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Senior Access Executive



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Dear Akaash and Scott

Approval of the 41st supplemental agreement to the track access contract 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 2 May 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. It also explains ORR's position on the concurrent application that WMT 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. WMT submitted such an application on 20 May 2024.

In reaching a decision on this supported 41st supplemental agreement, it is important to clarify that:



- ORR has reached its decision in the full knowledge of WMT's concurrent section 22A application;
- WMT'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 41st supplemental agreement ensures that WMT has approved access rights in the May 2025 timetable.

Purpose of 41st supplemental agreement

The purpose of the 41st supplemental agreement is to grant WMT the rights necessary to operate its proposed May 2025 timetable. This entails the addition of contingent rights for services between Birmingham New Street and King's Norton (the Camp Hill line) on both weekdays and weekends, calling at the new stations at Moseley, King's Heath and Pineapple Road when they open, currently projected for October 2025. The rights are to commence on the Subsidiary Change Date (SCD) in May 2025 and will expire on the Principal Change Date (PCD) in December 2025.

Network Rail noted that it could only agree to the requested additional access rights on the Camp Hill line on a contingent basis until PCD 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 25 February. Comments stating that there were no concerns or queries were received from CrossCountry and Transport Focus.

Great Western Railway noted that the timings of the new services were tight and any delays may have an impact on its own services in the Gloucester area, but noted that it supported the application on the basis of the rights being contingent and time-limited.

DB Cargo (DBC) had some queries about performance impacts, platforming and turnarounds at King's Norton, and potential impacts on freight paths on the Camp Hill line more generally. Network Rail answered these queries to DBC's satisfaction, but DBC noted it was of the view that the intervention at King's Norton is needed to provide an



acceptable level of performance and resilience, given the interaction with other services at that location.

RailAdventure raised a number of significant concerns around what is considered to be the poor use of already limited capacity, inconsistent timetabling and performance risks, and a lack of fair consultation or engagement with freight operating companies. Network Rail met with the operator to discuss its concerns and it subsequently withdrew its objection in writing on 11 April.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some drafting issues which related to another application (42nd SA) being progressed by WMT and Network Rail for the same effective date, which could have resulted in a conflict between the two applications if not corrected. Network Rail redrafted both supplemental agreements prior to our invitation of formal submission.

We noted Network Rail's position on the continuation of additional rights on the Camp Hill line 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 these rights 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