

**Jonathan Rodgers**  
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4 December 2019

Ian Messner  
Customer Manager  
Network Rail Infrastructure Limited  
2nd Floor, St Patrick's House  
17th Penarth Road  
CF10 5ZA

Paul Lewin  
Director & General Manager  
Festiniog Railway Company  
Harbour Station  
Porthmadog  
Gwynedd  
LL49 9NF

Dear Ian and Paul

**Approval of the first supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Festiniog Railway Company (jointly “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally today under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to explain our decision.
2. The purpose of this agreement is to extend the expiry date of the current track access contract from the Principal Change Date (PCD) 2019 to the PCD 2020 during which time the parties will negotiate a new longer term contract. There are no other changes to the contract.
3. Network Rail undertook the normal industry consultation. There were two responses. Transport Focus supported the application. Transport for Wales Rail Services replied to say that it had no comments.
4. Our review did not identify any issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993.
5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. Copies of the approval notice and the agreement will be placed on ORR's public register 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 be 'Jonathan Rodgers', written in a cursive style.

**Jonathan Rodgers**