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6 October 2021

Karen Byatt
Customer Manager
Network Rail Infrastructure Ltd
4th Floor, George Stephenson House
Toft Green
York
YO1 6JT

Jackie Statham
Managing Director
Peak Rail PLC
Matlock Station
Matlock
Derbyshire
DE4 3NA

Dear Karen and Jackie

Approval of the 3rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Peak Rail PLC dated 30 June 2011

We have today approved the above supplemental agreement submitted to us formally on 6 October 2021 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 extend Peak Rail's existing track access agreement with Network Rail for a period of 3 years. The rights are to commence on the Principal Change Date 2021 and expire on the Expiry Date (Principal Change Date 2024) or earlier termination of Peak Rail's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No comments or queries were received

ORR review

On reviewing this application, we had a query relating to the terms of the original track access agreement, which Network Rail has answered to our satisfaction. We had no issues with the drafting of the agreement.

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)).

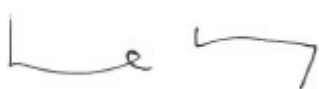
Conformed copy of the track access agreement

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 blue ink, appearing to read 'Louise', followed by a stylized flourish.

Louise Beilby