
TIMETABLING PANEL of the ACCESS DISPUTES COMMITTEE

Determination in respect of dispute reference TTP2690 (following a hearing held in London, on 28 August 2025)

The Panel:

Alexander Rozycki Hearing Chair

Members appointed from the Timetabling Pool

Ian Kapur ("IK") elected representative for Non-Passenger Class, Band 1
Toby Patrick-Bailey ("TPB") appointed representative of Network Rail

The Dispute Parties:

First Trenitalia West Coast Rail Limited ("AWC")

Robert Taylor Head of Train Planning
Andrew Smith Senior Permanent Planning Manager
Andrew Pennington Professional Lead
Fiona Rendell Timetable Development Manager
Ben Kelly Strategic Timetable Development Manager

Network Rail Infrastructure Limited ("NR")

Matt Allen Head of Timetable Production
Andy Bray Timetable Production Manager
Emma Goodman Operational Project Planning Manager

Involved Parties:

Robbie Gilbody Contracts & Compliance Manager (TransPennine Trains Ltd.)
Matt Chappell Timetable Planning Manager (Northern Trains Ltd.)
Warren Stephens Strategic and Long-Term Planning Manager (West Midlands Trains Ltd.)
Leon Foster Senior Strategic Timetable Development Manager (XC Trains Ltd.)

Observers (professional development):

Graydon Thatcher (NR)

In attendance:

Tamzin Cloke Committee Secretary ("Secretary")

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A Background and Jurisdiction

1. Dispute TTP2690 was raised by AWC by service of a Notice of Dispute on 11 July 2025 in respect of NR's decisions in relation to the New Working Timetable Publication for December 2025. The dispute was brought on the basis that AWC felt Network Rail had failed to appropriately apply the Decision Criteria when rejecting three sets of Train Slots (later known as 'Issue 1', 'Issue 2' and 'Issue 3').
2. I was appointed as Hearing Chair on 16 July 2025 and I satisfied myself that the matters in dispute included grounds of appeal which may be heard by a Timetabling Panel convened in accordance with Chapter H of the ADR Rules to hear an appeal under the terms of Network Code Condition D5.
3. In my consideration of the Parties' submissions and my hearing of the Disputes, I was mindful that, as provided for in ADR Rule A5, I should "reach [my] determination on the basis of the legal entitlements of the Dispute Parties and upon no other basis".
4. The abbreviations used in this determination are set out in the list of Parties above, in this paragraph 4 and as otherwise defined in this determination document:

ADR Rules mean the Access Dispute Resolution Rules and **Rule** is construed accordingly

Decision Criteria means Network Code Condition D4.6

Chapter H means Chapter H of the ADR Rule

ESG means Event Steering Group, as defined in Network Code Part D

ORR means the Office of Rail and Road

Part D means Part D of the Network Code

SRD means Sole Reference Document

SX means Monday to Friday only

tph means trains per hour

TPRs means Timetable Planning Rules

TTP means Timetabling Panel

WCML means West Coast Mainline

WTT means Working Timetable

B History of this dispute process and documents submitted

5. At my request (and as permitted by ADR Rule H21), the Dispute Parties were required to provide SRDs. The proposed Panel hearing was notified generally by means of the website and by email to those identified as potential Involved Parties by the Dispute Parties. The submission timescales were slightly revised on 05 August 2025.
6. On 15 August 2025 served its SRD, in accordance with the revised dispute timetable as issued by the Secretary.
7. On 22 August 2025 served its SRD in accordance with the revised dispute timetable as issued by the Secretary.
8. Northern Trains Ltd., TransPennine Trains Ltd., West Midlands Trains Ltd. and XC Trains Ltd. declared themselves to be Involved Parties. All were represented at the hearing, either in-person or via video link. ScotRail Trains Ltd. initially declared itself to be an Involved Party, but withdrew once Issue 1 was resolved.

9. On 27 August 2025 the Dispute Parties were advised – for the purposes of ADR Rule H18(c) - that the issues to be determined were: whether Network Rail, as a contractual fact-finder, acted reasonably in making the Decision; whether, and to what extent, NR took into account Condition D4.2 and Condition D4.6 in making its Decision; whether the remedies the Parties sought were available to the Panel under Condition D5.3.1 and Rule H50 of the ADRR.
10. The hearing took place on 28 August 2025. The Dispute Parties supplied written opening statements, responded to questions from the Panel concerning various points and were given the opportunity to make closing statements. The Involved Parties were given the opportunity to raise points of concern.
11. Although AWC initially raised three issues under reference TTP2690, by the day of the hearing Issue 1 (relating to Glasgow services) had been resolved, Issue 3 had been resolved by way of a joint agreement that is recorded later in this determination, and only Issue 2 remained. Issue 2 concerned four non-accommodated Train Slots, as follows:

1P92 0939 London Euston to Blackpool North SX
1A92 1252 Blackpool North to London Euston SX
1A78 1932 Chester to London Euston SX
1A70 1753 Holyhead to London Euston SUN
12. I confirm that the Panel had read all of the papers submitted by the Dispute Parties and I confirm that I have taken into account all of the submissions, arguments, evidence and information provided to the Panel over the course of the dispute process, both written and oral, notwithstanding that only certain parts of such materials are specifically referred to or summarised in the course of this determination.

C Outcomes sought by the Dispute Parties

13. In its SRD, AWC requested remedies in respect of Issue 1 and Issue 3, which were later withdrawn. These can be found in AWC's SRD on the Committee's website.
14. In respect of Issue 2, AWC revised - following clarification of the extent of a TTP Hearing Chair's powers in my H18(c) note and on the day of the hearing - the remedy it sought. AWC ultimately wished me to direct NR to reconsider the decision in line with D5.3.1(a), "such reconsideration being demonstrably linked to the trains at issue, it being AWCs belief that such consideration to date has been generic and arbitrary in nature". AWC's original request can be found in its SRD.
15. NR asked me to uphold its Decision.
16. Neither Party alleged that exceptional circumstances had arisen.

D Relevant provisions of the Network Code and other documents

17. The versions of the Network Code Part D and the ADR Rules dated 19 November 2024 were applicable to these dispute proceedings.
18. Conditions D4.2.1, D4.2.2 and D4.6 were particularly relevant and are appended in Annex A.

