

## APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A PASSENGER TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT

ORR ensures that train operating companies have fair access to the rail network and that best use is made of capacity. If a train operator wants to access the national railway network, it will need a track access agreement with Network Rail which requires ORR's approval under the Railways Act 1993. When determining access to the network, we must have regard to our [statutory duties](#), most of which are set out in section 4 of the Act. We must exercise our functions (which include the approval of access contracts) in a way that we consider best achieves those duties.

Use this form to apply to the Office of Rail and Road (ORR) for a passenger track access contract, or an amendment to an existing contract by a supplemental agreement, under sections 17-22A or the Railways Act 1993.

It sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) (and our [making an application](#) guidance in particular) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry [code of practice for track access application consultations](#) for more information.

This form should be completed up to section 10 and sent to consultees along with a copy of the proposed contract or supplemental agreement. Sections 10 and 11 should be filled in after the consultation and before applying to ORR.

We are happy to talk to you informally before you apply. Please contact us [here](#). You can download a copy of this form, and of our model track access contract, from our [website](#). Please ensure that you are using the latest version of this form as published on our website. We may ask for applications which have not used the latest version to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

## 1. Application Summary

### 1.1 Beneficiary company name:

The Wrexham, Shropshire & Midlands Railway Company Limited

### 1.2 Facility owner details:

Network Rail:	<input type="checkbox"/>				
Region:	Southern <input type="checkbox"/>	Eastern <input type="checkbox"/>	North West & Central <input checked="" type="checkbox"/>	Wales & Western <input checked="" type="checkbox"/>	Scotland's Railway <input type="checkbox"/>
Other Facility Owner:	<input type="checkbox"/>	Please state:			

### 1.3 Application under the Railways Act 1993 section:

17	<input checked="" type="checkbox"/>	18	<input type="checkbox"/>	22	<input type="checkbox"/>	22A	<input type="checkbox"/>
				Supplemental Number:			
				Current contract date:			
				Current contract expiry date:			

### 1.4 Applicant status:

Public Service Operator <input type="checkbox"/>	Public service contract start date:	
	Public service contract end date:	
	Name of funder (e.g. DfT, Local Authority):	
	Does the funder support this application?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Open Access <input checked="" type="checkbox"/>		
Charter Operator <input type="checkbox"/>		

### 1.5 Executive summary of the proposed contract or amendment:

This application is for the operation of 5 new Open Access train services in each direction on Monday to Saturdays (EWD) and 4 on Sundays, between Wrexham General and London Euston. The train services shall call at the following intermediate stations - Gobowen, Shrewsbury, Telford Central, Wolverhampton, Darlaston, Walsall, Coleshill Parkway, Nuneaton, and Milton Keynes.

These train services provide improved frequency and new direct connectivity opportunities between London and the towns/cities in the Welsh borders, Shropshire, and north Midlands.

Proposed commencement date:	May 2025
End date:	May 2032
Date approval or directions wanted by:	Earliest Opportunity

### 1.6 Industry consultation:

Who carried out the consultation?	Network Rail		
Consultation start date:		Consultation end date:	
Not carried out <input type="checkbox"/>			

### 1.7 Applicant details

<u>Facility Owner</u> Company: Network Rail Contact name: Gianmaria Cutrupi Job title: Aspirant Open Access Operators Manager Address: Waterloo General Office, London, SE1 8SW  Phone: 07730355911 E-mail: <a href="mailto:Gianmaria.Cutrupi@networkrail.co.uk">Gianmaria.Cutrupi@networkrail.co.uk</a>	Company: The Wrexham, Shropshire & Midlands Railway Company Limited Contact name: Ian Walters Job title: Director Address: 4 Brindley Place Birmingham B1 2JB  Phone: 0121 285 2622 E-mail: <a href="mailto:ian.walters@wsmr.co.uk">ian.walters@wsmr.co.uk</a>
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**1.7 Date of application to ORR:**

**1.8 Checklist of documents attached to the application form:**

- Proposed new contract (S17 or S18) or supplemental agreement (S22 or S22A)
- Marked up Schedule 5 (where applicable)
- Marked up comparison to model contract (where applicable)
- All consultation correspondence
- Supporting documentation required for competing services (see section 6.2)
- Other supporting documents, side letters or collateral agreements (please list):


**2. Licence and railway safety certificate**

**2.1 Please state whether:**

- you intend to operate the services yourself; or
- have them operated on your behalf. 
  - if so, please name the proposed operating company:

**2.2 Does the proposed operator of the services:**

- (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and**
- (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

WSMR is working towards obtaining a Passenger Operating Licence and a valid safety certificate in parallel with the open access application process. The WSMR leadership team has experience and capability of successfully achieving rail operator safety certification.

**3. The proposed contract or amendment**

**3.1 Application overview:** Please detail the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

**Services**

WSMR is applying for a new Track Access Contract to operate services between Wrexham General and London Euston. The new train services shall serve the intermediate stations at Gobowen, Shrewsbury, Telford Central, Wolverhampton, Darlaston, Walsall, Coleshill Parkway, Nuneaton and Milton Keynes. The proposal uses the 'Model Clause' Track Access Contract and does not seek to alter the terms.

