

Louise Beilby
Senior Access Executive



18 October 2024

Paul Harris
Franchise and Access Manager
Network Rail Infrastructure Ltd
2nd Floor, Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Sue Rhymes
Track Access Manager
First Trenitalia West Coast Rail Ltd
Ground Floor
Victoria Square House
Victoria Square
Birmingham
B2 4DN

Dear Paul and Sue

Approval of the 11th 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 18 October under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. ORR's approval of this application ensures that AWC can provide new services between Liverpool and Birmingham, and Manchester to London Euston, to its passengers from the Principal Change Date (PCD) in December 2024. This letter explains the reasons for our decision.

Purpose of 11th supplemental agreement

The purpose of the 11th supplemental agreement is to grant AWC the rights necessary to operate its December 2024 timetable. These additional services will comprise one contingent right for a new weekday service from Manchester Piccadilly to London Euston, calling at Stockport, and one contingent right for a new Sunday service from Liverpool Lime Street to Birmingham New Street. The rights are to commence on PCD 2024.

This supplemental agreement was originally sent to us as an unsupported application under S22A of the Act. However, following negotiations between Network Rail and AWC, it was converted to a S22 application on the basis that Network Rail could only agree to the requested additional access rights for these services on a contingent basis until the



Subsidiary Change Date (SCD) in May 2025 due to potentially competing applications from other train operators, and that there could be no presumption of the continuation of these additional rights beyond SCD 2025.

Industry consultation

Network Rail undertook the usual industry consultation. Virgin Trains and Wrexham, Shropshire and Midlands Railway both queried whether the QJ paths (paths that are planned within the timetable but with no current access rights) would be considered and validated during the capacity analysis exercise and asked for assurance that the rolling stock AWC plans to use would be able to meet the operational demands of the planned timetable. Network Rail and AWC responded to these queries in August and as yet have received no reply.

No other concerns or queries were expressed.

ORR review

During our review, we asked for clarification on the calling pattern of the Manchester to Euston service and how this would subsequently affect performance on that route. We also asked how the Sunday Liverpool to Birmingham service would be linked to the Wolverhampton to Euston service as intended, given that there did not appear to be a link in the timetable at present.

AWC explained that some station calls had been removed to facilitate performance, and provided an updated SA to make this clearer. It also advised that additional Birmingham to Wolverhampton rights had been implemented prior to this application, which would provide the link for the through service.

We noted Network Rail's position on the continuation of additional rights in the Birmingham and West Coast Main Line areas beyond SCD 2025 due to competing aspirations from other train operators. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for these rights beyond SCD 2025.

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