E Submissions by the Dispute Parties

19. The gist of AWC's case in its SRD was that it had developed a strategy to reinstate train services as part of its strategic plan which formed part of the December 2022 ESG timetable, but that NR had chosen not to accommodate these particular train services within the December 2025 New WTT. AWC contended that, in choosing not to accommodate its aspirations in the December 2025 New WTT, NR did not correctly apply the Decision Criteria in Condition D4.6.
20. AWC's written Opening Statement can be found at Annex B.
21. In respect of the issue remaining in dispute (Issue 2), it was NR's case, in essence, that train service performance on the WCML South route has been consistently deteriorating over the last three years, that the 'Fast Lines' are already highly vulnerable for minor perturbation, and that introducing further trains (as requested by AWC) would only worsen the robustness of the timetable. It contended that it had applied the Decision Criteria carefully and correctly in doing so attributing the heaviest weighting to criterion (c) – maintaining and improving train service performance.
22. NR's written Opening Statement can be found at Annex C.

F Oral evidence at the hearing

23. Given that neither party had specifically addressed relevant provisions of Part D of the Network Code in their respective SRDs, nor had they structured their SRDs in any way in accordance with such provisions, I was anxious to ensure from the outset that the legal issues relevant to the dispute were agreed in accordance with my understanding of what those issues were as set out in my Rule H18(c) Legal Note. The representatives of both Parties agreed with me that my Legal Note accurately set out all the legal issues to be determined, and neither party sought to add, alter or remove anything from it.
24. Having considered the Parties' SRDs and written Opening Statements referred to above, and ascertained that they were content with the legal issues to be determined as set out within my Rule H18(c) Legal Note, I and the other members of the Panel posed questions to the Parties' representatives in order to clarify their respective cases and any points arising.
25. AWC submitted that the trains relevant to Issue 2 (as set out at paragraph 11 above) were part of its strategic plan to operate trains as part of the ESG timetable for December 2022, the status of which it submitted was that of a base development timetable and the "bedrock" on which it bases all of its timetabling work and its long-term timetable operation. It accepted that the plan could change over time, but the key was that it was the base and the foundation for everything. AWC submitted that, for the purposes of the Decision Criteria, at D4.6.2(g), it amounted to a relevant Long-Term Plan or, alternatively, a relevant Development Timetable produced by an ESG.
26. I asked AWC to confirm whether it was its case that it had an expectation of rights, referring to NR's position in its Opening Statement that this was not the case (albeit noting this was not its position in NR's SRD per paragraph 4.2.8) and it confirmed that it was. It submitted that it was granted rights for one timetable period, and that it reapplied with the expectation

that, having demonstrated that these trains are operating successfully, rights would be granted for the December 2025 timetable.

27. I asked, therefore, whether AWC accepted that the trains in issue fall within Condition D4.2.2(d)(iii), in that they fall third within the hierarchy, and it confirmed that it did. As such, it conceded that, in the event of conflicting Access Proposals with a higher priority for inclusion, NR would have the right to prioritise such a service. However, it did not believe that there were any such conflicts within the timetable structure that would have prevented NR from accommodating the Train Slots compliantly with the TPRs. It submitted that all of the trains were part of the ESG timetable, and that the industry was therefore in agreement that the trains could be supported in some way, shape or form.
28. AWC explained that it agreed with NR's submissions in paragraph 4.2.5 of its SRD regarding the importance of a resilient timetable, and that it fully supports NR in this respect. It explained that a lot of what it had been trying to implement was concerned with ensuring that there are suitable 'firebreaks' in the timetable at key conflicting points and that it had some robust analysis on this point. This point proved particularly relevant to NR's weighting of the Decision Criteria in particular on the emphasis it placed on criterion (c) – performance.
29. I moved on to consider with AWC the application of the Decision Criteria by NR with reference to Appendix 12 to NR's SRD. AWC dealt with these in no particular order.
30. AWC first referred to criterion (f), which refers to the commercial interests of NR or any Timetable Participant, which NR had marked as N/A whereas the running of four trains brings in additional revenue and was part of AWC's long-term plan, the Anglo-Scot route being the only one of AWC's routes that has recovered to above pre-Covid passenger numbers. As such, AWC submitted that there is a clear commercial case that the trains, which include calls at Preston and/or Crewe for changes to Scottish services, are important.
31. I asked AWC if there are any other service providers serving the routes in question. AWC explained that it is the sole provider of services between North Wales and Chester and Euston, and currently also Preston, although there is the potential for open access in the December 2025 timetable to a very small degree, such as a single-digit number of trains a day.
32. AWC referred to criterion (e), highlighting the importance of providing a direct train route, as opposed to a connection, between London and the destinations served in order to maintain the integration of the Network that passengers are looking for. It gave the example of passengers such as families, and those with luggage, who have a need for a direct train service, and also pointed out the potential safety concern of passengers with luggage having to climb the stairs of a station. It submitted that this criterion should have been given reasonable weight in light of the impact that it can have on the attractiveness of passenger journeys which in turn has a greater impact on revenue. Later on in the discussion, AWC referred back to criterion (e), emphasising its view that creating connections does break the integration of the Network, direct services being very desirable for the ORR, NR and the operators which are proposing the services.
33. AWC addressed criterion (b) – that the spread of services reflects demand. It emphasised that the Anglo-Scot route is a growing route, and highlighted the importance of serving Blackpool where there is a growing leisure market. It explained that, at present, AWC only

serves Blackpool four times a day, two in each direction, hence removing these trains halves the service to Blackpool. It referred to the importance of a round trip in the middle of the day for the purposes of leisure and summer holidays, and passengers going to resorts.