The quantum of services is proposed as follows:

- Mondays to Saturdays – 5 services in each direction
- Sundays – 4 services in each direction

The proposed indicative Monday to Friday timetable is shown at Figures 1 and 2 for Up and Down directions respectively.

The timetable has been developed and validated based on the December 2023 timetable using industry recognised timetable develop and validation tool ATTune to demonstrate its credibility.

Cognisance has also been taken of:

- The proposed Avanti Euston to Liverpool paths that are the subject of a current application being considered by the ORR.
- The proposed Grand Union paths that are the subject of a current application with the ORR; and
- The proposed Transport for Wales recast of services between Wrexham, Shrewsbury, Birmingham International and Cardiff.

Overall route geography, including its connections to mid-Wales, is shown at Figure 3.

**Figure 1 - Wrexham General to London Euston Mon to Fri**

**UP DIRECTION**

<b>Wrexham General</b>	06:21	07:54	10:55	14:54	17:30
<b>Gobowen</b>	06:35	08:07	11:09	15:08	17:45
<b>Shrewsbury</b>	06:58	08:26	11:28	15:27	18:04
<b>Telford Central</b>	07:19	08:45	11:45	15:45	18:23
<b>Wolverhampton</b>	07:39	09:05	12:04	16:04	18:43
<b>Darlaston</b>	07:45	09:11	12:11	16:11	18:50
<b>Walsall</b>	07:52	09:19	12:20	16:19	18:59
<b>Coleshill Parkway</b>	08:14	09:41	12:41	16:41	19:20
<b>Nuneaton</b>	08:29	09:56	12:56	16:56	19:35
<b>Milton Keynes<sup>1</sup></b>	08:58	10:25	13:25	17:25	20:04
<b>London Euston</b>	09:31	10:58	13:58	18:00	20:37

Note 1 - Set down only at Milton Keynes in the Up Direction

**Figure 2 - London Euston to Wrexham General Mon to Fri**

**DOWN DIRECTION**

<b>London Euston</b>	07:00	11:00	14:00	17:36	20:10
<b>Milton Keynes<sup>2</sup></b>	07:31	11:31	14:31	18:06	20:41
<b>Nuneaton</b>	08:01	12:01	15:01	18:34	21:13
<b>Coleshill Parkway</b>	08:17	12:17	15:17	18:50	21:29
<b>Walsall</b>	08:38	12:38	15:40	19:11	21:54
<b>Darlaston</b>	08:45	12:46	15:40	19:18	22:00
<b>Wolverhampton</b>	08:52	12:52	15:57	19:29	22:08
<b>Telford Central</b>	09:13	13:13	16:14	19:48	22:25
<b>Shrewsbury</b>	09:28	13:29	16:29	20:10	22:42
<b>Gobowen</b>	09:46	13:54	17:01	20:27	22:58
<b>Wrexham General</b>	09:58	14:16	17:14	20:40	23:15

Note 2 - Pick up only at Milton Keynes in the Down Direction

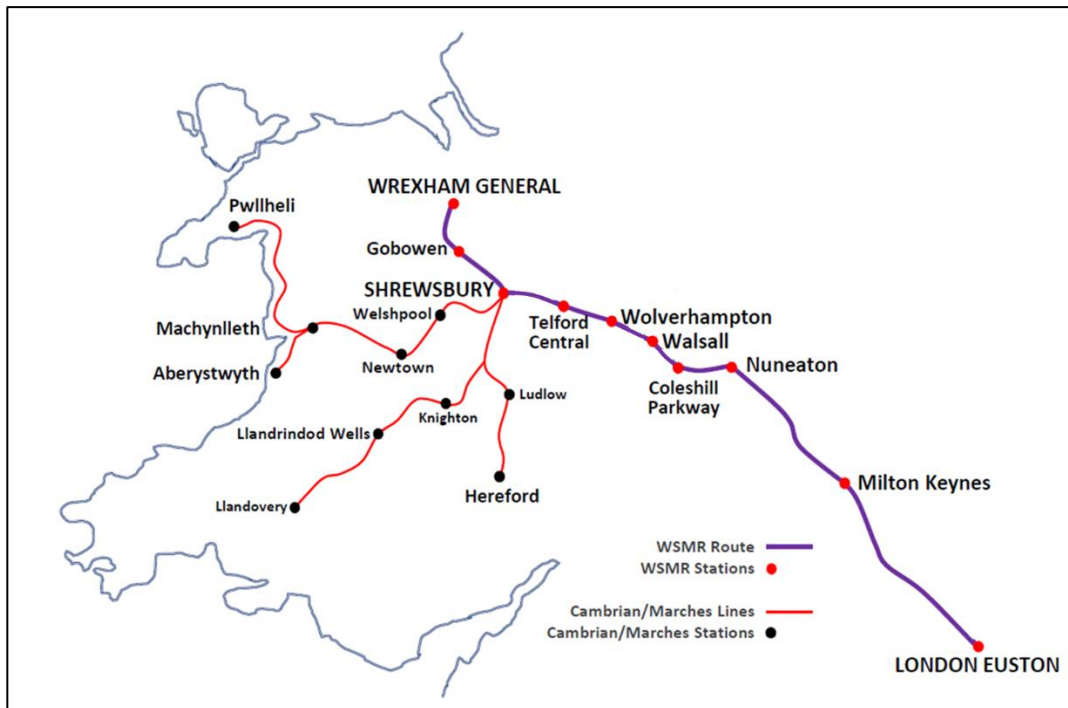


Figure 3 – WSMR route geography

This application is made under Section 17 of the Railways Act 1993. WSMR has been in active and constructive discussions with Network Rail but agreement enabling the use of Section 18 has not yet been reached. WSMR is keen to progress its application expeditiously, whilst Network Rail continues its own internal assessments of our proposals.

