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Chris Dellard, Head of Access Planning, Transport for Wales

21 January 2025

Dear Ben, Emma, Amanda and Chris,

**Late and poor quality delivery of Transport for Wales (TfW) access applications for December 2024**

I am writing to you regarding the issues arising from inaccurate and late submission to ORR of access applications for the 15 December 2024 timetable change. Without ORR approval or direction, any purported amendment would be legally void and therefore unenforceable. Therefore, a failure to adhere to the timescales for submitting applications increases the risk of adverse outcomes for passengers and industry.

This letter sets out the background, our understanding of actions you are taking and next steps.

**Background**

The ORR published [track access guidance](#) clearly sets out our expectations for the submission of applications. This includes that *“as a minimum, [passenger operators should] aim to have the new rights approved by ORR...at least 12 weeks before the services are due to run”*<sup>1</sup>. For December 2024, this required access applications to be approved by ORR by 22 September.

Despite Network Rail authorising applications to progress in mid-June and mid-August in respect of the December 2024 timetable change, ORR did not receive

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<sup>1</sup> From paragraph 104 of the ORR track access guidance



agreed applications from Network Rail and TfW relating to the supplemental agreements until 20 and 22 November. This was only 3 weeks before the timetable change and meant that our review time was significantly shorter than as set out in our guidance.

On review of those applications by ORR we identified a number of errors and asked that the applications be resubmitted. Despite doing so, the errors in one of the applications remained until 12 December.

Had ORR approved the TfW applications as initially submitted by Network Rail, it would likely have led to disruption of the planned timetable, adversely impacting on the passengers intending to use the services.

### **Subsequent actions**

We highlighted the above concerns to Network Rail in December 2024. Subsequently you said that the Wales Network Rail team will undertake the following training to:

- Build capability on the legal requirements of the access rights process and timelines (with the Network Rail Regulatory Reform team on 28 January).
- Share knowledge with another Network Rail team on access processes (with the North West and Central team, dates TBC)
- Better understand Schedules 4 and 8 within the access contract (January)

You have also said that you will implement a more robust document review process across Network Rail and TfW, and that you have recruited or are looking to recruit additional resources, for example for a project manager access rights role.

Additionally, we have asked that the Network Rail Wales region invite the System Operator to carry out a review into the issues faced in December and we expect to see the outputs from this review by 14 February 2025.

Finally, you have committed to working across Network Rail and TfW to simplify the rights tables, for example by combining the summer and winter tables into one. We would like to see this simplification in future applications, where possible, and we expect a written update on progress ahead of our periodic call on 25 February 2025.

### **Next steps**

While these actions show you are working to address the issues faced around delivery of the December 2024 access contracts, we nevertheless are concerned about the speed of implementation. We expect the actions to deliver tangible positive outcomes by the next timetable change in May 2025 given the scale of change in use of the network planned throughout 2025.



Our understanding is that Network Rail and TfW need to progress at pace the following applications for May:

- the 28<sup>th</sup> Supplemental Agreement (for rights from December 2024 that were only approved as time-limited contingent in December, unless the long term rights are agreed ahead of May),
- the 31<sup>st</sup> and the 32<sup>nd</sup> Supplemental Agreements.

If Network Rail are not in a position to agree long-term rights on these applications for May, there will be associated applications for time-limited contingent rights that add further complexity to manage. This is in addition to any other applications that TfW submit to meet funder and passenger demand.

We will monitor closely the actions both Network Rail and TfW are taking to ensure that the parties are taking the necessary steps to address the concerns identified. As set out above, a failure to submit applications timeously increases the risk of adverse outcomes for passengers and industry.

For our part, we will continue to communicate our expectations with you and escalate any concerns with the access process on timescales and/or information.

Finally, I would also like to take this opportunity to remind you that an updated consolidation of the Track Access Contract is now overdue as Network Rail are required to produce one within 28 days of an amendment and the last consolidation was in October 2024. Please provide this as soon as possible.

This letter will be published on our website.

Yours sincerely

**Alice Kaiser**  
Head of Passenger Track Access