*TTP2960 – Network Rail Defence Submission*

**1 DETAILS OF PARTIES**

1.1 The names and addresses of the parties to the reference are as follows:-

1. First Trenitalia West Coast Rail Limited, whose registered Office is at *Victoria Square House, Victoria square, Birmingham, B2 4DN* (“AWC”) (“the Claimant”); and
2. *Network Rail Infrastructure Limited (“NR”) whose Registered Office is at Waterloo General Office, London, SE1 8SW (“the Defendant”).*

1.2 Potential ‘Involved Parties’ to this dispute include; Freightliner, GBRf, DB Cargo, London and Northwestern Railways, Lumo, Northern and Trans Pennine Trains.

**2 CONTENTS OF THIS DOCUMENT**

This Response to the Claimant’s Sole Reference includes:-

1. Confirmation, or qualification, that the subject matter of the dispute is as set out by the Claimant in its Sole Reference, in the form of a summary schedule cross-referenced to the issues raised by the Claimant in the Sole Reference, identifying which the Defendant agrees with and which it disagrees with.
2. A detailed explanation of the Defendant’s arguments in support of its position on those issues where it disagrees with the Claimant’s Sole Reference, including references to documents or contractual provisions not dealt with in the Claimant’s Sole Reference.
3. Any further related issues not raised by the Claimant but which the Defendant considers fail to be determined as part of the dispute;
4. The decisions of principle sought from the Chair in respect of

(i) legal entitlement, and

(ii) remedies;

1. Appendices and other supporting material.

**3**  **SUBJECT MATTER OF DISPUTE**

3.1 The dispute being brought under this TTP reference is broken down into three distinct issues.

3.2 **Issue 1** AWC is disputing the decision by Network Rail not to include within the Dec 25 New Working Timetable the following AWC Bid D40 PDNS services – Non-accommodation of services north of Preston:

* 9S47 0716 London Euston to Glasgow Central SX
* 9S65 1140 Euston to Glasgow Central SX
* 9M53 0939 Glasgow Central – London Euston SX
* 9M84 1336 Glasgow Central – London Euston SX

3.3 **Issue 2** AWC is disputing the decision by Network Rail not to include within the Dec 25 New Working Timetable the following AWC Bid D40 PDNS services – non-accommodation of services on the WCML south:

* 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

3.4 **Issue 3** AWC is disputing the decision by Network Rail not to include within the Dec 25 New Working Timetable the following AWC Bid D40 PDNS services – Non-Accommodation of Trains due to Power Supply:

* 1F15 0907 London Euston – Liverpool Lime Street SX
* 1F21 1207 London Euston – Liverpool Lime Street SX
* 1F25 14F07 London Euston – Liverpool Lime Street SX
* 1A55 1508 Liverpool Lime Street – London Euston SX

**4** **EXPLANATION FROM THE DEFENDANT’S PERSPECTIVE OF EACH ISSUE IN DISPUTE**

**4.1** **Issues where the Defendant accepts the Claimant’s Case.**

4.1.1 **Issue 2** Network Rail accepts that, in theory, a small number of additional Fast Line paths exist between Euston and Rugby. However, Network Rail does not accept AWC’s conclusion that these can be used to operate further services. Detailed capacity and performance assessments show that utilising these theoretical slots would have an adverse impact on timetable performance and reliability.

4.1.2 **Issue 3** Network Rail accepts AWC decision sought from the chair that the 4 rejected Euston to Liverpool services are not included in the Dec 25 NWT and are collaboratively worked on between AWC and Network Rail with the aims of potentially including in the May 26 NWT.

**4.2 Issues where the Defendant qualifies or refutes the Claimant’s Case.**

4.2.1 **Issue 1** In preparing its SRD Network Rail has reviewed its decision to reject the 4 services labelled as dispute ‘item 1 non accommodation of services north of Preston’ and subsequently made an offer to AWC for these services to be included within the Dec 25 NWT. Network Rail anticipate this action now removes this item from the dispute. This doesn’t fully guarantee that these services will operate in Dec 25. If the ORR determines that the outcome of the access rights application for these 4 services does not favour AWC, then Network Rail would have to remove these trains slots from the Dec 25 NWT using Part D condition D8.4.

4.2.2 **Issue 2** AWC’s T0 to 3% on the WCML South has consistently deteriorated in recent timetables and over the last 3 years, with reliability dropping from to 70 to 75% from start of service to the start of the morning peak at the start of the day to below 50% by the time the evening peak starts. The WCML South T0 to 3% MAA is lower than 60% and Right Time is lower than 40% (Appendix 2). It is Network Rail’s view that this demonstrates that the WCML South Fast Lines are already highly vulnerable for minor perturbation, and introducing further trains would only worsen the robustness of timetable.