**3.2 Safety risks:** Please explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner’s safety authorisation and the train operator’s safety certificate).

WSMR has not identified any Safety risks outside those associated with the normal operation of railway services except as described below.

WSMR has considerable expertise within its leadership team which has vast experience in mobilising and operating passenger and freight operating companies with the associated Safety Management System and Competency Management System in place.

As set out in Section 8.1 this application assumes an increase in the line speed for a section of the Sutton Park Line (ELR – CBR1) from 45 mph to at least 60 mph. The indicative line speed increase shall be for passenger services only; freight service shall remain at the current line speed of 45 mph (i.e., introducing a Passenger/Freight differential speed). The process of increasing sectional line speed will involve reviewing and updating the relevant route risk assessments including for two pedestrian foot level crossings.

**3.3 Contract duration:** For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the [Railways \(Access, Management and Licensing\) Regulations 2016](#).

WSMR seeks an initial 7 year Track Access agreement from 2025 to 2032.

WSMR intends to secure extensions to this initial period (to a potential total of 20 years) through working with local partner bodies along the route to develop proposals to invest in and deliver new

stations, increased capacity at existing stations, as well as train and rail infrastructure enhancements along the route.

As part of this initial 7 year Track Access application, WSMR will invest in the development of various proposals that if proven to be deliverable will improve passenger ticketing experience and optimise train performance, improving energy efficiency and reducing carbon emissions:

- Intelligent Engine Start/Stop technology and the installation of modified engines which meet EURO 3b emissions standards, if successful these modified engines will deliver a 70% reduction in NOx and 80% reduction in particulates.
- Business case development to support the consideration of developing and fitting the Class 22x fleet with battery technology for short distances.
- New seat reservation technology which will allow customers to reserve a seat up to 10 minutes before boarding the train at any location and new ticketing applications which will be truly paperless.
- Installation of technical equipment that will support Network Rail Measurement Train activities.

### **3.4 Terms not agreed with the facility owner (for applications under sections 17 or 22A only):**

Please explain any areas of the application which have **not** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

WSMR has worked closely with Network Rail throughout 2023 to evolve and validate the WSMR EWD and Sunday's timetable. Recent meetings and the sharing of WSMR proposals with Network Rail have suggested the EWD train paths could be fully validated and compliant against the December 2023 timetable base; the Sundays timetable will be validated in due course. The proposed paths identified shall now be taken forward for internal Network Rail Capacity Assessment and used to undertake necessary Performance Modelling activities.

Network Rail has identified several items that require further discussion and consideration, which prevents them moving forward with a S18 at the rate that WSMR believe is necessary to achieve start of service to the desired programme. Consequently, WSMR and Network Rail have agreed that the application should proceed on a S17 basis up to and until Network Rail can satisfy itself with the outstanding issues summarised below:

- Consideration of withdrawn train services not specified in the December 2023 and May 2024 timetable bases during the WSMR timetable validation and performance modelling process. WSMR does not believe it should plan its services nor performance model around unknown dormant 'Quantum Rights' held by the Franchised Operators Avanti West Coast and West Midlands Trains. Moreover, should the level of Quantum Rights be re-activated to previous levels they would not be compliant with other paths currently in the timetable;
- Uncertainty exists over whether the current applications by Avanti for additional Liverpool paths and by Grand Union for Stirling paths will be granted by the ORR and/or whether these will ever be optimised (note the WSMR paths do not conflict with these proposed services);
- Uncertainty exists as to whether any Department for Transport review of existing service levels across the National Rail network will lead to significant changes in the May 2024 timetable; and
- Uncertainty exists over the implications of the recent HS2 announcement and the implications for current works in and around the London Euston station area.

WSMR and Network Rail have agreed that commencing the formal Section 17 process will assist in reaching clarity on service specification.

### 3.5 Bespoke provisions (departures from ORR's model access contracts)

Does the proposed contract include any departures from ORR's model access contract:

Yes

No

If yes, please set out and explain any:

- areas where the drafting of the application changes ORR's published template access contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

n/a

- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model access contracts, including the financial implications (e.g. establishment of an access charge supplement or rebate).

n/a

- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

n/a

### 3.6 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our [website](#) fully up to date? If not, please explain why not.

n/a

## 4. The impacts of the proposal

**4.1 Benefits:** please set out what specific benefits the proposal will achieve. Please describe the benefits to passengers and any impact on other operators, including freight operators.

