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24 November 2022

Stella Thomas  
Customer Support Manager  
Network Rail Infrastructure Limited  
Baskerville House  
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Birmingham  
B1 2ND

Katherine Reilly  
Commercial Contracts Manager  
Serco Caledonian Sleepers Limited  
1-5 Union Street  
Inverness  
IV1 1PP

Dear Eleanor and Susan

**Approval of the 4th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Serco Caledonian Sleepers Limited dated 2 March 2018**

We have today approved the above supplemental agreement submitted to us formally on 16 November 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**

Serco Caledonian Sleepers Limited's current contract expires on the Principal Change Date in December 2022. The purpose of this agreement is to extend the contract to the Principal Change Date in December 2024.

In addition, in order to address concerns raised by Network Rail about the impact of HS2 and Redevelopment of Euston Conventional Station (RECS) works and the potential reduction of platforms at Euston, Serco Caledonian Sleepers Limited has agreed to Contingent Rights for Platform Occupation Times for certain Southbound arrivals at London Euston.



## **Industry consultation**

Network Rail undertook the usual industry consultation in August and September 2022. Transport Focus responded accepting the proposals, and GWR responded with no objections.

Transport Scotland and GBRf both responded relating to the initial proposal for the inclusion of a footnote in Table 9.1 of the contract (Platform Occupation Times) to address the potential impact of the reduction of platforms at Euston during HS2 works. In response to the points raised, the parties adjusted the proposal on submission so that Serco Caledonian Sleepers Limited will have Contingent Rights for Platform Occupation Times for certain Southbound arrivals at London Euston.

Transport Scotland raised concerns more generally about platforming at Euston of Serco Caledonian Sleeper services during HS2 and RECS works. Network Rail has advised that discussions are still ongoing around this point and it will communicate any resolutions with all relevant parties as and when they are reached.

No other responses were received.

## **ORR review**

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were resolved when the agreement was formally submitted.

## **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, Transport Scotland 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 black ink, appearing to read 'David Reed', is positioned below the text 'Yours sincerely'.

**David Reed**