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James Shuttleworth
Commercial Manager
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Dear Nick and James

Second Supplemental Agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and West Coast Railway Company Limited (WCR) for the Jacobite service

We have today approved the above supplemental agreement submitted to us formally on 26 April 2017.

Purpose of the agreement

The purpose of this agreement is to provide additional rights to WCR to:

- Extend its period of operation (from the current, 1st June to 31st August) to be between 1st May and 31st October; and,
- Operate services in the afternoons on Saturdays and Sundays in June, July, and August.

Consultation

Network Rail carried out the usual consultation between 7 February and 7 March 2017. They received three responses from: Transport Focus; Abellio Greater Anglia; and, DB Cargo (DBC). Transport Focus and Abellio Greater Anglia did not object to the proposal.

DBC noted that it believed the use of its facilities at Inverlochry Yard and Tom Na Faire to be essential for the operation of the relevant services. It noted that no access agreement was in place to facilitate that, and invited WCR to set out its requirements. DBC has agreed to allow access and an agreement is being developed.

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ORR Review

We reviewed the agreement and did not raise any points for consideration, other than noting that the facilities access would need to be in place prior to commencement of services.

ORR's conclusions

6. 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)).

Conformed copy of the track access contract

7. 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. ORR's copy should be sent for my attention.

Public register and administration

8. In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. Copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at the Department for Transport and Peter Craig at Network Rail. Copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Trippier', is written over a light blue horizontal line.

John Trippier