### The Gaps WSMR addresses

WSMR's application is considered a 'conventional open access application'. It offers wholly new direct connectivity for multiple regions of England and Wales, where towns, cities, communities, and economies are paying towards the costs of the railway via taxation but receiving limited or partial benefits in return.

This imbalance applies across a wide geography, where these connectivity challenges affect a c.1.5 million population that is due to increase by nearly 247,000 people, or 16%, by the 2030s.

Key examples include Wrexham, Shrewsbury, and Telford, each of which enjoy only 1 direct train to London each day and otherwise rely on connecting services, and Walsall which has no direct London service at all, depending on necessarily slow local links to the major interchange station at Birmingham New Street.

This geography is not homogenous. WSMR's proposition creates new connectivity meeting a wide variety of needs, and a new 'line of route', 'string of pearls', or perhaps even a 'new way of travel thinking'. It offers travel options to and from London simply not provided by rail in 2023, as well as 'cross-north Midlands' around the heavily trafficked and congested northern side of the West Midlands Conurbation and its 'Birmingham Box' motorway/highway network.

This new public transport corridor can offer sustainable, greener travel choices unavailable to resident populations or businesses for more than 55 years. It can encourage new businesses to locate to varying, attractive places and differing labour markets and skills. It can enhance non-highway based access to/from London, the south-east and the urban Midlands to vital tourism and leisure economies across its route in England and into Wales.

### **The places which WSMR will serve and that need improved rail services.**

Closer examination of these differing populations, growth profiles and economic contexts within which WSMR's proposed services would drive transformative change include:

- **Wrexham**

With 135,000 people and Gross Value Added (GVA) of c. £2.5bn p.a., Wrexham is well connected to north and south Wales, but has only 2-hourly direct services to Birmingham, and 1 daily Avanti London service, via Chester. The city is currently enjoying positive and welcomed world-wide visibility via the purchase of Wrexham Football Club by American/Canadian film celebrities. It is set to grow by 15% to the end of the 2020s, with 20,000 more people.

- **Shropshire and Telford**

Shropshire and Telford have a mixed rural and urban population of 508,000 due to grow by 17% with 87,000 more people by the late 2030s, Shrewsbury has good north/south Wales Manchester, Wolverhampton, and Birmingham connectivity, and 2 hourly Aberystwyth and Holyhead to Birmingham services. But together with Telford it has only 1 direct Avanti London service, with travel to and from London depending on connections via this mixed and relatively complex set of services. There are opportunities at Gobowen, between Wrexham and Shrewsbury, to serve a wide rural borders catchment.

- **Wolverhampton**

Wolverhampton is already well connected to and from London via Avanti West Coast, and with national, regional, and local services. WSMR will offer choice for travellers to and from London, and direct services which do not exist today to neighbouring Walsall (7 miles away) and across the north Midlands. Wolverhampton is a city of 263,000 people, part of the 7-authority West Midlands Combined Authority (WMCA) area, with GVA of c. £4.9bn p.a. It is set to grow significantly by 19% or 49,000 people by 2040. On the England Index of Deprivation, it is 19th out of 318 local authority areas, in need of substantial focus and attention to enhance its economy and quality of life, and along with Walsall one of 2 key 'Levelling Up' hotspots on the WSMR route.

- **Walsall**

A metropolitan borough of 284,000 people, also part the WMCA area, with GVA of c. £5.2 bn p.a. Walsall is perhaps the worst rail-served place on the proposed WSMR route. It has no direct London services, with passengers required to travel for 20-30 minutes on local services to Birmingham New Street to connect with these. An hourly London North Western stopping services to Euston commenced in May 2019 but ended with the COVID pandemic. It has no direct service to Wolverhampton (7 miles away). West Midlands Rail Executive is developing 2 new stations at Darlaston and Aldridge to serve local markets, both of which could be served by WSMR. On the England Index of Deprivation, it is 31<sup>st</sup> out of 318, so is the second key 'Levelling Up' hotspot on the WSMR route. WSMR offers the opportunity for Walsall to be directly connected to London, Wolverhampton, and east and west across the north Midlands, precisely in areas of great 'Birmingham Box' highway challenge.



- **North Warwickshire**

The 2 District Council areas of North Warwickshire and Nuneaton & Bedworth have a combined population of 199,000, due to grow by 37,000 people by the 2030s, and GVA of c. £4.2bn p.a. Nuneaton Station has a strong half-hourly Euston service however site constraints hinder expansion of the existing car park. Coleshill Parkway, opened in 2007, located immediately adjacent to the M42/M6 network, and currently with Birmingham-Cambridge regional services only, is however an untapped opportunity to offer wider access to the National Rail network for east Birmingham and north Warwickshire, both to and from London and, again, across the north Midlands in ways no current services does or can do, relieving capacity challenges both on the motorway network and Birmingham International Station.