34. On the issue of criterion (c) – maintaining and improving train service performance – AWC expressed its agreement with NR that significant weight should indeed be placed on this factor. It submitted, however, that trains should not be withdrawn from the timetable on a blanket basis, but rather that solutions should instead be found. It submitted that it was not clear why, even accepting that there were performance issues on the WCML, these specific trains posed a particular performance risk. It submitted that there were discussions that it could have had with NR to reduce the number of tph and to keep it within NR's proposed margin of 13tph without materially impacting on performance by, for instance, withdrawing an empty stock Q train currently pathed for the December 2025 WTT. Otherwise, it suggested that NR was simply rejecting trains, rather than exploring alternative solutions.
35. In this regard, AWC submitted that NR had not raised any genuine performance concerns as part of the May 2025 validation and, once the decision had been made not to accommodate these trains after the May 2025 timetable had commenced, there was very little chance to present any firm evidence. However, it had been building evidence with reference to the data contained in the waterfall graphs in Appendix 9 of its SRD. It explained that it had specific ideas, referencing different types of trains with differing performance/acceleration characteristics, as to how to reduce congestion on the line, and how to mitigate performance concerns. However, it submitted that NR had not given it the opportunity of exploring any of these options.
36. AWC made the further point – with reference to criterion (j) – enable operators of trains to utilise their assets efficiently – but in the context of the discussion regarding criterion (c), that stock needs to return to London regardless of whether it runs as a passenger train, necessitating a path in the afternoon/evening at the relevant time. It submitted that, from a commercial perspective, having a fully-crewed train travelling empty with no passengers and hence not earning any revenue is a very inefficient use of assets.
37. I referred AWC again to criterion (g) – seeking consistency with any Long-Term Plan and any relevant Development Timetable produced by an ESG – in light of what it had submitted earlier (recorded above) with reference to the December 2022 ESG timetable. It submitted that the assumption that margins assumed in 2022 are no longer sustainable sets a dangerous precedent, namely that an ESG timetable can simply be disregarded at a later date. To this end, it reiterated the point that these timetables form the foundation from which any long-term strategy is based. It explained that it was open to refining or improving it, but that the core structure should remain.
38. I referred AWC to the point it made in its SRD regarding NR's allegedly inconsistent approach to the ESG by rejecting a proposed solution to improve performance of retiming Euston – Birmingham – Scotland services and Euston – Liverpool services to depart Euston 2 minutes earlier solely on the basis that it deviated from the ESG timetable while concurrently rejecting these trains which were part of that timetable. AWC further explained that all four trains which are the subject of Issue 2 raised within this dispute were in the ESG. Therefore, it submitted that, by default, rejecting those trains and not allowing them to run is a statement by NR that that element of the ESG does not apply. It submitted, however, that in equal measure when a proposal was introduced in an effort to improve overall performance, the logic for rejecting it was that it deviated from the ESG which was

therefore, without any further explanation, in complete contradiction to the reasons for rejecting these trains.

39. I turned to the Panel Members to ask any questions, or raise any points arising from the discussion, with AWC. IK explored the December 2022 ESG further, especially if AWC had any views about any legal entitlement arising therefrom. AWC explained that it is a process designed to obtain mutual agreement across the industry regarding a timetable and therefore, logically, the December 2022 ESG was something that was mutually agreed by the industry upon which decisions would be based.
40. TPB explored the question of performance further with AWC. While acknowledging that there was poor performance on WCML and that this was attributable in some part to AWC, it submitted that the risks and data relevant to performance were generic in nature, and did not refer to or reflect the performance of the specific trains in question. As such, it submitted that the trains had been rejected only because they are trains rather than the actual performance risk that they represent.
41. TPB also further explored the question of AWC's expectation of rights. AWC explained that it is awaiting a determination from the ORR following NR's challenge to the rights on performance grounds, but, in terms of its resourcing plan, it was working on the basis that these trains would run, it being curious for a train operator not to have an expectation of future rights in respect of trains which are presently running.
42. After the lunch break, I clarified with AWC its position regarding the point made in paragraph 4.3 of NR's SRD, particularly NR's suggestion that concourse and platform capacity is already exceeded at peak times at London Euston, meaning that accommodating further services would exacerbate safety risks and operational congestion at the terminus. AWC submitted that the trains in issue are not running at peak times and, in all likelihood, their removal will lead to passengers needing to travel on other services during peak times thereby increasing congestion.
43. Overall, AWC urged me to request NR to reconsider its decision because its impression is that NR's consideration has been of a very arbitrary nature.
44. I then proceeded to ask some questions and clarify points in issue with NR.
45. I put to NR, first, that the point raised within its Opening Statement that it does not consider the Train Slots to have an expectation of rights for the purposes of Condition D4.2.2(d)(iii) was apparently contradicted by its statement, at paragraph 4.2.8, that "AWC have applied for rights to run these services, and as an ORR decision is pending, they currently hold only an expectation of rights." NR submitted that the four trains have 'contingent rights' to run in the May 2025 WTT which, in light of NR's observations to the ORR, did not support these paths being awarded Access Rights. It accepted that there was a contradiction between the two statements, but maintained that there is no expectation of rights because the application to the ORR for rights is not supported by NR for these particular trains. It accepted that the point in paragraph 4.2.8 was made in error and that I can disregard it and replace it with what is submitted in the Opening Statement.
46. I asked what difference NR thinks it makes to the order of priority in Condition D4.2.2(d)(iii) and it confirmed that not having expectation of rights makes no difference, confirming its position that the trains would still come third in the order of priorities. It further confirmed that the four trains were not rejected because of their status of priority for inclusion, but on

the basis that, when the Decision Criteria were weighted, the highest priority was attributed to performance. In any event, NR confirmed that the Train Slots fit within the December 2025 timetable and are TPR-compliant, and that they do not clash with other Train Slots of different priority.

47. I asked NR about the obligation to consider its entitlement to exercise its Flexing Right prior to accepting or rejecting an Access Proposal. NR submitted that it did not think it had anything to flex to enable these trains to be accommodated as the Train Slots proposed did not give rise to conflicts with other Train Slots in the New WTT. Ultimately, NR submitted that it did not consider the Flexing Right because it considered it fairly extreme to take AWC's bid and put it in a completely different hour, etc., and there was in any event a bigger concern around the totality of the system, which is deteriorating in terms of its overall performance.
48. In light of the Decision Criteria document being compiled retrospectively, I asked NR how it applied the Decision Criteria in practice and what processes it adopted when doing so. NR submitted that its planners are taught how to use the Decision Criteria, but accepted that it was not as clearly documented as it ought to have been. This was attributed to the volume of decisions that NR has to make. It explained that the onus that the industry currently has on performance probably places it at a higher weighting for most decisions that NR currently makes. There was no process adopted as such beyond briefing its teams to be mindful of performance. It explained that the decision was made by planning specialists who had attended internal courses on how to use the Network Code at three levels of competency, some of the competency questions relating to Part D. NR accepted that it had some learning to do in this regard. It did not accept, however, that the Decision Criteria document was wholly retrospective, as it had been making the representations in the document, reflective of performance, to the ORR in respect of AWC's application for Access Rights.
49. In response to AWC's point regarding the apparently arbitrary nature of the decision made, NR placed emphasis on the difficulties inherent in making incremental changes to the timetable on performance grounds every time that it reworks the timetable. It explained that its representations to the ORR were running in parallel and it accepted that it needed to undertake some learning in respect of both clearer and better communication.
50. I discussed with NR AWC's contention that, with reference to some of the appendices to AWC's SRD, had NR consulted with it, sufficient mitigating factors could have been introduced to enable the trains to run. NR submitted that the performance challenge is wider than the four additional trains in the timetable and that, at the moment, it is not right to continue running these services because of that wider performance issue. It accepted that, in respect of these four trains, there was no specific evidence that these particular trains were impacting on performance beyond the generic notion that more trains tend to lead to performance problems. As for the mitigations proposed by AWC themselves, NR submitted that it did not consider the mitigations would make any difference to the overall performance problem.
51. The Panel asked NR if it had applied the Decision Criteria at the time that the timetabling decisions were being made. While accepting that it did not write them down and share them, NR submitted that the Criteria were at the back of its mind. It emphasised, however, that performance is a key consideration, and that it felt that nothing said today by AWC would have changed its mind that the correct weighting had been applied.

