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4 December 2020

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Paul Lewin
Director & General Manager
Festiniog Railway Company
Harbour Station
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Dear Ian and Paul

Directions in respect of a track access contract between Network Rail Infrastructure Limited and Festiniog Railway Company

We have today issued directions under section 18 of the Railways Act 1993 (the Act) to Network Rail Infrastructure Limited (Network Rail) to enter into a track access contract (TAC) with Festiniog Railway Company (Festiniog). The application was submitted to ORR on 22 October 2020.

Purpose

The new contract follows Festiniog's current TAC which will expire on the Principal Change Date (PCD) 2020. This new TAC extends Festiniog's access right until PCD 2024.

It is an unusual contract in that it just covers the terms under which the Welsh Highland Railway, owned by the Festiniog, is permitted to cross Network Rail's Cambrian Coast line on the level at Cae Pawb, just outside Porthmadog. It does not allow Festiniog to run on any other part of the network.

Industry consultation

Network Rail undertook the usual industry consultation. Transport Focus supported the application and Great Western Railway said that it had no objection. There were no other responses.

Head Office: 25 Cabot Square, London E14 4QZT: 020 7282 2000 orr.gov.uk



ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some errors and omissions in the drafting of the TAC and these were corrected by Network Rail in a further submission on 3 December 2020.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this 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)).

Copy of the track access agreement

Once the agreement is signed, in accordance with Section 72(5) of the Act, you must send a copy to ORR within 14 days.

Public register and administration

A copy of the Directions and the signed contract will be placed on our public register and website. I am also copying this letter to the Department for Transport and the Regulatory Reform Team at Network Rail.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Jonathan Rodgers', written in a cursive style.

Jonathan Rodgers