

Jonathan Rodgers
Senior Executive, Access & Licensing



18 September 2025

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Scott Turner
Network Access Manager
West Midlands Trains Limited
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Dear Akaash and Scott

Approval of the 45th 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 18 September 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.

Purpose

The purpose of this agreement is to add a firm right to the contract for a service between Stourbridge Junction and Birmingham Snow Hill. This right had been removed from the contract by mistake. On 20 June 2025, the parties submitted a General Approval (the 43rd SA) to put the right back in the contract on a contingent basis for 90 days. This application converts that into a firm right.

Industry consultation

Network Rail undertook the usual industry consultation. No objections or concerns were raised.

ORR review

Our review of the application raised no operational, performance or economic concerns. We spotted some drafting issues in the agreement regarding the effective date, raised these with the parties and they provided a corrected supplemental agreement in their formal submission.



Despite the General Approval putting these rights in place on 20 June, the draft agreement for this 45th supplemental was not submitted to us until two months later (only one month ahead of the expiry of the rights in the General Approval), and the final, signed agreement was submitted for our approval on the expiry date of the General Approval. Network Rail and WMT should ensure that in future, they progress applications in a timelier manner.

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

Jonathan Rodgers