

**Jonathan Rodgers**

Senior Executive

E-mail: [REDACTED]



24 February 2025

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

Scott Turner  
Network Access Manager  
West Midlands Trains Ltd  
134 Edmund Street  
Birmingham  
B3 2ES

Dear Akaash and Scott

**Approval of the 39th supplemental agreement to the track access contract (TAC) between Network Rail Infrastructure Limited (Network Rail) and West Midlands Trains Limited (WMT) dated 15 May 2019**

We have today approved the above supplemental agreement submitted to us formally on 24 February 2025 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 extend contingent access rights for part services between Worcester Foregate Street and Worcester Shrub Hill. The parties identified these rights were missing from the TAC in November 2024 and submitted a general approval (the 38<sup>th</sup> SA) to put these rights in place for 90 days (expiring on 20 February 2025). This agreement is effective from today's date and will expire on the Subsidiary Change Date, 18 May 2025.



## **Industry consultation**

Network Rail undertook the usual industry consultation and Great Western Railway, CrossCountry and Transport Focus responded. No concerns or issues were raised.

## **ORR review**

Our review of the application raised no operational, performance or economic concerns. We asked for more information about the performance plan referred to in the application form and also identified a minor error in the description of the proposed rights. Both of these matters were resolved prior to our invitation of formal submission.

This application demonstrates the need for the parties to conduct regular rights reviews to ensure that access rights in contracts correctly reflect the services that are running. It also demonstrates the need to promptly progress applications for longer term rights, once a general approval for temporary rights has been put in place. That general approval was submitted to ORR on 22 November 2024 but delays in opening the industry consultation for the further application meant it was not complete until 30 January 2025, only 15 working days before the expiry of the general approval.

In addition, we invited formal submission of this agreement on 17 February 2025, leaving a reasonable amount of time for the agreement to be submitted by 20 February 2025 (when the access rights put in place by the general approval expired), however the formal agreement was only submitted to ORR on 24 February.

We expect the parties to work together to ensure that future applications are submitted in a more timely manner.

## **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)).



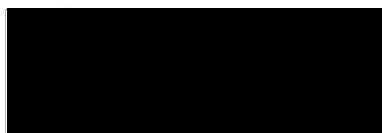
### **Conformed copy of the track access agreement**

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



**Jonathan Rodgers**