW's declared intention to operate an increased frequency service or the linked political commitments.
 - b. TfW Rail opened discussions with Network Rail on level crossing interventions in early 2020. By September 2020 formal discussions were underway to establish the scope of the interventions and potential funding streams. Despite being aware of TfW Rail's 2tph commitment and the changes that would be required to level crossings because of the higher frequency of service, Network Rail still included additional freight trains in the timetable.
 - c. In Answer 2, TfW Rail is unsighted on the 'operational arrangements' that will mitigate the omission of the footbridge at Buckley, so we don't know whether they can be accommodated in either our preferred timetable or the one that Network Rail offered on 29/4/22.
 - d. In Answer 3, Network Rail states that "the evidence suggests that, even without passenger service costs being fully taken into account, the freight services offer better value-for-money." We do not agree with this analysis. Further comments are provided below in response to Network Rail's economic analysis paper.
 - e. Network Rail's decision to support the requested rights for 6J40 and 6J41 has not referenced the traffic supported by these Train Slots. These paths do not operate today; Network Rail's representations of 16 May state that they are to support cement traffic to Sizewell-C, a project which has not yet had government approval; and for which there is no established traffic, and with no certainty that traffic will be from Padeswood. TfW Rail is still of the view that that these Train Slots are presented to speculatively reserve capacity, rather than to serve a demonstrable traffic need. If this is the case, then the Welsh Government, passengers and wider stakeholders in the Borderlands area are being disenfranchised, based on freight flows that might or might not happen.
 - f. We welcome any intervention to improve perturbation recovery and note Network Rail's ideas, but as Platforms 1 and 2 at Wrexham General (Answer 5) are not on the Wrexham-Bidston route it is unclear to us how this would increase capacity. The more obvious potential interventions are 1) more signals between Wrexham General and Dee Marsh to reduce block section length and 2) improved access to the freight facilities at Padeswood to eliminate marshalling moves on the running lines.

- g. Network Rail requires TfW Rail to fund its additional maintenance requirements until the end of the current Control Period on 31 March 2024 (Answer 2). Network Rail first mentioned this expectation on 21 December 2021 in its previous representations to ORR. On 27 May 2022 Network Rail provided TfW Rail with an annual cost proposal. Network Rail is proposing a cost of £199,880 per annum for an additional S&T Team at Wrexham comprising 3 staff members, a vehicle, and overheads. We are considering this proposal but believe it to be high, and elements of it (especially an extra vehicle) seem excessive. As a minimum we will require evidence of the actual costs incurred, rather than issue a blank cheque.
2. Wrexham to Bidston Timetabling Study ORR Update Paper [which replaces Annex C Capacity Planning timetable review]
- a. In para 1.1 Network Rail again describes TfW Rail’s proposals as ‘aspirational’. It is not aspirational. It is a committed and funded plan, with expensive resources in place, funded by public money. Network Rail was represented on Welsh Government’s Working Group in 2016 that developed the list of service enhancements required to be delivered by bidders of the current Wales & Borders franchise. Network Rail was then involved in assessing the proposals from bidders, including providing a RAG status for additional services such as Wrexham-Bidston 2tph which became a limited stop requirement based on Network Rail’s advice. Network Rail is currently delivering infrastructure improvements, funded by DfT, to facilitate the introduction of the additional services.
- b. In para 2.1 Network Rail describes its work as the ‘final position’. Since then, Network Rail has withdrawn its decision to amend the Timetable Planning Rules (TPRs), which it used to create the proposed timetable, because that decision was rejected and disputed by operators. Therefore, we expect Network Rail to re-validate the proposed timetable using the published TPRs.
- c. In para 2.2.3 Network Rail cites TfW Rail’s concerns about those TPR changes potentially restricting available capacity on the route. That issue has gone away now that Network Rail has reinstated the original TPRs, but we remain concerned that Network Rail has not considered the impact on the timetable of freight paths that are not compliant with those published TPRs. Our understanding is that an operator should only be operating traction, trailing load or other equipment that is compliant with the published TPRs. If they cannot do this, then they should withdraw the train or operate with equipment that can meet the published TPRs. We remain unclear whether TfW Rail trains have been excluded or terminated/started short at Wrexham General only to accommodate freight trains which are not compliant with the published TPRs.
- d. In 2.2.5 Network Rail lists some infrastructure improvements that could be beneficial. This is welcomed, but as mentioned in para 1(f) we are unsure of the benefit of making improvements to Platforms 1 and 2 at Wrexham General that are not on the Bidston line. The most obvious interventions to improve capacity are 1) more signals between Wrexham and Dee Marsh to reduce block section length; and 2) improved freight facilities at Padeswood to eliminate marshalling moves on the mainline. We are unclear as to why Network Rail has not identified these.
- e. In 2.3 Network Rail expresses freight path utilisation by referring to how regularly specific trains have run (‘rarely’, ‘no’ or ‘yes’). It would be helpful to see this expressed as a percentage over a defined time, particularly as many of these flows are very poorly utilised. We have provided our own comments against each conflict in the table below:

