

**Louise Beilby**  
Senior Access Executive



19 December 2024

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Dear Paul and Sue

**Approval of the 20th 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 December 2024 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 will reinstate services previously held by AWC that were temporarily removed during the COVID-19 pandemic. This letter explains the reasons for our decision. It also explains ORR's position on the concurrent application that AWC has submitted in accordance with section 22A of the Act.

**Concurrent section 22A applications**

On 24 April 2024 ORR [wrote to industry](#) to set out a process for access applications for the December 2024, May 2025 and December 2025 timetable changes. In that letter we asked industry to comply with a deadline of 20 May 2024 for applications for additional rights (or amended rights that change capacity parameters) for these timetable changes that met specific criteria. AWC Limited submitted five such applications on or before 20 May.



In reaching a decision on this supported 20th supplemental agreement, it is important to clarify that:

- ORR has reached its decision in the full knowledge of AWC's concurrent section 22A applications;
- AWC's section 22A application remains "live" and we continue to try to progress it. However, ORR is not currently in a position to reach a decision in relation to that application. Additionally, Network Rail has not yet completed its analysis. We continue to press Network Rail to complete its analysis as quickly as possible; and
- most importantly, the approval of the 20th supplemental agreement ensures that AWC has approved access rights in the December 2024 timetable.

### **Purpose of 20th supplemental agreement**

The purpose of the 20th supplemental agreement is to grant AWC the rights necessary to operate its proposed December 2024 timetable. This entails the addition of the following additional contingent rights in Schedule 5:

- one weekday service from Chester to London Euston;
- one Saturday service from Chester to Crewe; and
- one Sunday service from London Euston to Wolverhampton.

The rights are to commence upon the date of approval and will expire on the Subsidiary Change Date (SCD) in May 2025.

It should be noted that these rights were due to commence on the Principal Change Date (PCD) on 15 December 2024, but due to delays in the process, ORR did not receive the application until two days before it was due to commence. In order to cover the services and prevent them from running without corresponding rights in the TAC, Network Rail submitted a 90-day general approval to put the rights in place on PCD 2024, expiring on 15 March 2025. This supplemental agreement will extend those rights to SCD 2025.



Network Rail noted that it could only agree to the requested additional access rights until SCD 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 for four weeks from 13 November. Comments stating that there was no objection were received from West Midlands Trains, Transport Focus, CrossCountry, Northern Trains and Great Western Railway. No issues or queries were raised.

### **ORR review**

Our review of the application raised no operational, performance or economic concerns.

We noted Network Rail's position on the continuation of additional rights in the Birmingham and London Euston 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

A handwritten signature in black ink, appearing to read 'Louise Beilby', is positioned below the text 'Yours sincerely'. The signature is written in a cursive style with a long horizontal stroke at the end.

**Louise Beilby**