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3 February 2023

Devon Wall
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Network Rail Infrastructure Ltd
Square One
Travis Street
Manchester
M1 2NF

George Williams
Head of Concession Compliance
Merseyrail Electrics 2002 Ltd
Rail House
Lord Nelson Street
Liverpool
L1 1JF

Dear Devon and George

Approval of the 6th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Merseyrail Electrics 2002 Limited dated 1 April 2019

We have today approved the above supplemental agreement submitted to us formally on 25 January 2023 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 replace Kirkby Station with Headbolt Lane Station as the originating and terminus station for Merseyrail's Liverpool Central services. This change is to come into effect once Headbolt Lane has been commissioned and made available for passengers, currently due to happen in May 2023. Merseyrail's Liverpool Central services will continue to call at Kirkby station after Headbolt Lane station comes into operation. The rights are to commence on 3 February 2023 and will expire on the Expiry Date or earlier termination of Merseyrail's track access contract.

Industry consultation

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



ORR review

We reviewed this application alongside the Northern 43rd Supplemental Agreement. Whilst the two agreements do not impact on each other, they both replace Kirkby with Headbolt Lane as the originating/terminus station for passenger services. Our review of the applications raised no operational, performance or economic concerns.

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 black ink that reads 'Ellie Mitchell'.

Ellie Mitchell