

Emyl Lewicki
Head of Freight and Open Access



Paul Harris
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B1 2ND

21 March 2025

Dear Paul

Appeal under Regulation 32 of The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 by Virgin Management Limited

I am writing to advise you that we have received an appeal under Regulation 32 of The Railways (Access Management and Licensing of Railway Undertakings) Regulations 2016 (“the 2016 Regulations”) made by Virgin Management Limited (“Virgin”) on 26 February 2025 in relation to the allocation process for infrastructure capacity and its result.

Enclosed is a copy of the appeal and, in accordance with the process described in chapter 5 of our published [guidance on the 2016 Regulations](#), I invite Network Rail Infrastructure Limited (“Network Rail”), as infrastructure manager, to make written representations in respect of that appeal **by 11 April 2025**. Your representations will be copied to Virgin and will need to be in a format that can be published on our website.

As set out in our guidance, in considering any request for non-disclosure, we generally apply the test set out in section 71(2) of the Railways Act 1993. That test requires us to have regard to the need for excluding from publication, so far as that is practicable, any matter which relates to the affairs of an individual or specifically to the affairs of a particular body where publication of that matter would or might “...*in the opinion of [ORR], seriously and prejudicially affect the interests...*” of that individual or body. If you believe that any information in your representations should be excluded you will need to explain how this meets the criteria under section 71(2) of the Railways Act 1993.

I also invite Network Rail to provide a list of any interested persons (this is explained in paragraph 17 of chapter 5 of the guidance).



In addition to the above, I would be grateful if Network Rail could confirm if they have any internal guidance regarding their processes for the handling of Part J of the Network Code and, if so, provide ORR with a copy of that guidance.

We have identified First Trenitalia West Coast Rail Limited as a relevant party to this appeal and have also asked them for written representations in respect of it.

Your response to this letter and any further communication regarding this appeal should be sent to [REDACTED] and track.access@orr.gov.uk.

This letter is being copied, for information purposes, by email to Phil Whittingham of Virgin, Sue Rhymes of First Trenitalia West Coast Rail Limited and Lee Eplett and Andrew Seddon of the Department for Transport.

Yours sincerely

Emyl Lewicki