- **Mid-Wales – Powys, Ceredigion, and Gwynedd**

The 3 unitary authority areas served by the Cambrian lines offer connections to WSMR at Shrewsbury, and form catchments at Wrexham General and Gobowen, although clearly the full geographical extent of these counties goes beyond WSMR. In contrast to English local authority area growth profiles, these Welsh authorities saw populations static or falling 2011-2021. Powys had 0.2% growth whilst Gwynedd fell by 4% and Ceredigion by 6%. Total population of all 3 authorities is 322,000 (excluded from the c 1.5m population of those authorities directly on the WSMR route), but growth of nearly 10%, 31,000 people is forecast by the 2030s. As well as the educational and government focus at Aberystwyth, tourism is vital, worth £2.4 billion p.a. (before COVID) across mid and north-Wales. Whilst not offering direct London services, WSMR can play a new role both in better connecting and supporting travel to as well as from mid and north-Wales to the capital and the Midlands.

### **Commercial impact on other operators**

Revenue analysis indicates that the WSMR service proposition meets the ORR's benchmark NPA criteria – in other words, it is not primarily abstractive. The assumptions underpinning the revenue analysis are shared separately with the ORR.

The new WSMR train services between London and Wrexham, Shrewsbury and Telford will provide passengers with more choice, attractive and flexible fares and higher levels in customer service and quality. This represents an opportunity for WSMR to grow the market for rail travel within the catchment area of the service. In addition, they could offer potential cost savings to the Department for Transport if these enable re-deployment of train, staff, and route-knowledge resources away from the single contracted Avanti West Coast train per day on each of the Wrexham-Chester-London Euston and Shrewsbury-Telford-Wolverhampton-London Euston routes.

The routing of the new train service also links cities and towns that are not otherwise linked directly by rail; connecting conurbations around the North to East side of the West Midlands Region without the need to cross, or enter Birmingham City Centre for example, Walsall to Nuneaton.

### **WSMR Customer and Stakeholder Benefits**

In summary WSMR will provide:

- An onboard travel experience that will 'delight' WSMR customers, the onboard offering will include new seat reservation technology that will allow passengers to reserve a seat up to 10 minutes before boarding the train at any location. WSMR is currently 'bench' testing this with a trusted supplier.
- Flexible ticketing arrangements that allow customers to purchase tickets on board the train, and furthermore allow the use of railcards when purchasing tickets onboard trains. New ticketing technology deployed will be truly paperless and will incorporate an instant Delay

Repay mechanism. The WSMR fare structure will be simple and competitive, providing value for money, with the aim of attracting new leisure and commuter markets.

- A kitchen in the main galley area of the first-class portion of each train. WSMR will introduce hot and cold food and beverages sourced sustainably and locally from business along the WSMR route. Furthermore, customers will have the ability to pre-order food before departure via an app.
- Passenger loyalty scheme that allows customers to collect points that can be redeemed against purchases onboard the train or used against future rail tickets.
- Over 50 new and permanent full-time posts are expected to be created by the operation of this new service, which will bring further benefits to the local supply chains, in terms of maintenance, servicing and provision of catering supplies and support.
- High quality Wifi connectivity will be provided onboard WSMR trains to support effective business working, and personal media entertainment.
- Seating configurations that will be comparatively more generous, offering additional tables and improved leg room. WSMR trains will always be accessible to our less abled and older generation customers.
- Significantly improved rail travel options from regions, cities and towns that currently have no direct links to or from London. This will eliminate the need to make connections through the busy central Birmingham New Street station for customers travelling to and from London to the northerly parts of the West Midlands and Marches; this will reduce journey times through the avoidance of customers needing to change trains.
- New cross-north Midland's rail connectivity that does not exist today. The new services will support multiple and varied parts of England and Wales with growth, deprivation and Levelling Up challenges. Initial demand forecast indicates we will generate 0.75 million trips p.a., equating to c. 1,000 return passengers each day. Of these c.30% are projected to be new to rail.
- New journey options stimulating the rail market, by offering value for money, increasing the relevance of rail as a mode of travel to and from its multiple economies and communities. Consequently, mitigate impact on franchised train operators because its business case rests on stimulating a significant increase in market share for rail whilst minimising abstraction.
- An opportunity for DfT to reduce Avanti franchise operator costs through the removal of the need to provide 1 service per day to Telford and Shrewsbury.
- An operational partnership that includes a world-wide train maintainer and builder, costs in maintaining and improving the fleet will be more synergised and sustainable to the environment. Equally, making in-traffic fleet repairs more cost effective and are more aligned to operations, eliminating the impact poorly turned-out train sets can have on the customers travel experience. The maintainer and customer shall be brought closer together with no middle-person interface that often dilutes the customer's needs. This will enable WSMR to always have a well-turned-out fleet of high quality, high speed trains to meet customer demand and expectations.
- WSMR plans to undertake all fleet heavy maintenance activity and overhauls using the dedicated team of highly competent engineers at the only remaining Train Manufacturing Production Line in the U.K, located in Derby.
- Support to local stakeholders by providing increased service capacity through the specific deployment of additional train services to support many major events that occur across the route served, for example football matches (Wrexham Football Club).
- A pro-active partnership ethos, working with Local Authorities to co-invest, develop, and deliver enhancements at existing stations to improve capacity and passenger facilities and where feasible seek to create new stations that can unlock new sustainable development, promote modal shift, and drive wider regional economic growth.
- Not directly linked to this application, WSMR will work alongside the DfT to explore further cost effective local train services that shall further link towns and cities with WSMR and connect to other operators train services across our route.