Conflicting Freight Path				Rejected TfW Path (all EWD)		
Operator + Headcode	Path	% utilised (23 May to 6 June)	Access Rights status + Notes	Headcode/ Path	Amendments if rejected	Comments/Resolution
GBRf 6J40	06:46 Penyffordd > Coton Hill (Shrewsbury) EWD	0%	None	2J52 08:06 Bidston – Wrexham Central	Removed Wrexham General to Wrexham Central	TfW previously accepted this compromise as a temporary solution but in their Section J commentary, Network Rail admit this train has not run due to the unavailability of network facilities elsewhere and cite this as the reason it cannot be removed. However, the traffic purpose cited (construction at Sizewell Nuclear Power Station) has not yet been authorised by UK government and therefore there is no demonstrable traffic for this path.
GBRf 0V41	07:43 Tuebrook Sidings (Liverpool) > Penyffordd 09:52 ThO	0%	Firm	2F55 09:08 Wrexham Central – Bidston	Removed Wrexham Central to Wrexham General	TfW previously accepted this compromise as a temporary solution, but Network Rail admit 0V41 has only run once in the last 90 days. TfW Rail contends that this is not a good use of network capacity, and we question whether Network Rail has done enough to make use of Part J of the Network Code to seek to remove unused Access Rights.
DBC 6V75 (shortly to become GBRf)	09:31 Dee Marsh > Margam EWD	69%	Firm	2J54 09:06 Bidston – Wrexham Central	Removed. Also removes 2F53 08:09 Wrexham Central to Bidston to balance workings; additional ECS moves to stable unit between workings	No resolution identified.

Conflicting Freight Path				Rejected TfW Path (all EWD)		
Operator + Headcode	Path	% utilised (23 May to 6 June)	Access Rights status + Notes	Headcode/ Path	Amendments if rejected	Comments/Resolution
GBRf 6J41	12:59 Penyffordd > Coton Hill (Shrewsbury) EWD	0%	None	2J64 14:06 Bidston – Wrexham Central and 2F67 15.08 Wrexham Central – Bidston	Removed Wrexham General to Wrexham Central and return	TfW previously accepted this compromise as a temporary solution but in their Section J commentary, Network Rail admit this train has not run due to the unavailability of network facilities elsewhere and cite this as the reason it cannot be removed. However, the traffic purpose cited (construction at Sizewell Nuclear Power Station) has not yet been authorised by UK government and therefore there is no demonstrable traffic for this path.
GBRf 6M42	09:06/09:20 Avonmouth > Penyffordd 17:47 MWFO	63%	None. In GBRf's proposed 17 th SA	2F71 17:08 Wrexham Central – Bidston	Removed and new ECS working for unit to exit service	No resolution identified
GBRf 6V41	17:04 Penyffordd > Avonmouth TThO	67%	None. In GBRf's proposed 17 th SA	2J72 18:06 Bidston > Wrexham General	Removed	Reroute via Marches and Severn Tunnel to depart Penyffordd later (after 19:00). Not acceptable to GBRf due to apparent impact on driver route knowledge.
GBRf 6M42	09:06/09:20 Avonmouth > Penyffordd 17:47 MWFO	As above	As above	2F71 17:08 Wrexham Central – Bidston	As above	No resolution identified