4.2.3 AWC contends that additional services can be accommodated on the WCML South without material detriment to performance. Network Rail refutes this. The WCML South Fast Lines are already operating at very high levels of utilisation, leaving limited flexibility to absorb further services without consequences for reliability. The 25th April 2025 Representation Letter (Appendix 3, P1) stated: “Network Rail has continued to highlight the importance of maintaining a resilient timetable and the detrimental impact increasing the quantum of service can have on performance”. Also, within this document is states that the WCML South capacity assessment (Appendix 4) was only valid for London to Rugby, warning: “it cannot be assumed that paths would be available beyond Rugby to accommodate the access rights from their origin or to their destination” (Appendix 3, P2).

4.2.4 With the introduction of the new cl. 8xx rolling stock for AWC, line speed increases were introduced to enable 125 mph running for non-tilting trains where the route profile permits. The Sectional Running Times based on this profile are already in place. However, AWC has not yet completed driver training, meaning the new timings cannot be realised in practice. The time loss for non-tilt operation can be up to three minutes between Euston and Rugby. The delay in commissioning the revised line speed increases, together with the absence of a confirmed date for AWC to bring them into operation, continue to limit the performance benefits that were expected from this change.

4.2.5 As a matter of course, it is important to have a timetable that is resilient. A resilient timetable is one that on a good day when no major unplanned disruption is taking place, can withstand typical variations in train presentation without significant spread of delay between services and across service groups. This is typically a function of either the content of the timetable plan itself or the content of the resource plan. Factors that underpin a resilient timetable plan include:

* Firebreaks in the timetable at key conflict points to prevent the spread of delay service group to service group.
* Turnaround times that are robust to minor delays on inbound workings.
* Dwell times that reflect reality.
* Robust analysis before compliant but risky moves are introduced, e.g., overtaking, splitting and joining, repeated re-occupations on minimum headways etc.”

4.2.6 The ORR has also emphasised this point in its recent determinations on the competing rights applications from Open Access Operators outlining that:

*“However, it is clear that the southern end of the route requires space in the timetable to provide resilience. Additional services within the current timetable structure and planned capacity use would further weaken punctuality and reliability, not just at the south end of the WCML but elsewhere as well.”*

This reinforces Network Rail’s position that the WCML South Fast Lines are already operating at the limits of resilience and that further services cannot be accommodated without degrading performance.

4.2.7 Network Rail acknowledges that the formal process of non-accommodation of services via Part D in the development of the December 25 NWT has not been undertaken as clearly as it should have been in relation to these services. However, Network Rail contends that the Decision Criteria has been in the mind of Network Rail as the Timetable has been developed. The decision criteria were considered at the time with performance given the highest weighting, though the formal non-accommodated letters issued to AWC did not set out all evidence and rationale for exclusion from the December 2025 New Working Timetable. The justification and supporting evidence on performance was instead set out in Network Rail’s representations to the ORR on the access rights applications. The timetable work was developed in parallel with these representations, Appendix 1 shows the chronology of events. This procedural gap does not alter the substance of the decision, which was grounded in a robust application of the decision criteria and a clear focus on safeguarding performance resilience. Network Rail will undertake a post action review to understand what improvements can be made to process or upskilling of members of the team working a New Working Timetable Development period in parallel to making presentations to the ORR on Rights Applications.

4.2.8 These services do not have firm rights into the December 2025 timetable. For the May 2025 timetable, they fell under the Interim Approach, which grants operators rights for a single timetable period but does not create entitlements for the rights being continued beyond one timetable. AWC have applied for rights to run these services, and as an ORR decision is pending, they currently hold only an expectation of rights.

4.2.9 The AWC December 2025 Publication Letter (Appendix 5) states that additional Blackpool, Chester and Holyhead services were not accommodated in the timetable due to capacity and performance constraints. This supports Network Rail’s representation to ORR position that the Fast Lines are already saturated and that adding further services would degrade punctuality and resilience. Reactionary delay data (Appendix 6) confirms that the disputed services already generate significant knock-on impact on other trains. For example, 1A92 caused 225 minutes of congestion-related delay in Period 04 2025/26, in addition to late-start delay across multiple periods. Similarly, 1P92 added 97 minutes of congestion delay in Period 04. These figures show that the services directly contributed to knock-on delay across the network. This aligns with broader performance trends (Appendix 2 and 6).