52. TPB asked NR further about the status of the December 2022 ESG timetable, and AWC's description of it as the "bedrock" of its strategic planning. NR accepted that it is a strategic timetable for the WCML, but that it is not binding in terms of its capacity allocation decisions. As such, it should have a weighting to the extent of considering whether the Train Slots being considered align to the latest assumptions on strategic direction.
53. In its closing submissions, NR submitted that it does not yet fully understand how the performance of the Network will be impacted by the increase in services, but that an industry-wide consideration is needed, as opposed to a specific look at four individual Train Slots. Further, it submitted that it has made representations to the ORR that it does not support the Access Rights application for these four Train Slots based on the background of the current rights, which are contingent rights for one timetable period.
54. AWC submitted in closing that it would like NR to reconsider its decision regarding the trains concerned on the basis that NR's consideration to date has been generic and arbitrary in nature. It accepted that performance on the WCML is sub-optimal and that measures are needed to improve it and gave an example of cutting short-term speed restrictions that now apply to Class 805/7 stock as a means it has adopted to address the issue. It submitted that it has an expectation of rights with these trains already running, elements of the December 2022 ESG having been introduced in incremental steps. It challenged NR's case that adding further trains would degrade punctuality, giving the example, for instance, of the 19:32 Chester to Euston, which will run in an hour where, even with its inclusion, there will only be 9 Up Fast line paths, which it argued is not saturated. In respect of Blackpool, there are currently 15 trains pathed including the Blackpool train and the Q path/ECS move, meaning that this is not a case of adding further trains. It emphasised the need for NR to adopt a very different approach to the apparently arbitrary one that has been taken in any reconsideration.

G Analysis/Observations and Guidance

Issue 2 – Rejection of services on the WCML South

55. I turn now to the issues to which the remaining dispute relating to Issue 2 gives rise. As indicated above, the Parties agreed with me at the outset of the hearing that the issues are correctly set out within my Rule H18(c) Legal Note. In doing so, I have taken into account the totality of the Parties' written and oral submissions before and during the hearing, including the oral exchanges which took place during the hearing.
56. The core issue in this dispute is whether, when compiling the December 2025 WTT, and hence making its decision to reject the trains which are subject to AWC's Access Proposal, NR applied and correctly weighted the Decision Criteria in Condition D4.6 and conducted itself in accordance with Condition D4.2. This involves consideration of the Decision Criteria and Condition D4.2.2 together (as per the ORR's determination of an appeal against TTP1174).
57. I am satisfied that NR did not conduct itself in accordance with Condition D4.2. By its own admission, it did not consider its entitlement to exercise its Flexing Right at the time of making its decision, contrary to the obligation to do so under Condition D4.2.2(c). Even if, for the reasons referred to by NR at the hearing, the exercise of its Flexing Right would ultimately have made no difference or, as it said, there had been nothing to flex, NR should still have considered whether exercising this entitlement might have resolved the

performance concerns that it had. I note, however, that NR also accepts that it did not base its decision in any way upon the order of priorities in Condition D4.2.2(d), but rather solely on the importance of maintaining the performance of the route. To this end, therefore, and because nothing turns on the order of priorities, both Parties accepting that, irrespective of whether AWC had an expectation of rights or contingent rights, it would have fallen third in the order of priorities, the apparent dispute between the Parties as to whether AWC had an expectation of rights or some other status is ultimately immaterial.

58. On the application by NR of the Decision Criteria, NR acknowledges in its SRD that the development of the December 2025 WTT had not been undertaken as clearly as it should have been with reference to Part D in relation to these services. It contends, as it did during the hearing, that the Decision Criteria had been 'in its mind' as the timetable had been developed, and that they were considered at the time with performance being given the highest weighting. It acknowledges that the record in its Appendix 12 purports to be a retrospective recording of the considerations that it actively applied throughout the development of the December 2025 WTT. At the hearing, it further made reference to the volume of decisions it needs to make each day during the development period, rendering it impractical to document each of its considerations.
59. The issue of the extent to which, on a proper interpretation of the requirement to apply the Decision Criteria, NR is required to document or show such application has been considered in a number of TTP determinations. In TTP1521 (August 2019), having referred to various previous determinations on the extent to which documentation is required, paragraph 74 states, in this respect, that "it does not matter that a specific 'Decision Criteria document' relative to each and every 'decision' of Network Rail in the course of the timetabling process is not provided at the time of the decision, as long as the right mindset required by the application of the Decision Criteria regarding available options for the decision, and the consequent right approach to their evaluation, are in fact adopted by NR at the time and if necessary – for example, because the decision is resisted, challenged, or formally disputed – can be shown to have been so adopted in substance by production of some explanation later at a suitable stage and in whatever form." Paragraph 75 goes on to state that "This interpretation recognises that Network Rail makes probably thousands of decisions in the course of timetabling, not just the big difficult ones, and that therefore it is simply impractical always to have to issue a 'Decision Criteria document.' However, this interpretation also accepts that the Decision Criteria need to be somehow demonstrably in the minds of the people making the decision at the time the decision is made, in order for the decision to be made as required by the Network Code 'by application of' the Decision Criteria. It follows from that, that the Decision Criteria must also be in the minds of the relevant people somewhat in advance of making the decision."
60. In my view, the above interpretation correctly identifies the need for the Decision Criteria to be demonstrably in the minds of the decision-maker at the time that the decision is made. Otherwise, it seems to me that it is wholly unclear whether and how the necessary weighting and analysis required of NR pursuant to its contractual obligations under Part D has been carried out. To this end, Condition D4.2.1 imposes an obligation on NR to apply the Decision Criteria "in compiling" a New WTT. Such demonstrability need not be by way of a contemporaneous 'Decision Criteria document' (though I note that past decisions have, correctly in my view, emphasised the desirability of doing so) but it must be somehow otherwise apparent.

