

Louise Beilby
Senior Access Executive



31 May 2024

Paul Harris
Customer Manager
Network Rail Infrastructure Ltd
Baskerville House
Centenary Square
Birmingham
B1 2ND

Sue Rhymes
Track Access Manager
First Trenitalia West Coast Rail Ltd
Victoria Square House
Victoria Square
Birmingham
B2 4DN

Dear Paul and Sue

Approval of the 13th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First Trenitalia West Coast Rail Limited (trading as Avanti West Coast (AWC)) dated 1 December 2022

We have today approved the above supplemental agreement submitted to us formally on 31 May 2024 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 correct an administrative error whereby a surrendered right was included in table 2.1 of Schedule 5 as part of the earlier 10th Supplemental Agreement (SA), but a right that partly replaced it was not, which resulted in its not being approved as part of the 10th SA. This amendment is to commence on the Subsidiary Change Date in June 2024 and will expire on the Expiry Date or earlier termination of AWC's track access contract.

Industry consultation

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

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 minor drafting issues relating to the effective date 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 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

Louise Beilby