4.2.10 AWC rely on the December 2022 WCML ESG timetable. The ESG outputs from 2022 cannot be treated as formal allocation of capacity to the network for December 2025, or an assumption that Track Access Rights will be awarded for all elements of the ESG outputs. The December 2022 ESG timetable has since evolved, shaping the position we are working from today.

4.2.11 AWC disputes Network Rail’s application of the Decision Criteria, particularly in relation to the use of firebreak paths. Network Rail maintains that the application is correct. Firebreaks are a deliberate element of the WCML service pattern, required to safeguard performance and resilience in line with Decision Criteria D4.6.2 (c). The 20th June 2025 18th Supplemental Agreement sent to the ORR (Appendix 7 P10) states “even with the current firebreaks available, there is a lack of resilience within the timetable to aid recovery.” AWC’s proposed trains either rely on, or would erode, existing firebreaks:

* 1P92 09:39 Euston – Blackpool North: Departs just three minutes behind the 09:36 Glasgow via Birmingham service. This removes the firebreak that would normally follow the Glasgow departure, leaving no buffer if either train is delayed.
* 1A92 12:52 Blackpool North – Euston: Arrives into Euston at approximately 16:00, which is a deliberate firebreak period in the Working Timetable. Filling this margin would reduce resilience at one of the busiest times of day for platforming.
* 1A78 19:32 Chester – Euston (SX): By the evening, the “standard hour” pattern is already loosening as services wind down. This train sits within a few minutes of the normal Chester arrival pattern.
* 1A70 17:53 Holyhead – Euston (Sunday): This service must run via the Slow Lines from Hanslope due to Sunday evening two-track working. It therefore depends on very tight margins across already constrained infrastructure, increasing fragility.

4.2.12 AWC suggests (Section 5.2 P5 AWC SRD) that mitigations introduced in Autumn 2024 demonstrate additional capacity exists. Network Rail disagrees. Correspondence between Network Rail and AWC regarding Euston departures (Appendix 8, March 2025) makes clear that these measures were tactical and temporary adjustments to mitigate risks arising from a delay in commissioning WCML line speed improvements outlined is paragraph 4.2.4. AWC’s own email acknowledged: “There isn’t going to be a perfect solution here and it is for a short period of time” (Appendix 8). The options discussed retiming North Wales services by one or two minutes at Euston, inserting adjusting interactions at Ledburn Jn, or flexing paths behind West Midlands services; these were intended only to minimise time loss in the short term. They did not provide new, robust timetable performance. Network Rail’s review highlighted continuing risks:

* West Midlands 1Yxx services had right-time performance at Ledburn as low as 12–22%, meaning trains behind them would inherit consistent lateness.
* Key arrivals such as AWC 1A68 and AWC 1A34 recorded 0% right-time at Euston, meaning any additional interaction would compound unreliability.

4.2.13 This demonstrates that the Autumn 2024 mitigations were short-term tactical workarounds, not evidence of timetable construction with a focus on robust timetable performance.

4.2.14 **Issue 3** Avanti are disputing a Network Rail decision not to include four additional services between London Euston and Liverpool Lime Street into Dec 25 NWT. The four services Avanti are disputing under Issue 3 were not included in their formal Notice of Dispute and the remedy sought by AWC is applicable to the May 26 NWT. It is Network Rail’s understanding from reviewing AWC SRD that AWC do not seek ADC to determine that these services are included in Dec 25, but that Network Rail work collaboratively with AWC to look to see if solutions are available to Power Supply and Timetable Issues that would enable these services to be included in the May 26. If this understanding is correct Network Rail is supportive of this as a remedy for ‘item 3 Non-Accommodation of Trains due to Power Supply’ that are in dispute.

4.2.15 As part of the power supply analysis that informed the December 2022 WCML ESG, Network Rail concentrated efforts on the power supply challenges in the Bushey area due to time and resource constraints in the subject matter expert domain. This focus was due to most services on the WCML passing this location and it would see the largest increase in electrical draw. However, it would be incorrect to suggest that the power supply challenges in the Crewe to Weaver Junction area were overlooked. These issues were raised with AWC both before and after the December 2022 WCML ESG and have been consistently communicated to the industry through various meetings and forums, including technical reviews, risk identification processes and the Industry Timetable Change PMO Steering Group.