61. Applying the above interpretation and approach, I am satisfied that NR did not in fact have the Decision Criteria in mind, in substance or form, when compiling the December 2025 New WTT and rejecting these particular trains.
62. I note that NR's consideration and weighing up of the Decision Criteria is not in any way demonstrable within any of the contemporaneous documentation relevant to the decision. For instance, in Appendix 5 to its SRD which consists of a letter dated 13 June 2025 confirming publication of the December 2025 New WTT, the table contained within the letter provides only for "performance constraints north of Preston" as being the reason for non-accommodation of the trains. No weighting up of factors, or any contemporaneous reasoning or analysis, is provided. Moreover, as is apparent from AWC's letter to NR dated 26 June 2025 (Appendix 3 of its SRD) in response to the 13 June 2025 confirmation of publication, AWC challenged NR on its reasoning behind the rejection of these trains and, in particular, reminded it of the need to consider the Decision Criteria, in the following terms: "AWC therefore require Network Rail to demonstrate, in detail, how it has used the Decision Criteria to come to these decisions, particularly focusing on clear evidence on how it has traded off the following criteria, noting that, the rejection of these trains is contrary to condition g and removing these trains from the timetable goes against conditions a, b, d, e and j." NR's response by email of 11 July 2025 to the above challenge makes no reference to the Decision Criteria, notwithstanding the above reference by AWC, and simply reiterates that "Network Rail's position remains that we are not prepared to reconsider the rejected services due to concerns around fast line capacity, power supply limitations, and overall performance north of Preston." This contemporaneous correspondence is not in any way demonstrable of the Decision Criteria having been in NR's mind at the time that it made the decision.
63. The above is reinforced by the submissions that NR made at the hearing. In particular, NR told the Panel that there was no particular process adopted in the application of the Decision Criteria, save for briefing the teams to be mindful of performance. Furthermore, NR accepted that, in respect of the four rejected trains, there was no specific evidence that these trains were impacting on performance beyond the generic notion that more trains lead to performance problems.
64. In my view, the above shows that NR was concerned, either solely or at least principally, with the perceived impact that the four rejected trains would have on performance, and broader performance concerns, rather than applying the Decision Criteria "in compiling" the New WTT. While this might have been motivated by entirely legitimate and compelling concerns relating to the performance and resilience of the Network, it does not accord with NR's contractual obligations under Part D.
65. I go on to consider NR's actual weighting of the Decision Criteria within the retrospective Appendix 12 document, at least from the perspective of the time that that document was created. The document strikes me as generic in nature, without providing any detailed evaluative approach as to how each criterion is weighted against the other. In particular, with reference to the key consideration of criterion (c), it is not at all clear (and in any event NR conceded as much at the hearing) how it is that accommodating these services would exacerbate unreliability and would not support the objective of maintaining and improving train service performance. With reference to criterion (b), there is no evaluation of the extent of the underlying demand and therefore how it is said that alternative services can provide reasonable alternative connectivity to service such demand. With reference to (e), there is little evaluation as to how providing an integrated service to passengers might be impacted by the removal of these services, alternatively any detailed analysis as to why the

integration of the Network is not broken by the removal, particularly in light of AWC being the only provider of direct services to the destination in question. It seems to me that NR, in all likelihood correctly weighted criterion (g) as Medium. AWC placed heavy reliance on the December 2022 ESG as a long-term plan etc for these purposes. However, it was uncontroversial that the ESG was liable to alteration in the intervening period, and was not in any way legally binding. I note that it does not seem to have been industry practice for as heavy reliance to be placed on an ESG timetable as was placed by AWC in this context.

66. My overall conclusion is that, although understandably concerned with the performance and resilience of the Network, NR made a decision in this case which was arbitrary in nature, and without applying the Decision Criteria, or providing for any proper consultation or meaningful engagement with AWC. This is contrary to its contractual obligations as a contractual fact-finder (see *Braganza v BP Shipping Ltd & Anor* [2015] UHCS and *Abu Dhabi National Tanker Co v Product Star Shipping Ltd* [1993] Lloyds Rep 397). In my view, it is impossible to say with any level of certainty, without any meaningful consultation or engagement having taken place, whether the mitigation which had been proposed by AWC would have allayed those concerns or provided for a different weighting of the Decision Criteria, thereby potentially leading to a different outcome. To this end, I take on board the fact that AWC has not had the opportunity to provide NR with its robust analysis of the performance issues and how they might be averted, which it discussed extensively at the hearing, and is contained within the Appendices to its SRD. In my view, it should have been afforded such an opportunity, and such analysis should have been undertaken, prior to the decision to either accept or reject these trains being made.

Issue 3 – Non-Accommodation of Trains due to Power Supply Capacity

67. At the outset of the hearing, I was informed that the Parties were able to reach agreement on Issue 3, both Parties agreeing to work collaboratively towards the May 2026 WTT to take into account power supply and timetable constraints.
68. As explained above, Issue 3 had been resolved between the Parties in the course of the hearing following discussions between them at a joint meeting during an extended break in the course of the day.
69. My powers under D5.3.1(a) are limited but the Parties have a much wider scope to agree a way forward should they wish to do so.
70. Before the hearing concluded, I was informed that the Parties had compromised the issues between them and arrived at an agreed way forward as follows:

Power Supply Modelling Status: *NR has further work to complete the necessary analysis of the power supply modelling. Without the outcomes of this work, it is not possible to make an informed decision regarding the inclusion of the affected services in the December 2025 New Working Timetable (NWT).*

Commitment to Collaboration: *Both Parties are committed to avoiding a similar dispute in relation to the May 2026 NWT. To support this, AWC and NR will work together to reach an informed understanding of the constraints associated with the Crewe area power supply.*

Next Steps:

- a. *NR will complete the power supply analysis and share the results with AWC in a timely manner*

- b. This will enable a decision for May '26 to be made on all additional Euston–Liverpool services currently being planned by AWC.
- c. The work will include a joint review of mitigation options for power supply risks, which may involve alternative timetable solutions.