- f. Network Rail has made only passing reference to the potential to use Part J of the Network Code, which could free up capacity by removing unused freight paths. The use of Part J would be able to demonstrate that paths such as 0V41 (Thursday only) have been utilised just once in 90 days, presumably as a method of maintaining the right; TfW Rail contends that this is not a good use of network capacity, and we question whether Network Rail has done enough to make use of Part J of the Network Code to seek to remove unused Access Rights.
- g. In para 2.3.3.1 Network Rail contends that the removal of 0V41 (Thursday only) would not allow Network Rail to offer any further passenger trains in any case. We acknowledge that this is a light engine move, but it seems plausible that if the path were used (as modified) by another freight train instead, it could free up capacity for one of the rejected passenger paths. We do not believe that Network Rail has considered this.
- h. The bill to authorise Sizewell-C has not passed House of Commons consent. Therefore, we believe the demand for cement to support that project is premature, and there is no guarantee that it will even come from Padeswood. We challenge the freight operator to demonstrate they have an established market for the traffic served by 6J40 and 6J41. Network Rail claims that the non-running of these services is 'temporary' pending the above. Please can Network Rail demonstrate that these are temporary by providing a firm date when these paths will become operable.
- i. In para 2.4.1 Network Rail states that the most robust version of the timetable has a fast service forming a fast on its return journey, and a slow service forming slow. We have not

been provided with any evidence that demonstrates this. Otherwise, we contend that the fast>slow, slow>fast pattern is more robust because it has fewer short turnarounds, and the turnaround times are equalised between the diagrams.

- j. In para 3.2 Network Rail contends that a declaration of Congested Infrastructure is necessary because it has been unable to accommodate all service aspirations. We remain unconvinced that Network Rail has carried out enough analysis to say for certain that this is the case. For example, in para (c) above we have queried whether all freight trains in the timetable are compliant with the existing TPRs.

3. Annex D Network Rail proposed TfW timetable

- a. Network Rail has provided a spreadsheet. It is not a timetable as such (e.g. it does not show intermediate timing points), but it does highlight those train schedules that Network Rail has rejected.
- b. The Timetable uses different Timetable Planning Rules (TPRs) that Network Rail intended to apply from December 2022, but which have since been withdrawn. From informal conversations with Capacity Planning, TfW Rail understands that nothing fundamental will change by reverting to the original TPRs, although it may permit more trains to run to and from Wrexham Central, instead of terminating/starting short at Wrexham General. We expect Network Rail to re-validate the proposed timetable using the published TPRs.
- c. The timetable solution proposed is not TfW Rail’s preferred solution. As well as many services terminating/starting short at Wrexham General instead of Wrexham Central, it omits 3 journeys entirely, which necessarily means we must omit a fourth journey to balance the service as we cannot leave a train at Bidston:

Headcode	Dep	From	To	Arr	Note
2F53	09:00	Wrexham Central	Bidston	09:00	Necessarily unable to run (prior working of 2J54)
2J54	09:06	Bidston	Wrexham Central	09:54	Rejected by Network Rail
2F71	17:08	Wrexham Central	Bidston	17:59	Rejected by Network Rail
2J72	18:06	Bidston	Wrexham Central	18:55	Rejected by Network Rail

- d. Two of the journeys omitted are in the evening peak, removing two key journey opportunities. This is not aligned with the principle of ‘Metro’ that Welsh Government want to see delivered and on which substantial public money has already been spent.
- e. Omitting return journeys requires the unit for that return journey to layover at or near Wrexham. This is a poor use of the unit and of the traincrew which would not be able to do any productive work for over two hours.
- f. Network Rail’s timetable structure is fast>fast, slow>slow i.e. a limited-stop train always forms the next limited-stop train, and an all stations train always forms the next all-stations train. We contend that the fast>slow, slow>fast diagram structure is more robust because it has fewer short turnarounds, and the turnaround times are equalised between the diagrams; and so will be more reliable. However, TfW Rail could adopt Network Rail’s proposal and develop diagrams for both Rolling Stock and Traincrew around it.

