

Jonathan Rodgers
Senior Executive, Access and Licensing



6 October 2023

Akaash Bhandari
Franchise & Access Support Manager
Network Rail Infrastructure Limited
Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Scott Turner
Network Access Manager
West Midlands Trains Limited
134 Edmund Street
Birmingham
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Dear Akaash and Scott

Approval of the Seventeenth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and West Midlands Trains Limited

We have today approved the above supplemental agreement submitted to us formally on 4 October 2023 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 an access right for one peak service operating from London Euston to Northampton from Principal Change Date (PCD) 2023 to Subsidiary Change Date (SCD) 2025. After that date, the right will revert to off-peak. This right was originally approved in the fifteenth supplemental agreement.

There are currently other applications and aspirations for capacity on the West Coast Main Line. The parties state in their application that the slot in question has been running since PCD 2022 and performance has been analysed by to the satisfaction both parties They are also satisfied that the limited time period for the slot does not present any conflict with others.



Industry consultation

Network Rail undertook the usual industry consultation between 10 June and 12 July 2023. No concerns were raised during the consultation.

ORR review

We considered the practical and policy implications of approving this right, given the potential conflicts with existing longstanding applications and aspirations for additional services on the West Coast Mainline Avanti West Coast and Grand Union Trains which we have not yet concluded on. We set out our consideration of this in detail in our fifteenth supplemental agreement decision and our position remains unchanged.

If there is a further application for an extension of this service we will consider any request to extend this right in light of our statutory duties and the information available at the time. Our usual presumption in favour of the extension of existing access rights should not be assumed.

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

A handwritten signature in black ink, appearing to read "Jonathan Rodgers". The signature is fluid and cursive, starting with a large initial 'J' and ending with a long horizontal stroke.

Jonathan Rodgers