4.2.16 Network Rail also highlighted the Crewe to Weaver Jn power constraints in its January 2023 submission to the Office of Rail and Road (ORR) regarding AWC’s application for access rights to operate a second hourly Liverpool service. Network Rail’s support was conditional on AWC operating diesel-only services between Crewe and Liverpool until the autotransformer system was upgraded. For the December 2025 timetable, power modelling was complicated by overlaps with ORR’s ‘Interacting Aspirations’ workstream, which required extensive modelling to assess the impact of access rights applications. Many of these applications lacked supporting timetables, making accurate modelling difficult due to the sensitivity of Network Rail’s power modelling systems, which require detailed timetable and rolling stock data.

4.2.17 To manage this, Network Rail split the modelling into two scenarios:

* The first, an ‘Aspirational’ timetable, included all current services with access rights and all proposed services without rights, as well as freight services expected to convert to electric traction. This scenario revealed that not all services could be accommodated in the Crewe to Weaver Jn section.
* The second, a ‘Rationalised’ timetable, excluded services without access rights that couldn’t be supported due to power constraints. Despite the reduced number of services, this scenario still showed that Network Rail could not support all services through Crewe, including additional AWC services.

4.2.18 In January 2025, Network Rail conducted further modelling to explore whether the additional AWC services could be accommodated during periods of lower demand, such as when West Midlands Trains (WMT) operated 4-car formations and electric freight was minimal. After reviewing the risks with regional engineering leads, Network Rail concluded that up to 8 of the 11 proposed new services could be supported without posing unacceptable risks to infrastructure or breaching contractual obligations with the Transmission Network Operator (TNO) or Distribution Network Operator (DNO). In effect, committing to this additional round of power modelling meant that Network Rail had moved forwards from its previous stance of not supporting any of the additional AWC Euston to Liverpool services, to now supporting up to 8 of 11, which was shared with AWC in April 2025. The slight drawback was that timescales were now pressing ahead of the Dec 2025 validation.

4.2.19 Network Rail does not accept the assertion that it failed to explore mitigations or alternative options regarding power supply constraints for the Dec 2025 timetable. Throughout multiple iterations of power modelling, Network Rail has actively sought to accommodate as many of AWC proposed Euston to Liverpool services as possible. AWC proposed “notching back” as a mitigation strategy for the Crewe to Weaver Jn area. Network Rail reviewed this option in the timescales available and concluded that it was unlikely to deliver the expected power savings. This was primarily because the acceleration and deceleration of trains at Crewe occur outside the affected autotransformer zone, which is located 1.5 km north of Crewe Station. Therefore, notching back would not significantly reduce power draw. Additionally, a performance impact of 30 seconds to 1 minute was identified, which would need to be weighed against any potential benefits.

4.2.20 Despite these reservations, Network Rail acknowledged during the joint meeting on 11th June 2025 that the full impact and benefits of “notching back” had not been comprehensively quantified. With a short window of 3 to 4 weeks remaining before offer of the Dec 25 NWT at D26, Network Rail allocated limited additional funding to conduct a more detailed analysis. Network Rail also requested rolling stock telemetry data from AWC to expedite this process and avoid further power modelling. This data would have provided insights into how long AWC trains operate above notch 3 in the affected area. However, the requested data was not provided.

4.2.21 AWC also suggested operating services below line speed as another mitigation. Network Rail considered this approach potentially more effective in reducing power draw but required detailed information from AWC, including which specific services would be affected, the proposed operating speeds, and clarity on who would assume performance risk. This proposal would also need to be assessed by Network Rail timetabling teams. Due to the complexity and time required to evaluate impacts on Sectional Running Times and performance, this workstream could not be completed in time for the offer of the Dec 25 NWT at D26.

**4.3** **Issues not addressed by the Claimant that the Defendant considers should be taken into**  **account as material to the determination**

4.3.1 London Euston station presents a further constraint. Analysis of pedestrian flow data, contained within the 7th February 2025 submission to the ORR (Appendix 9), indicates that concourse and platform capacity is already exceeded at peak times. Accommodating further services would exacerbate safety risks and operational congestion at the terminus.

4.3.2 AWC places undue reliance on the December 2022 WCML ESG timetable.

4.3.3 AWC does not address that performance on the WCML South has deteriorated since the December 2022 WCML ESG timetable was developed, undermining the assumptions on which their case is based.

4.3.4 AWC have not addressed the status of the rights underpinning the disputed services. These services do not carry firm rights into the December 2025 timetable. For the May 2025 timetable they were supported only under the Interim Approach, which provided contingent rights for one timetable period with no presumption of continuity. Applications for firm rights were submitted to the ORR through the 3rd (Appendix 10) and 17th (Appendix 11) Supplemental Agreements, but no determination has yet been made. Pending that decision, the services carry only an expectation of rights, not a legal entitlement. Network Rail has submitted representations opposing the grant of such rights, citing performance and capacity concerns on the WCML South.