4. Wrexham – Bidston Report v0.5 – Final [economic analysis]

- a. Network Rail’s economic analysis applies generic incremental costs to the proposed passenger service which does not recognise the unique costs required to introduce an increased passenger frequency on this line. TfW and TfW Rail have used public money to purchase (not lease) five new trains especially suited to this line; hired and trained additional traincrew; invested in extra infrastructure with Network Rail (for level crossing modifications); and funded additional capital facilities at Birkenhead North Train Maintenance Depot (TMD) to allow the new trains to make use of the depot for stabling, fuelling and maintenance. Network Rail has also successfully secured funds from DfT towards the level crossing modifications. Network Rail is also requiring TfW/Welsh Government to fund additional track maintenance costs until 1 April 2024. All this investment is at risk if a full 2tph timetable every day (not excluding Thursdays as currently offered) and 2 paths per hour in the peaks is not provided.
- b. Comparing one freight train to an individual passenger train in a 2tph frequency timetable is misleading as the passenger train is not a ‘standalone’ service but an integral part of the overall passenger service offering. For example, if a passenger decides that their morning journey to work becomes possible by rail because of the 2tph frequency, they may discover that their evening journey is still not suitable because of the gap in the service and that puts them off using the train. All trains are required in the timetable to make the North Wales Metro proposition work.
- c. Freight tends to have a binary demand profile, whereas passenger traffic develops over time. An attractive service proposition must be provided, and reliably maintained, to attract and retain new rail passengers. Passenger demand is currently weak, but the reason for that is partly that the service is infrequent and is fundamentally unreliable (due to the existing timetable structure). We can only change that if we implement a full 2tph passenger service with the more reliable timetable structure.
- d. The standard DfT economic metrics that Network Rail has used do not recognise the unique economic circumstances of Wales and it is misleading to treat the proposed passenger service, serving communities mostly in Wales, as an “England and Wales” service using standard DfT metrics.
- e. Most of the economic benefits of the freight services will largely fall to England and not Wales (both in terms of HGV mileage saved and in terms of end destination of the freight commodity). The road decongestion figure covers the entire operation of the freight service which will skew the figures compared to a local passenger service.
- f. TfW Rail has specific comments on the analysis:
 - i) 1.1. “the first option is the continued operation of freight services that currently operate between Penyffordd and Avonmouth.” This is misleading as it gives the impression that this is the status quo, but timetabled freight trains are currently operating with no Track Access Rights.
 - ii) 2.3.1 a). “It is assumed this timetable would only run on a weekday (hence benefits for 250 days in the year)”. This is incorrect. The proposed timetable is Weekdays and Saturdays.
 - iii) 2.4.1. “Operational costs were assessed for 250 days of the year”. The proposed timetable is Weekdays and Saturdays.
 - iv) 2.4.1. a). “...both the base and option 2 timetable proposed are assumed to be 2-car DMUs”. This is incorrect. The primary fleet type will be 3-car Class 230 diesel-battery hybrids.
 - v) 2.4.1 b). Leasing costs. This section assumed that two additional trains are leased. This is incorrect. Five additional trains have been purchased outright specifically for this service, using public money.
 - vi) 2.4.2. Capital costs. This section does not acknowledge the capital cost of purchasing the trains and modifications to Birkenhead North TMD. These are

'sunk' costs and should be noted as such. Train leasing costs should be removed from the analysis.

- vii) Network Rail is due to complete its replacement of jointed track with continuous welded rail on this route soon, which we expect will allow them to review the linespeed profile for passenger trains in its entirety. This, coupled with planned closures of passenger foot crossings at stations, could allow passenger journey times to be improved and could also further improve performance.
- g. TfW Rail would like to see the economic analysis re-run accordingly. We can supply details of cost expenditure.

Conclusions

1. TfW Rail is committed to deliver the Welsh Government's requirements for a 2tph passenger service between Wrexham Central and Bidston which is a key step towards establishing a North Wales Metro service. This is a major political commitment with public money already spent on purchasing new trains, building new maintenance depot facilities to service the trains, and recruiting and training traincrew.
2. TfW Rail can only deliver its commitments if it can offer a 2tph frequency throughout the day, Monday to Saturday, to provide an attractive and reliable proposition to the communities that the service will link together.
3. TfW Rail, TfW and Welsh Government have been committed to this service frequency enhancement since 2018 and have invested considerable public money to enable it. These commitments and investments are now at risk because of Network Rail's decision to prioritise poorly utilised freight paths over passenger services.