**4.2 Capacity:** How have you satisfied yourself that there is enough network capacity for the services in the proposal? Please include details on all relevant capacity considerations, including but not limited to track, platform availability, and power supply traction.

The proposed timetable underpinning the requested track access rights has been developed by a recognised industry timetabling and performance specialist using recognised industry planning tools. This planning process has included examination of platform capacity at all locations. The proposed equipment is currently in use and well understood on the majority of the routes in question.

On the section of the route between Nuneaton and London Euston on the West Coast mainline the proposed paths fit into 'white space' currently unoccupied on the fast lines.

On the section of route between Wolverhampton and Wrexham General, the timetable is largely similar in quantum to that which was in place when previous Open Access operator Wrexham Shropshire and Marylebone Railway operated the same quantum of services between 2008 and 2011 with an excellent performance record.

Our assessment and planning on the section between Nuneaton and Wolverhampton is similarly robust but has less historical context as this is not a section that currently supports passenger services and is therefore a particular focus of our Performance Modelling discussed below.

WSMR is currently undertaking detailed performance modelling to validate the above assumptions and this information will be available to support the application in due course.

The proposed specified equipment is diesel powered (Class 22x) and WSMR is aware of Network Rail's concerns about the capacity of AC power traction supply on the southern end of the West Coast Main Line. Nonetheless it is WSMR's aspiration to move to a hybrid-based traction either through conversion of the Specified Equipment or by replacement with hybrid equipment in due course. WSMR is satisfied that capacity exists at proposed maintenance facilities on route to refuel and maintain the Specified Equipment as required.

The rolling stock WSMR shall seek to deploy will perform the same as, or greater than the characteristics of a Class 222 DMU.

**4.3 Performance:** What is the impact on network performance? Please outline your assurance process that shows that any performance risk is tolerable in comparison to the benefits of the application. Please explain any risk mitigations. Please attach any associated evidence to support your case.

WSMR is currently undertaking detailed performance modelling to validate the assumptions made in 4.2 above and this information will be available to support the application in due course. Early indications show a minimal impact on performance of other Operators.

**4.4 Maintenance and renewals:** Are there any implications for the facility owner's maintenance and renewal activities?

The additional route tonnage created by these proposed services is minor in relation to that already operating on the routes in question. The rolling stock deployed shall be no greater than RA5 in axle weight.

WSMR does not envisage operating at times that will impinge on the facility owner's time for maintenance and renewal activity, and we will prepare plans for the use of alternative routes when maintenance and renewal activity is scheduled along our proposed route.

## 5. The expression of access rights

**5.1 Changes to rights:** please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please attach a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

WSMR is seeking new rights to operate services between Wrexham General and London Euston. Serving the following intermediate stations at Gobowen, Shrewsbury, Telford Central, Wolverhampton, Walsall, Coleshill Parkway, Nuneaton and Milton Keynes. The proposed contract is based on the Model Clause Open Access Passenger Track Access Contract and does not seek to alter the terms.

The quantum of rights is proposed as:

- Mon to Sat – 5 services in each direction
- Sun – 4 services in each direction

**5.2 Flexing rights:** Please explain any limitations on the facility owner's flexing rights in the proposal and the rationale for such limitations.

WSMR will provide fast, competitive, direct high-quality InterCity train services to several stations between Wrexham and London. Consequently, competitive journey times are considered an important factor to the customer when making journey choices between transport modes and at rail level between differing train operators services.

Whilst WSMR is not seeking to protect its journey time in this application, it's a factor that shouldn't be dismissed or discounted.

**5.3 Specified equipment:** Please explain any changes to specified equipment (rolling stock). Has the vehicle and route acceptance procedure in the Network Code (Part F) has been completed? Please explain whether you have, or will have, the rolling stock necessary to exercise the rights.

WSMR is proposing to utilise Class 22x units. The specified equipment will have no less capability or performance characteristics than the Class 222.

**5.4 Contractual obligations:** Are the proposed services necessary to fulfil obligations under a public service contract? For publicly contracted operators seeking additional access rights, we will expect to see evidence of funder support for the specific rights and of operators' intent and ability to operate the new services.

n/a

**5.5 Public funding:** Other than the DfT, Welsh Government or Transport Scotland, are the proposed services subject to financial support from central or local government including PTEs. If so, please give details.

n/a

**5.6 Long Term Planning Process:** Is the Long Term Planning Process (or similar devolved authority or regional service delivery project) relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

WSMR's proposed train services align with a range of long-term industry and combined/local authority and Sub-National Transport body aspirations, and can deliver some of these from 2025, earlier than hoped for by their proponents, including:

