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**Great Western Railway**

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Our ref: MD21-050

15 November 2021

Mr James Osborn  
Executive, Access and Licensing  
Office of Rail and Road  
25 Cabot Square  
London  
E14 4QZ

By email: james.osborn@orr.gov.uk

Dear James

**Appeal under Part M of the HAL Network Code by Heathrow Airport Limited (HAL)  
in respect of Timetabling Panel Determination HAL/TTP003**

Thank you for sight of your letter of 9th November to Heathrow Airport Limited.

Great Western (GWR) has been informed that Heathrow Airport Limited (HAL) and Heathrow Express Operating Company (HEOC) are appealing this decision to the ORR. GWR is contracted by HEOC to provide units and crews for the Heathrow Express (HEX) train service. However we are writing in our role as provider of key intercity, commuter and leisure services between London and South Wales, the Cotswolds and the West of England to support the request to the ORR to Hear the Appeal and to support strongly an outcome that will mitigate the anticipated material detrimental effect on the train service performance on all the core London routes provided by GWR and also those provided by HEX and MTR that GWR believes will accrue (and is evidenced by Network Rail's letter of 5th November to the ORR) if the determination in TTP 003 remains in force.

GWR's letter of 12th October to the Chair of HAL TTP003 outlines the background so far as GWR is concerned. A copy of that letter is herewith.

HEX has been operating from a single platform at Paddington since December 2019 Timetable despite the rights (which they are waiving) in their long-standing Track Access Agreement with Network Rail giving them exclusive use of platforms 6 & 7. This situation was implemented due to delays in the Crossrail programme and was the only way of maintaining the GWR franchise service given the unexpected temporary need to accommodate Crossrail trains in the main station.

Operating from a single platform at Paddington has had its challenges and performance has at times suffered, this has been compounded further over the last 10 months with the introduction of the ETCS enabled CI387s. The new software has had its fair share of teething problems for both GWR/HEX and MTR services. With the services running in a tunnel infrastructure at the airport, recovery options are limited when there is a failure and although reliability is improving the risk for disruption remains.

Timetabling allocates 5 circuits to fulfil the 4TPH requirement for HEX services, in the event of disruption or a stranded train this allows the service to be 'stepped up' which maintains the 4TPH, avoids cancellations and mitigates the impact on performance. This is a crucial tool in ensuring we maintain a high performing railway but is not a sustainable long-term option as it removes any further resilience. Operating 4 circuits for 4TPH removes this ability to recover from disruption in the same manner and any incident is likely to result in cancelled services and impact performance for HEX, GWR and MTR services.

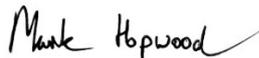
Whilst recognising MTRs access rights at Terminal 5, it is also acknowledged that HEOC has firm access rights at Paddington which have only been waived on a temporary basis to facilitate MTR services using Paddington main station whilst the central London tunnel remains unopened. Such arrangement was no doubt made without realising there might be a plan for MTR in Dec 21 to use Terminal 5. Having MTR in Paddington as well as in Terminal 5 creates the real performance risks outlined in Network Rail's letter.

In the current industry climate of recovery, encouraging customers to return to rail and establishing a new era of reliable and punctual trains it is paramount that performance risks are mitigated and not unduly introduced for commercial benefit or where, arguably, no additional service requirement currently exists.

The Determination of TTP003 relies on there being "exceptional" circumstances. GWR notes that MTR bid at the Priority Date according to the Network Codes therefore it acknowledges there is no timetable process exceptionality and in particular that the effect of four timetable changes per year due Covid has no effect on this. There appears to be no exceptional circumstance. The circumstance is driven by the unexceptional circumstance of a delay in the opening of the London tunnel. GWR believes therefore there is ground for consideration that the determination is unfounded.

A determination that had not relied on there being "exceptional" circumstance might therefore be sound. Such a determination whilst perhaps finding in MTR's favour with regard to access right, might have required (as an outcome) that further thought on the subject was to be given by the parties concerned perhaps for a timetable with realistic timeframe (for commercial discussion perhaps as well as timetable and resource development) such as May 22.

Yours sincerely

A handwritten signature in black ink that reads "Mark Hopwood". The signature is written in a cursive, slightly slanted style.

**Mark Hopwood CBE**  
Managing Director