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Dear Omowunmi and Sue

**Approval of the 22nd 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 27 March 2025 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 continuity of services to its passengers from the Subsidiary Change Date (SCD) in May 2025. This letter explains the reasons for our decision. It also explains ORR's position on the concurrent applications that AWC has submitted in accordance with section 22A of the Act.

**Concurrent section 22A application**

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 submitted several such applications on 17 May 2024, including the 3rd and 17th supplemental agreements.



In reaching a decision on this supported 22nd 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 applications remain "live" and we continue to try to progress them. However, ORR is not currently in a position to reach a decision in relation to those applications. 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 22nd supplemental agreement ensures that AWC has approved access rights in the December 2024 timetable.

### **Purpose of 22nd supplemental agreement**

The purpose of the 22nd supplemental agreement is to grant AWC contingent rights for one timetable period from SCD 2025 and will reinstate services that were temporarily removed during Covid. This application contains agreed elements from the 3rd and 17th supplemental agreements. It also adds two firm Sunday rights.

The contingent weekday rights in the 22nd supplemental agreement (and which comprise the agreed elements of the concurrent S22A applications) consist of:

- 3 x each-way services between Glasgow and Euston (previously the services were between Blackpool North and Euston);
- 1 x Manchester Piccadilly to London Euston service calling at Stockport; and
- 1 x Chester - Euston service calling at Stafford.

The firm rights for Sunday services are as follows:

- 1 x Liverpool Lime Street to Birmingham New Street service; and
- 1 x Holyhead to Crewe service has been extended to Euston and now calls at Stafford, so an additional firm right is required between Crewe and London Euston.

Network Rail noted that it could only agree to these additional access rights until the Principal Change Date (PCD) in 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 PCD 2025.

### **Industry consultation**

Network Rail undertook the usual industry consultation for 1 month from 10 February 2025. Transport Focus, Northern Trains and Cross Country all responded to advise they had no queries or objections. London Travel Watch said that it had no objections provided that Network Rail was content that there is sufficient capacity both at Euston station and on the lines to and from Euston to support extra services. Network Rail confirmed that this was the case. Wrexham, Shropshire and Midlands Railway (WSMR) enquired whether these were new access rights above and beyond what was already in AWC's contract. Network Rail replied that all changes were highlighted in the application and that any new rights sought were for one timetable change only on a contingent basis with no presumption of continuity. WSMR did not respond further.

### **ORR review**

Our review of the application raised no operational, performance or economic concerns. We noted Network Rail's position on the continuation of these additional rights beyond PCD 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 the rights granted in this application beyond PCD 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**