- **Network Rail** - West Coast South Strategic Advice Report (issued August 2023) emphasises the importance of supporting economic growth in the Milton Keynes area and improving direct connectivity. The report highlights the strategic objective to improve rail services that promote modal shift to rail at Walsall and Wolverhampton. Furthermore, the report highlights the need for improved inter-regional services at Shrewsbury and Telford, which are under served by rail compared to Wolverhampton.
- **Midlands Connect – Midlands Rail Hub** – aspirations to improve line speeds between Shrewsbury and Wolverhampton offer the potential to reduce end-to-end journey times.
- **West Midlands Rail Executive (WMRE) – Rail Investment Strategy 2022-2050** - aspirations for direct Shrewsbury-Telford-London Euston, Walsall-Wolverhampton and Walsall-London Euston services
- **WMRE** – Synergy with Mayoral aspirations to develop services on the Sutton Park line and create journey opportunities between Wolverhampton and Walsall districts. Currently promoting delivery of a new station at Darlaston (expected to be operational in 2024) and Aldridge Station, which is at an early development stage.
- **Shropshire Council** – Shrewsbury needs to provide 8,600 new homes (c.20,500 population) in coming years. Across the county of Shropshire as a whole, there is a need to provide as much as 30,000 new homes over the next 15-20 years. Shropshire's transport policy includes a desire to invest and promote rail services to connect Shropshire to regional networks and to connect Shrewsbury to other places in the County to drive opportunity, investment, and growth in the Shropshire economy. Aspiration to develop and deliver a new parkway station to serve Shropshire region.
- **Birmingham City Council** – aspirations for future passenger services on the Sutton Park line between Walsall and Coleshill
- **Warwickshire County Council** – Warwickshire's Transport Plan states that 'supporting economic growth' is the highest priority for transport. WSMR services will provide new links between North Warwickshire and the West Midlands creating opportunities for economic agglomeration benefits. aspirations for an expanded role for Coleshill Parkway.
- **North Warwickshire Borough Council** - Local Plan advocating for increasing car parking provision at Nuneaton station due to continued growth in patronage.
- **Walsall Council** – alignment with Walsall's transport plan 2017-22 which states that "we will work with partners to promote the reopening of rail passenger lines including Walsall to Aldridge and the introduction of direct services to Stafford, Stoke-on-Trent, Birmingham Airport and London".
- **Route Utilisation Strategy (RUS)** – aligns to the former West Midlands & Chilterns RUS.

## 6. Competing passenger services:

We would expect to apply the 'not primarily abstractive' test to:

- (i) a new open access service which would compete with franchised services and so impact on the public sector funder's budget;
- (ii) a new franchised service which would compete with an existing franchised service, where we would expect to focus the test on areas where the competing franchised services are operated on behalf of different funders or where for some other reason there are particular concerns over the impact on a funder's budget; and
- (iii) a new service, which might be open access or franchised, which would compete with an existing open access service and which, if it caused the existing open access operator to withdraw from the market, could reduce overall competition on the network.

6.1 Please state if your application is for a competing passenger service, and if so please describe the nature of the competition:

This proposal is considered a conventional Open Access Application as it aligns with ORR policy in that Open Access proposals should be designed to link new cities with rail, whilst providing greater rail options to attract new rail users.

WSMR's principal purpose is to create new, fast InterCity services that deliver direct connectivity where it is either currently inadequate or does not exist (e.g., Walsall - London or across the north Midlands between Nuneaton-Coleshill-Walsall-Wolverhampton).

As such WSMR is not seeking to directly compete with well-established services operated via existing franchises/contracts.

It is recognised that WSMR direct services could be seen to compete with existing direct Wolverhampton-London Euston or Nuneaton-London Euston services but in meeting ORR's NPA requirements WSMR believes its 5 daily services (4 on Sundays) are not major competition for the respective hourly and half hourly London frequencies for those two locations. Indeed, the WSMR services should be considered as complementary to those limited services provided for by the Franchised/Concession Operators.

WSMR could also be seen to compete with the 1 train per day services between Wrexham-Chester-London and Shrewsbury-Telford-Wolverhampton-London. There is a balance to be discussed with ORR and DfT between any abstraction from this service and potential savings in franchise/contract costs if the resources applied to deliver them could be utilised more cost-effectively for other purposes.

6.2 For competing services, please also confirm that you have attached as part of your submission to ORR the following:

- Business plan, including details of: 
  - forecasts of passenger traffic and revenues, including forecast methodology;
  - pricing strategies;
  - ticketing arrangements;
  - rolling stock specifications (e.g. load factor, number of seats, wagon configuration);
  - marketing strategy;
  - estimated elasticities of the services (e.g. price elasticity, elasticity with respect to quality characteristics of the services).
- Demand forecasting (including associated spreadsheet models) demonstrating modelled generation : abstraction ratio.
- Indicative timetables, including associated .spg files

## 7. Incentives

**7.1 Train operator performance:** please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving operator performance.

WSMR is a small train operation that shall have an extremely experienced rail leadership team based at a location on the route (yet to be decided). A satellite management structure will provide daily face to face management and support to WSMR traincrew and other onboard staff. The engineering function at all levels (Entity in Charge of Maintenance) will also provide 24hr support to ensure the fleet is turned out fault free and any in service failures shall be promptly dealt with and resolved. WSMR shall use the new fleet performance metric Miles per 701D code (Mp701D) to monitor fleet performance; this shall sit alongside a comprehensive and detailed Train Service Agreement.

