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Senior Executive

Email [REDACTED]

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Dear Akaash and Scott

22nd Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited (Network Rail) and West Midlands Trains Limited (WMT) dated 15 May 2019

1. Today, we have made a decision on this application and, in due course, will direct Network Rail and WMT (jointly the parties) under section 22A of the Railways Act 1993 (the Act) to enter into the above supplemental agreement (SA). This letter explains the reasons for our decision. ORR's approval of this application will allow services to run on the Camp Hill line and call at three new stations, providing faster and more frequent journey opportunities for people who live and work in the South of Birmingham area.

Background

2. On 24 April 2024, ORR wrote to industry setting out a process for access applications for December 2024, May 2025 and December 2025, given our expectation (as confirmed by Network Rail) that we would receive numerous complex and competing applications across that period. Applications were submitted to ORR for direction as "unsupported" applications, as Network Rail was not able to agree that there was sufficient capacity and therefore submit agreed applications for our approval.

Application

3. The purpose of this SA is to grant WMT the firm rights necessary to operate Weekday, Saturday and Sunday services along the Camp Hill route between Birmingham New

Street and Kings Norton serving new stations at Moseley, Kings Heath, and Pineapple Road. These services were expected to start at the Principal Change Date (PCD) in December 2024 but this date has been pushed back, initially to the Subsidiary Change (SCD) Date in May 2025 and now to PCD 2025.

4. On 2 August 2024, WMT informed ORR that, due to delays in the introduction of the new Camp Hill stations, it would push back the date the rights were due to commence to SCD 2025. In addition, now that planning work had concluded, it would lower the number of proposed rights to match the number of timetable paths required. An updated application form, containing this updated information and details of the industry consultation was submitted to ORR in January 2025.
5. This revision to the original application, as it is a reduction in the use of capacity, is in line with [our letter dated 1 November 2024](#) which sets out how we consider revisions within this process.
6. Earlier this year, Network Rail proposed to grant WMT the rights sought in this application for one timetable period only (from SCD 2025 until PCD 2025) on a contingent basis with no presumption of the continuation of these additional rights beyond PCD 2025. To maintain service continuity, the rights were granted on this basis as part of the agreed section 22 41st SA, but WMT has retained this application (the 22nd SA) to apply for the rights, on a firm basis, from PCD 2025 until the end of its contract.

Industry consultation

7. The initial industry consultation took place from 20 May to 21 June 2024.
8. Industry was then invited to comment on Network Rail's final representations from 4 July to 18 July 2025. No further comments were received.
9. In the initial consultation, comments in support or raising no objections or concerns were received from Avanti West Coast, Great Western Railway and Transport Focus. Arriva Rail London, DB Cargo, GB Railfreight and Cross-Country all said that were unable to support the application until Network Rail provided more information regarding the potential impact on their services.
10. We have concluded that the lack of response from industry to the most recent opportunity to comment means that there are no outstanding objections to WMT's application.

Statutory Consultation

11. As required under the Act, on 30 May 2024, we sought Network Rail's representations on the application, and it replied on 28 June 2024. We forwarded these representations to WMT on 3 July 2024 and asked for its comments. WMT provided comments on 22 July 2024.
12. Following the completion of Network Rail's capacity analysis on the West Coast Main Line (WCML) it sent its final representations on 27 June 2025. Again, we forwarded

these to WMT and asked for its comments, which it provided on 14 July 2025. As noted above, Network Rail's final representations were also shared with industry for comment on 4 July 2025.

Network Rail's representations

13. In its initial representations, dated 28 June 2024, Network Rail stated that it reserved its position pending the outcome of capacity and performance assessments, particularly into regarding accommodating new services at Birmingham New Street. It noted that it would be undertaking due diligence and necessary assurance to assess any safety risks associated with the application.
14. WMT, in its response dated 22 July 2024, stated that it believed it had undertaken all the relevant work required for a positive decision on this application and the only outstanding issue related to the provision of performance data, noting that WMT had satisfied itself that the rights requested could be accommodated without any detrimental effect on performance.
15. In its final representations, Network Rail stated that it was now in a position to support the rights in this application on a contingent basis for two further timetables until PCD 2026. The representations also noted the revisions to the original application, the fact that no safety risks had been highlighted, some missing Train Service Codes in the Schedule 5 tables provided in the original submission, the information that would be needed in the Schedule 5 tables reflecting calling patterns, interactions between this application and others, the significant investment in this project and the substantial benefits from a passenger and local business perspective that the proposed services would provide.
16. As the services had not started running yet, Network Rail stated that there was uncertainty about potential capacity and performance impacts of the proposed services. It said it was *"not able to confirm that the rights would be supported in the long term to support the same service pattern as currently planned therefore continuity should not be assumed for rights as they are currently expressed"*.
17. WMT, in its response dated 14 July 2025, stated that on this route it was working closely with Network Rail, had discussed its representations in detail and had no issues.

ORR review

18. We carried out a full review of the application, taking into account issues that were being considered in relation both to this application and to the competing demands on capacity on the wider network.
19. In making our decision, we noted that services are not running yet and there remains uncertainty about the potential capacity and performance impacts. We also noted that the access rights for these services are already in the contract on a contingent basis (restricted so that they do not come into effect until the new stations are operational). We further noted that Network Rail's position, which is supported by WMT, is that these

contingent access rights should be extended for a further two timetables until PCD 2026 and that the continuity of those rights after that date should not be assumed.

20. We agree with Network Rail's assessment regarding the potential impacts of these services on the network. It represents a significant uplift in services along a route primarily used by freight operators and Cross Country and also introduces a substantial number of additional services at Birmingham New Street. We expect open and transparent discussions regarding mitigating performance and capacity impacts to continue between Network Rail and any relevant operators after services have begun operation.
21. We also agree with the approach taken by Network Rail and WMT that the access rights for these services should be contingent and limited to two further timetables. This approach gives greater flexibility to amend the timetable, if necessary, in order to mitigate any issues.
22. There has been significant investment in the infrastructure on this line and the services calling at the new stations, when open, should provide substantial benefits for passengers and business in the local area.

Our duties under section 4 of the Act and our decision

23. We have considered this supplemental agreement, and we have concluded that its approval is consistent with the discharge of our statutory duties under section 4 duties of the Act: in particular, those relating to:
 - enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g))
 - promoting improvements in railway service performance (section 4(1)(zb))
 - protecting the interests of users of railway services (section 4(1)(a))
 - promoting the use of the railway network for the carriage of passengers and goods (section 4(1)(b))
 - having regard to the funds available to the Secretary of State (section 4(5)(c))
24. We have looked very closely at all the evidence submitted from the parties and consultees. We have concluded that we should direct the application on the basis that has been agreed between the parties and set out in this letter.
25. We noted Network Rail's position on the continuation of additional rights on this line, beyond PCD 2026. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for the extension of current or additional rights beyond PCD 2026.
26. We will issue a directions notice, reflecting this decision, in due course.

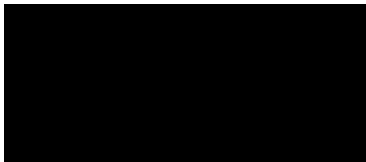
Conformed copy of the track access contract

27. 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 WMT. ORR's copy should be sent for my attention.

Public register and administration

28. Electronic copies of this letter, and in due course, the directions notice and the supplemental agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the directions notice and the supplemental agreement will be placed on ORR's public register (website) and copies of this letter and the supplemental agreement will be placed on the ORR website.

Yours sincerely



Jonathan Rodgers