Timetable Alignment: These activities will be completed in a timely manner to inform the May 2026 NWT offer at D26.

71. I explained to the Parties that I was unable to advise them as to the terms or enforceability of any agreement reached, but that settlement on a form of words would resolve this Issue 3 between them. I can note what the Parties say they have agreed, but I am constrained by D5.3.1(a) and am not empowered to issue specific directions along the lines agreed. Given that both Parties had given ground in arriving at a compromise settlement, there may be some merit in the proposition that they have arrived at a binding agreement which may be specifically enforceable if a court considered that to be an appropriate remedy. Further, when NR issues its decision regarding the trains in issue when it compiles the May 2026 New WTT, if some or all of the items listed under 'Next Steps' remain in dispute and AWC considers that in arriving at its decision NR did not comply with specific aspects of the Code, it will be open to AWC to appeal that decision.

Other Matters Arising

72. At the conclusion of the hearing, a representative for XC Trains Ltd. commented that, for Timetable Participants, the building blocks of the WTT are the TPRs and that those Rules contain a performance uplift across the board. He commented that, in circumstances such as those described by NR in the course of the hearing, there are examples across the country where, for instance, a firebreak is formally expressed in the Rules as a buffer to protect performance. He questioned whether, given the timescales of producing a timetable where performance analysis is required, versus producing TPRs where performance analysis might be required, some guidance could be provided by the Panel that NR should take steps to include formal firebreaks in future TPRs, to enable future WTT development to be conducted on that basis.
73. Since the point raised is not a matter which is relevant to the specific issues in the dispute, and XC is not a Dispute Party, I am unable to give any guidance on this matter. However, if it is an important matter that relevant train operators would like to discuss, they may raise it with NR through the relevant industry forums. Should any relevant operator be dissatisfied with any decision by NR on the matter, it is open to such operator to appeal the relevant NR publication.

H Determination

74. Having carefully considered the submissions and evidence and based on my analysis of the legal and contractual issues, my determination is as follows.
75. As a matter of legal entitlement, NR is in breach of contract in not considering its entitlement to exercise its Flexing Right, in not applying the Decision Criteria in compiling the December 2025 New WTT, and in making a decision to not accommodate Train Slots 1P92, 1A92, 1A78 and 1A78 in an arbitrary way.

76. As a matter of remedy, in respect of Issue 2, NR is directed to reconsider its decision not to accommodate Train Slots 1P92, 1A92, 1A78 and 1A70. In doing so, it shall apply and demonstrate its application of the Decision Criteria to include a robust analysis as to how each criterion has been weighted taking into account the above specific Train Slots, and engage in meaningful consultation and engagement with AWC. To the extent that it considers performance to be its principal concern, it shall consider how the performance and resilience of the Network is impacted specifically by the above Train Slots, and engage in consultation and/or discussion with AWC as to any measures which might be taken to mitigate such impact.
77. No application was made for costs.
78. I confirm that so far as I am aware, this determination and the process by which it has been reached are compliant in form and content with the requirements of the Access Dispute Resolution Rules.

A handwritten signature in blue ink, appearing to read 'A. Rozycki', is positioned above the printed name.

Alexander Rozycki
Hearing Chair
11 September 2025

Annex A Relevant extracts from the Network Code

4.2 Decisions arising in the preparation of a New Working Timetable

4.2.1 In compiling a New Working Timetable in accordance with Condition D2.6, Network Rail shall apply the Decision Criteria in accordance with Condition D4.6 and conduct itself as set out in this Condition D4.2.

4.2.2 Network Rail shall endeavour wherever possible to comply with all Access Proposals submitted to it in accordance with Conditions D2.4 and D2.5 and accommodate all Rolled Over Access Proposals, subject to the following principles:

(a) a New Working Timetable shall conform with the Rules and the applicable International Freight Capacity Notice applicable to the corresponding Timetable Period;

(b) each New Working Timetable shall be consistent with the Exercised Firm Rights of each Timetable Participant;

(c) in compiling a New Working Timetable, Network Rail is entitled to exercise its Flexing Right;

(d) where the principles in paragraphs (a), (b) and (c) above have been applied but Network Rail is unable to include all requested Train Slots in the New Working Timetable, the Train Slots shall be allocated in the following order of priority:

(i) first to:

(A) the Firm Rights of any Timetable Participant that will subsist during the whole of the Timetable Period and which have been Exercised; and

(B) any rights Network Rail has for Network Services included in the Rules;

(ii) second to Firm Rights of any Timetable Participant, that were in force at the Priority Date but will expire prior to or during the Timetable Period and which have been Exercised, provided that Network Rail considers (acting reasonably) that new Firm Rights, substantially the same as the expiring rights, will be in force during the Timetable Period;

(iii) third to Contingent Rights or any expectation of rights of any Timetable Participant which have been Exercised, provided Network Rail considers (acting reasonably) they will be Firm or Contingent Rights in force during the Timetable Period;

(iv) fourth to any:

(A) rights or expectation of any rights of any Timetable Participant notified in an Access Proposal submitted after the Priority Date but before D-26 in accordance with D2.4 and D2.5. Where more than one set of rights or expectation of rights are so notified, capacity is to be allocated in the order in which Access Proposals containing details of the rights (or expectations thereof) are submitted to Network Rail; and

(B) Strategic Capacity contained in the Strategic Capacity Statement.

4.6 The Decision Criteria

4.6.1 Where Network Rail is required to decide any matter in this Part D its objective shall be to share capacity on the Network for the safe carriage of passengers and goods in the most efficient and economical manner in the overall interest of current and prospective users and providers of railway services ("the Objective").

4.6.2 In achieving the Objective, Network Rail shall apply any or all of the considerations in paragraphs (a)-(l) below ("the Considerations") in accordance with Condition D4.6.3 below:

- (a) maintaining, developing and improving the capability of the Network;
- (b) that the spread of services reflects demand;
- (c) maintaining and improving train service performance;
- (d) that journey times are as short as reasonably possible;
- (e) maintaining and improving an integrated system of transport for passengers and goods;
- (f) the commercial interests of Network Rail (apart from the terms of any maintenance contract entered into or proposed by Network Rail) or any Timetable Participant of which Network Rail is aware;
- (g) the content of any relevant Long Term Plan and any relevant Development Timetable produced by an Event Steering Group;
- (h) that, as far as possible, International Paths included in the New Working Timetable at D-48 are not subsequently changed;
- (i) mitigating the effect on the environment;
- (j) enabling operators of trains to utilise their assets efficiently;
- (k) avoiding changes, as far as possible, to a Strategic Train Slot other than changes which are consistent with the intended purpose of the Strategic Capacity to which the Strategic Train Slot relates; and
- (l) no International Freight Train Slot included in section A of an International Freight Capacity Notice shall be changed.

