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Jonathan Rodgers
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Office of Rail & Road
25 Cabot Square
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Cc Paul Harris, Network Rail

27th May 2025

Dear Jonathan,

Network Rail Infrastructure Limited (NR) Representations for a New Track Access Contract submitted under Section 17 of the Railways Act 1993 between Network Rail Infrastructure Limited and Virgin Management Limited

We are writing in response to the above letter received via ORR by email on 13th May 2025.

Having reviewed the letter, it appears that most of the points are a restatement of previous points made from their letters of 7th February 2025 and 25th April 2025 without seemingly responding to any of the previous representations we made in our 19th March response to NR's letters. In our response, we made detailed representations regarding the following areas which remain relevant:

1. Timetable Capacity/Congested Infrastructure
2. Timetable Performance
3. Passenger Flows at Euston Station
4. HS2 Interaction

Some of the other points raised in the NR's latest letter will require further discussions with NR to resolve, and Virgin is committed to ensuring this happens in a timely and collaborative manner to ensure a highly performing network is achieved, including identifying any investments in infrastructure that may be required. These points include resolving conflicting moves and identifying solutions for turning back at Rochdale, Manchester Victoria capacity, TRU and MNTP all of which we believe are achievable to find resolutions.

Other points raised in NR's latest letter:

- NR have introduced an unrecognised industry measure of "proximations" to justify its position on lack of capacity. We would like to understand this measure more and its effect if applied to existing operations as we suspect there may be a significant negative impact. Accordingly, we are unclear as to how this measure is calculated nor its



relevance to the decision making. We also note that our level of "proximations" may be impacted by the Regulation 32 appeal currently underway.

- We note that NR suggests that paths we wish to operate would utilise firebreaks in the timetable. NR have agreed to allow Sterling services that occupy these "firebreak" paths in other hours which would suggest that the standard hour timetable is robust, so it would seem somewhat unfair to withhold capacity for our aspirations when others have been allowed to utilise the path. Furthermore, we would have expected a demonstration by NR of how the number of firebreaks across the standard hours has been calculated.
- Noting that performance is of the highest importance and that NR are indicating that performance is a significant factor in selling capacity, we are concerned that ongoing concessions remain on the new Avanti fleet. NR have informed us that Avanti have bid for public book differentials (an important performance buffer) in recent timetables for their new fleet which would naturally flatter headline performance results while adding pressure on underlying performance which seems to be counterintuitive if improving performance is the key to unlocking capacity. We also understand that resolution of the Network Change is some way off. We also understand that there have been issues with the new fleet from a TASS (<https://www.railforums.co.uk/threads/progress-on-avanti-west-coasts-805-807s-hitachi-at300-sets.214752/page-95>) and bridge resonance (<https://wnxxforum.co.uk/viewtopic.php?f=16&t=31389&p=1006397>) perspective, both of which may cause ongoing performance issues until resolved.
- NR raises the need to have necessary licences and safety certification in place and confirm we will have these necessary licences in place prior to operation.

Summary

NR have set out that there are paths available resulting the robust December 2022 ESG workstream. We believe that the underlying work performed to demonstrate this timetable is robust and should be relied upon. We have demonstrated that current performance elsewhere on the network is the root cause of the problems in relation to the operation of the paths we are seeking to utilise on the West Coast South, and therefore that the open access path contained in the standard hour timetable performs well. We would conclude that NR should be looking to solve the underlying performance issues rather than using those performance failures to justify suppressing capacity on the network for operators given that these are robust train paths developed under the December 2022 ESG and compliant with Train Planning Rules.

Yours sincerely,



Phil Whittingham
Rail Consultant
Virgin Group