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6 June 2024

Jules Graham
Customer Relationship Executive
Network Rail Infrastructure Ltd
3rd Floor
Waterloo General Offices
London SE1 8SW

Andrew Evans
Professional Head of Operations
Harsco Rail Limited
Regent Park, 299 Kingston Road
Leatherhead
Surrey KT22 7SG

Dear Jules and Andrew

Approval of the Second Supplemental Agreement to the track access agreement between Network Rail Infrastructure Limited (Network Rail) and Harsco Rail Limited as dated 1 November 2020 (the “Agreement”)

1. We have approved the above supplemental agreement submitted to us formally on 28 March 2024 under section 22 of the Railways Act 1993 (the Act). This letter explains the reasons for our decision.

Purpose

2. The purpose of this supplemental agreement is to correct two errors in the 2023 periodic review (PR23) notice which ORR published on 20 December 2023. The first error was at paragraph 3.7 of Annex 2 in respect of paragraph 2.4.1.2 of Schedule 7. The second error was at paragraph 4.8 of Annex 2 in respect of paragraph 11.2 of Schedule 8.

3. This supplemental agreement corrects the errors in Schedule 7 and Schedule 8. The effective date of the change is 02:01 hours on 1 April 2024, as set out in the supplemental agreement.

Our duties under section 4 of the Act and our decision

4. We have concluded that approval of this supplemental agreement is in line with our statutory duties under section 4 of the Act.

Conformed copy of the Agreement

5. Under clause 18.2.4 of the Agreement, 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

6. Copies of the decision letter, approval notice and the agreement will be placed on ORR's public register ([Public register](#)) and copies of this letter and the agreement will be placed on our website([Track access decisions](#)).

Yours sincerely

Margret Haswell