4.6.3 When applying the Considerations, Network Rail must consider which of them is or are relevant to the particular circumstances and apply those it has identified as relevant so as to reach a decision which is fair and is not unduly discriminatory as between any individual affected Timetable Participants or as between any individual affected Timetable Participants and Network Rail. Where, in light of the particular circumstances, Network Rail considers that application of two or more of the relevant Considerations will lead to a conflicting result then it must decide which of them is or are the most important in the circumstances and when applying it or them, do so with appropriate weight.

4.6.4. The Objective and the Considerations together form the Decision Criteria.

Annex B AWC's written Opening Statement

Thank you for your time today, and the opportunity to discuss the items we have raised. As you may be aware this is not a process AWC as a train operator is involved with frequently, and we have a strong relationship with NW&C based on mutual professionalism. AWC originally planned three dispute items, but collaborative working means we have now withdrawn item 1 thanks to NR offering the trains involved.

Our overarching aim is to deliver for our passengers by protecting the trains running today and those that the industry is committed to deliver. We are disputing the following remaining items:

Item 2: NR's decision to not accommodate four trains in the Dec '25 timetable.

Item 3: Lack of transparent modelling and mitigations development in response to power supply challenges between Crewe and Weaver Jn.

Based on these two items, AWC are seeking:

- All four trains in item 2 to be offered by Network Rail.
- Improved collaboration on performance improvement workstreams.
- Improved collaboration and sharing of information for the Dec '25 timetable to support power supply mitigations.

AWC is committed to performance and would not propose anything to compromise it. We are working with NR colleagues to improve the challenging performance on the West Coast Mainline. Preserving performance by allowing room for recovery is important, noting the ORR has recently rejected access where additional hourly services would bring the WCML too close to theoretical capacity to perform well.

Item 3: Non-Accommodation of Trains due to Power Supply Capacity between Crewe and Weaver Jn

We believe there is a solution to enable the withdrawal of item 3, hence this is discussed first.

AWC seeks in principle that the four trains rejected due to limited power supply are offered back by NR. Whilst the end goal is for NR to offer the four rejected trains, we would not be comfortable if this happened for Dec '25 without robust and transparent power supply modelling, which has not been completed, despite this being requested since the Dec '22 ESG.

NR's SRD 4.2.19 and 4.2.20 states they have not accepted power supply mitigations due to insufficient time available "the full impacts and benefits of "notching back" had not been comprehensively quantified," despite AWC requesting engagement since the problem was identified in 2022. If all Parties agree, a pragmatic approach would be the panel committing NR to sharing the full power modelling already undertaken, and for transparent conversations to take place to enable the trains to be offered and delivered safely in May '26. In this scenario, we would consider withdrawing item 3 for Dec '25.

Item 2: Rejection of services on WCML South

Four trains are involved in item 2:

- 1P92 09:39 London Euston – Blackpool North (SX)
- 1A92 12:52 Blackpool North – London Euston (SX)

- 1A78 19:32 Chester – London Euston (SX)
- 1A70 17:53 Holyhead – London Euston (Sun) – previously this terminated at Crewe

AWC disputes the decision from NR to withdraw these trains: Three have been operating since May '25 and one commences on the 15th of September, it is unusual for NR to decide to withdraw services already operating, and we dispute this decision.

AWC disputes NR's non application of the ESG timetable from Dec '22, which all four trains were part of. NR stated in section 4.3.2 of their Sole Reference Document (SRD) that there is an "over-reliance" on the ESG, calling into question established industry process on timetable strategy. The ESG is the bedrock on which industry access strategy is based, and rejecting trains from it constitutes a significant deviation. Deviating from the principle of the ESG timetable upturns industry process, and calls into questions industry timetable strategy. We request the chair provides clarity on the importance of an ESG to provide certainty for AWC and the entire industry.

AWC believes there is sufficient robust capacity to support all four trains. The base hour on West Coast South is fourteen trains per hour on the fast lines. In the hour these trains pass Bourne End Jn, there are fewer than this.

In the 09xx hour for 1P92 there are only 12 fast line trains, again, suggesting there is sufficient capacity. Similarly, in the 21xx hour (for the 19:32 Chester) there are seven trains currently operating and 4.2.11 from NR's response also identifies that the timetable at this time is "loosening as services wind down," it is unclear why this train is unacceptable when capacity exists. There are fourteen paths in the 15xx hour where 1A92 runs, but 5A31 is an un-resourced AWC Q path to be used in disruption. Therefore, we can discuss this with a potential offer to remove 5A31, to provide capacity for 1A92.

On Sunday, although there is a 2-track in place, 1A70 is not adjacent to any train on minimum headway, the closest being 1A71 from Manchester, which follows 5 minutes behind from Colwich Jn. A train would also need to run ECS from Chester to Wembley if 1A70 does not run to London anyway.

We are actively investigating performance improvements, but Network Rail do not support this. On point 4.2.5 in NR's SRD, we wholeheartedly agree with the statement that timetable performance can be improved on the WCML, especially through collaboration between NR and operators.

AWC have established the industry leading TPWG, with NR and operators. Despite colleagues from WMT, West Coast South Route, AWC and Capacity Planning endorsing an approach to retime the Liverpool and Crewe service groups to improve performance, others from Capacity Planning will not accept this, for fear of deviating from the ESG timetable structure. NR contradict their above argument that the ESG no longer applies, suggesting that it does hold weight in making access decisions.

Linking this to the line speed improvement (LSI) is also incorrect. By 29th August, AWC will have 23 drivers trained on the LSI. All drivers will be trained before the timetable change, removing performance concerns of operating at PS.

AWC maintains that the decision criteria have not been applied appropriately, including point B, C, E, F, G and J.

These trains ensure the spread of services reflects demand as in criteria B, particularly by catering for the Anglo Scot route on which Preston, is an important destination. The Anglo Scot route is the only one on AWC to have recovered journeys to pre-pandemic levels; throughout the current financial year to date, the route has exceeded pre pandemic by +7%, providing trains for this growth is key.

