

Jonathan Rodgers
Senior Executive



1 September 2023

Ian Stone
Customer Relationships Executive
Network Rail Infrastructure Ltd
The Quadrant:MK
Elder Gate
Milton Keynes
MK9 1EN

James Shuttleworth
Commercial Manager
West Coast Railway Company Limited
Jesson Way
Crag Bank
Carnforth
Lancashire
LA5 9UR

Dear Ian and James

Approval of the 3rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and West Coast Railway Company Limited dated 28 May 2020

We have today approved the above supplemental agreement submitted to us formally on 8 August 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 correct some formatting errors in Schedule 4 of the contract.

Industry consultation

A consultation was not necessary as these corrections do not impact any other party.

ORR review

Our review of the application raised no concerns. We identified a minor drafting issue which was 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 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 'Jonathan Rodgers', with a long horizontal flourish extending to the right.

Jonathan Rodgers