**4.4** **Why the arguments raised in 4.1 to 4.3 taken together favour the position of the Defendant**

4.4.1 Network Rail note that exceptional circumstances have not been argued by AWC and agree with that position.

4.4.2 **Issue** 1, item resolved prior to the ADC hearing.

4.4.3 **Issue 2**, Network Rail’s application of the Decision Criteria: although the Decision Criteria table itself was prepared after the conclusion of the Timetable Preparation Period, the considerations it reflects were actively applied by Network Rail throughout the development of the Dec 2025 timetable. The record in Appendix 12 therefore captures, in a structured format, the principles and weightings that informed the decision. Network Rail carefully applied the Decision Criteria set out in Part D4.6 of the Network Code. While acknowledging the value of the proposed services to passengers, Network Rail is required to balance all criteria in the round. In this case, the highest weighting was attributed to D4.6.2(c), maintaining and improving train service performance. Evidence shows that delay-per-incident on the WCML South has risen and that firebreak margins are essential to protecting timetable resilience. Introducing the disputed services would have eroded these margins and exacerbated unreliability, preventing delivery of the Timetable Planning Objective under Part D4.6.1, which requires services to be planned to operate in a reliable and efficient manner for the safe carriage of passengers and goods. Although AWC points to punctuality of individual trains such as 1P92, this is misleading: performance must be assessed at a network level, where cumulative interaction and reactionary delay are the material factors. Network Rail therefore concluded that its decision not to include these services in the Dec 2025 timetable was justified, proportionate, and consistent with the Network Code.

4.4.4 **Issue 3**, As noted in the minutes from the joint Network Rail and AWC meeting held on 11th June, Network Rail has committed to conducting further analysis to determine whether the remaining four proposed Euston to Liverpool services could be accommodated in the May 2026 NWT. This analysis will involve a multi-faceted approach, including updated power modelling based on revised freight assumptions. Additionally, Network Rail will incorporate real-time power consumption data gathered from newly installed monitoring equipment, which will provide more accurate insights into current power usage patterns. While these mitigations could not be implemented for the Dec 2025 timetable due to time constraints and the absence of critical data and equipment, Network Rail has already begun the required analysis to revisit these options for May 2026. This demonstrates Network Rail’s ongoing commitment to exploring feasible solutions and accommodating service growth where possible. Network Rail suggests that the powers of the Timetabling Panel do not extend beyond providing guidance and does not have the powers to direct an outcome of the May 26 NWT which is currently under development.

**5** **DECISION SOUGHT FROM THE CHAIR**

5.1 Network Rail seek the following from the Chair in relation to each Issue:

* **Issue 1,** resolved prior to hearing, no formal determination is required in relation to Issue 1.
* **Issue 2**, in connection with ‘item 2 - Rejection of services on the WCML south’ the Panel uphold Network Rail’s decisions regarding rejection of the relevant Train Slots in the December 25 New Working Timetable.
* **Issue 3**, As detailed in section 4 of this document, Network Rail have already agreed to undertake further power modelling for the Crewe to Weaver Jn. Given that this is the requested remedy by AWC it is submitted that no formal determination is required in relation to Issue 3.

5.2 Network Rail confirm that they are not seeking costs in this case.

5.3 Network Rail expects each party to the Dispute to bear its own costs.

**6** **APPENDICES**

Appendix 1 – Chronology of Events

Appendix 2 - WCS Hourly T-3% Performance (Past 14 Periods) – Evidence of Deterioration Through the Day and Evening Peak Vulnerability

Appendix 3 – 25th April 2025 Representation Letter

Appendix 4 – WCML South Fast Line Timetable Capacity Assessment

Appendix 5 - AWC December 2025 Publication Letter

Appendix 6 – Reactionary Delay Data

Appendix 7 – 18th Supplemental Agreement Representation Letter

Appendix 8 – AWC/NR Email Discussing Euston Time Changes

Appendix 9 - 7th February 2025 submission to the ORR

Appendix 10 – 20th June 2025 3rd Supplemental Agreement Representation Letter

Appendix 11 – 17th Supplemental Agreement Representation Letter

Appendix 12 – Decision Criteria

**7** **SIGNATURE**

For and on behalf of

*Network Rail Infrastructure Limited*



Signed

Emma Goodman

Print Name

Operational Planning Manager – North West and Central

Position