Rather than reject these trains, we are committed to working with NR on performance improvement solutions, meeting criteria C, for example by reviewing the calling patterns on the Blackpool trains to improve performance.

Regarding criteria E to maintain “integrated services,” NR’s decision leads to withdrawal of through services to Blackpool. Connections do not give the “integration” required and demand for through services is recognised by NR, ORR and the industry, evidenced by the likes of Lumo requesting to run direct to Blackpool by extending from Preston, as connections fail to deliver for passengers, especially given the types and needs of leisure passengers using the Anglo Scot and North Wales routes. Similarly, the 17:32 from Chester to London, is currently the earliest last train from an English City to London, 1A70 (at 19:32) would provide important connectivity on a growing route.

As one of only two TOCs paying a premium back to the Treasury, AWC dispute that criteria F about commercial impact is marked “N/A” by NR, driving growth on the Anglo Scot route is key to the commercial interests of AWC.

Regarding criteria G, NR state the timetable assumed in the ESG is no longer sustainable for performance. Our performance improvement proposals address this challenge, but they are not supported by NR on the basis of not deviating from the ESG, which contradicts their position that the ESG is no longer suitable.

Criteria J is not met, as the Chester trains need to run ECS out of Euston regardless to balance their inbound workings, which is an inefficient use of rolling stock and crew.

We also dispute NR’s decision to reject trains on the assumption rights will not be granted by ORR. For the ORR to fully assess rights, an offered path is crucial if it exists and it is not the role of NR to determine how an operator uses its rights. To avoid inhibiting a full assessment of the timetable by the ORR, AWC believes NR should not have used their rights representations to justify rejection of trains.

Thank you for your time and we welcome a discussion on the points we have raised.

Annex C NR's written Opening Statement

Good morning, Chair, Panel members and colleagues from Avanti West Coast.

This hearing concerns the decisions made by Network Rail in the development of the December 2025 New Working Timetable, and specifically the Claimant's challenge to three sets of services which they contend should have been accommodated. Network Rail's position is clear and consistent:

Issue 1 – The four services north of Preston serving Glasgow Central have now been offered to Avanti West Coast for inclusion in the December 2025 timetable. We consider this issue resolved prior to today's hearing.

Issue 2 – The Claimant seeks to add further services on the WCML South. Network Rail maintain that this section of the route is already operating at the limits of resilience and introducing additional services would erode necessary firebreaks, worsen reactionary delay, and compromise timetable robustness. There is a further increase in services on the WCML South from mid-September with the introduction of additional Avanti West Coast services. The December 2025 timetable has a further quantum increase with additional Avanti West Coast & Lumo Stirling services on the WCML.

Network Rail did inform Avanti West Coast of the non-accommodation of the services included in this item at a liaison meeting on 20th May 2025, but does accept that the formal process could have been undertaken more clearly. The justification and detailed supporting evidence that underpinned this decision was being undertaken in parallel with the ORR access rights application process; the supporting evidence and rationale were therefore captured within our ORR representations rather than in standalone rejection letters.

To address the points made in the Chair's H18(c) Legal Note of 27th August 2025;

- Network Rail did not put D4.2.2 (d) (iii) into play, as Network Rail do not consider these train slots to have an expectation of rights. This is consistent with the representations Network Rail have provided in numerous submissions to ORR.
- Network Rail's interpretation of the ORR's decision of 15th February 2018, is that Network Rail must endeavour to include train slots as submitted, but Network Rail can amend the train slots if required to better meet broader considerations such as performance or safety. Decisions made by Network Rail need to be justified using the Decision Criteria. The train slots relevant to this item could be included in the December 2025 timetable purely on capacity, but due to the points made in Network Rail's submissions regarding network performance, the decision was made to not include these train slots. Network Rail believe that they have maintained transparent dialogue with Avanti West Coast throughout the December 2025 Timetable Preparation Period on the matters related to issue 2.
- Network Rail believe that they have weighted the Decision Criteria fairly. There is significant industry focus on performance improvement, from Network Performance Board to Train Operators and Network Rail. The ORR has published comments related to recent Access Rights applications on both the WCML and ECML which recognise the importance of a timetable that is punctual and resilient, so as to not further weaken performance.
- Contextually, data published by ORR for Q4 2024/25 showed Avanti West Coast recorded a T-3 outturn of 61.9% compared with a national T-3 figure of 85.9%. Subsequent periods have shown a further deterioration in Avanti West Coast T-3 performance with the T-3 figure (MAA) dropping below 59% at the end of Period 5.

For these reasons, Network Rail maintains that its decision not to include these services is reasonable, justified and proportionate.

Issue 3 – Network Rail note that the Claimant made no reference to this issue in their Notice of Dispute, and the relief sought applies to May 2026 timetable. Both of these points, Network Rail believes, places this item beyond the decision making powers afforded to the Chair.

In relation to the additional Liverpool services, both Parties recognise that the correct remedy is collaborative work towards the May 2026 timetable, subject to power supply and timetabling constraints.

In their email response to the Chair, Avanti West Coast confirmed they are still awaiting an outcome on whether NR were correct to offer back two services (1A37 & 1A67) that had previously been non-accommodated due to the power supply issue.

Avanti West Coast have stated they are unable to resource these services, as the required sets are not available. Resourcing services remains Avanti West Coast's responsibility; however, with NR offering these services, Avanti West Coast had the opportunity to rework diagrams, and, if necessary, make a decision from a commercial perspective during Offer Response. If it is not possible for Avanti West Coast to resource 1A37 & 1A67, Network Rail can remove these train slots from the December 2025 timetable and we will continue to work closely with Avanti West Coast on how to incorporate these train slots for May26 development.

It is important to be clear that power supply constraints on the Crewe to Weaver Junction section were not overlooked. Network Rail's initial modelling work, including the December 2022 ESG, focused on Bushey because this was the single location with the highest electrical draw, but the Crewe-Weaver issues were raised with Avanti both before and after that study. They have been consistently highlighted through technical reviews, risk identification processes (TCRAG) and at the Industry PMO. The Liverpool constraints were always part of our analysis and discussions with industry, as evidenced in Appendix 1 where this issue was first raised in 2021, and it has been consistently highlighted through subsequent reviews and forums.

No formal determination is therefore required at this stage.

In summary, Network Rail invite the Chair to uphold Network Rail's position in relation to Issue 2, and to note that Issues 1 and 3 require no further determination.

We are happy to try and provide answers to any additional questions you may have in relation to these issues.

Thank you.