

David Reed
Senior Executive, Access and Licensing

29 November 2023



Amanda Newton
Network Rail Infrastructure Limited
Waterloo General Office
London, SE1 8SW

Ian Yeowart
Grand Union Trains No. 2 Limited
Riverside Lodge, Fulford
York, YO19 4RB

Dear Amanda and Ian,

Consent to amendment of dates in Clause 3.5: Grand Union Trains No. 2 Limited

We have today issued a notice of consent under Clause 3.7 of the Track Access Contract between Network Rail Infrastructure Limited (Network Rail) and Grand Union Trains No. 2 Limited (Grand Union) to amend the dates in Clause 3.5 of the contract. This is following a request made to us by Grand Union on 10 November 2023. This letter explains the reasons for our decision.

Grand Union's application

Grand Union explained that it requires more time to conclude its negotiations with rolling stock suppliers. Grand Union therefore asked for the date in the contract by which it must enter into a rolling stock procurement contract to be extended.

Consultation

There is no requirement for industry consultation under Clause 3.7 but, as required, we consulted Network Rail. Network Rail was content to extend the date by which Grand Union must enter into a rolling stock procurement contract.

ORR review and conclusions

We have considered Grand Union's request and Network Rail's representations.

We included a date in Grand Union's contract by which it must procure rolling stock in order to avoid a situation where Grand Union unduly delays implementation of its services, blocking capacity that could otherwise be used. As part of its application, Grand Union

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provided evidence of the status of its rolling stock supplier negotiations. We accept that Grand Union has good reason to want to extend the date by which they must procure rolling stock and that negotiations with its suppliers are progressing, and that this wait will not unduly block capacity that could otherwise be used.

In considering the request 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 issuing such a notice is appropriate and consistent with our section 4 duties, in particular those relating to:

- protect the interests of users of rail services;
- promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable;
- contribute to the development of an integrated system of transport of passengers and goods; and
- enable persons providing railway service to plan the future of their businesses with a reasonable degree of assurance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Reed', written in a cursive style.

David Reed