

Louise Beilby
Senior Access Executive



4 March 2024

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Sue Rhymes
Track Access Manager
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Ltd Victoria Square House
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Dear Paul and Sue

Approval of the 10th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First Trenitalia West Coast Rail Limited (trading as Avanti West Coast (AWC)) dated 1 December 2022

We have today approved the above supplemental agreement submitted to us formally on 4 March 2024 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

Purpose

The purpose of this agreement is to provide AWC with the rights necessary to operate its Subsidiary Change Date (SCD) 2024 timetable offer. This involves the extension of a small number of weekday and Saturday services to and from Crewe and Wolverhampton, and an additional Sunday Blackpool to Preston service. The bulk of these amendments constitutes conversions of Empty Coaching Stock (ECS) moves to passenger services, and so the trains are already running in the timetable. The amendments will be effective from SCD 2024 and will expire on the Expiry Date or earlier termination of AWC's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. CrossCountry enquired whether the application had been reviewed with the all the potential upcoming competing

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applications in mind. Network Rail advised that it had, and reiterated that most of the amendments were already currently running as ECS moves. CrossCountry was content with this response. No other queries or concerns were raised.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues which were corrected prior to invitation of formal submission.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; in particular, those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

Conformed copy of the track access agreement

Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. Please send the conformed copy to me at ORR.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

Louise Beilby