

Louise Beilby
Senior Access Executive
Telephone: 0207 282 2076
E-mail: louise.beilby@orr.gov.uk



5 December 2022

Grace Brown
Customer Support Manager
Network Rail Infrastructure Ltd
151 St Vincent Street
Glasgow
G2 5NW

John Kerr
Regulated Contracts Manager
Scotrail Trains Ltd
Atrium Court
50 Waterloo Street
Glasgow
G2 6HQ

Dear Grace and John

Approval of the 29th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Scotrail Trains Limited dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 5 December 2022 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 introduce firm rights for regular calling patterns at the new Inverness Airport station. All services between Inverness and Elgin and Inverness and Aberdeen services will call at the new station. The rights are to commence upon the opening of the new station, at a date not later than 31 January 2023, and will expire on the Expiry Date or earlier termination of Scotrail's track access contract.

Industry consultation

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



ORR review

We noted during our review that the date of opening Inverness Airport station had been delayed and that the application was still showing the original planned date for the commencement of the new calling patterns. At the time of reviewing the application, the actual opening date was still unknown, but Scotrail was able to advise that it would be no later than the end of January 2023, and adjusted the effective date accordingly.

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

A handwritten signature in blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

Louise Beilby