General operations shall be managed by a Railway Control team overseeing on-the-day traincrew diagrams, managing general operations and coordinating operations in times of disruption. WSMR will be aiming for high performance in line with our overall Customer Experience strategy, deploying a customer satisfaction measurement metric (NAS) that will closely monitor CX performance onboard trains, online ticket purchasing, call centres and staff at stations served.

WSMR shall include the use of the on-board team to ensure that station dwell times are managed and minimised by providing passenger assistance at regular spacing down the trains. WSMR shall appropriately set internal and supplier KPI's to manage performance levels. WSMR shall also be part of the national KPI's to monitor customer satisfaction (Service Quality Regime (SQR)) and PPM. These measures shall assist in the management of WSMR performance, consequently reducing impacts to other operators.

As well as exploiting the benefits of a small team WSMR will also have the advantage of calling upon the significant resources of partner company Alstom as the OEM and current maintainer of the proposed Specified Equipment.

As part of the preparation of the Specified Equipment for the proposed operation, WSMR will work closely with our Alstom colleagues to baseline the status of the small fleet of units and implement any required performance-based improvements.

**7.2 Facility owner performance:** please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving the facility owner's performance.

All WSMR traincrew will be trained not only in the core routes but in multiple diversionary routes to enable the facility owner to divert trains without concern about Route Knowledge in the event of disruption.

WSMR will offer the facility owner the opportunity to equip some or all of our units with data collection equipment to enable them to regularly monitor the condition of the infrastructure.

**7.3 Monitoring of services:** Will all proposed services be monitored for performance throughout their journey? If not, please explain.

Yes

**7.4 Performance regime changes (for applications under sections 17 or 22A only):** where applicable, please provide justification for any changes to Schedule 8 of the track access contract in the proposal. If necessary, please provide any relevant information in support of the changes proposed.

None proposed.

## 8. Enhancement

**8.1 Enhancement details:** where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework).

WSMR is proposing to use the Sutton Park route between Walsall and Water Orton as its primary route. Currently this section of track is used for freight services only, although Network Rail are working with WMRE on a proposal to re-instate passenger services to a station in Aldridge to provide a passenger rail link to Walsall and the wider West Midlands.

Currently this route has a line speed for all trains of 45mph. Working with Network Rail WSMR have confirmed that the signalling system as installed within the last 10 years is capable of supporting passenger train services at considerably higher speeds than the current 45mph.

WSMR are currently undertaking a feasibility study to fully understand the likely implications of such a line speed increase and early indications are that fundamentally the route is currently fit to support a higher passenger train line speed. The line includes pedestrian foot crossings and these will need close examination to establish what safety improvements could be made here to support such a line speed increase.

The WSMR application is not wholly reliant on this enhancement although it is recognised that delay or ultimate failure to achieve the enhancement will result in an impact to journey time and thus a resultant impact upon revenue. Mitigation options are available to reduce the level of journey time impact should the Sutton Park enhancement, including phasing the introduction of one of the station calls until the line speed improvement is achieved.

#### **Network Rail's Measurement Train activities.**

WSMR shall work with Network Rail Engineering teams to evaluate the installation of remote monitoring and recording equipment to WSMR's train fleet; technical equipment installed shall support Network Rail's Infrastructure Measurement Train Activities.

**8.2 Enhancement charges:** please confirm that the arrangements for the funding of any network enhancements are consistent with the [investment framework](#), and summarise the level and duration of payments, and the assumed rate of return.

Pending understanding of extent of required enhancements, and the associated costs.

## **9. Other**

**9.1 Associated applications to ORR:** please state whether this application is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide evidence that this process has been completed.

None

**9.2 Side letters and collateral agreements:** please confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it.

WSMR expects to comply with this requirement at time of application.

**9.3 Confidential redactions:** please list any information that you have redacted from any documentation sent to consultees. If there has been no pre-application consultation, please list any information you want us to exclude from publication. Please provide full reasons for any redactions.



WSMR will list applicable confidential information at time of application.

## 10. Pre-application consultation

### 10.1 The consultation:

If consultation has not been carried out, explain why not. If it has, please list the consultees.

This draft application has been prepared for this consultation.

Who conducted the consultation?

Network Rail

List all consultees who responded and include their responses and any associated documentation or correspondence between the parties.

WMSR expects to comply with this requirement at application time

**10.2 Resolved issues:** please explain any issues raised by consultees which have been resolved.

WMSR expects to comply with this requirement at application time

**10.3 Unresolved issues:** Please explain any issues raised by consultees which have **not** been satisfactorily resolved and why you think these issues should not stop ORR approving the application.

WMSR expects to comply with this requirement at application time

**10.4 Subsequent Changes:** Have any changes been made to the proposal following consultation?

WMSR expects to comply with this requirement at application time

## 11. Certification

*Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.*

**For agreed applications under section 18 or 22, Network Rail should complete the information below. For disputed applications under section 17 or 22A, the beneficiary should complete it.**

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed ..... Date .....

Name (in caps) ..... Job title .....

For (company) .....

## 12. Submission

**12.1 What to send:** please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, **in plain Microsoft Word or Open Document Text format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

### 12.2 Where to send it:

Email: [track.access@orr.gov.uk](mailto:track.access@orr.gov.uk)