

Claire Brooks
Access Executive



6 September 2024

Devon Wall
Franchise and Access Support Manager
Network Rail Infrastructure Limited
Square One
4 Travis Street
Manchester, M1 2NF

George Williams
Concession and Business Framework
Manager
Merseyrail Electrics 2002 Limited
Rail House
Lord Nelson Street
Liverpool, L1 1JF

Dear Devon and George,

Approval of the 20th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Merseyrail Electrics 2002 Limited (trading as Merseyrail) dated 1 April 2019

We have today approved the above supplemental agreement submitted to us formally on 23 August 2024 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

Following a recent rights review, the parties identified a number of services that were running without corresponding access rights in the contract. Those rights were subsequently added to the contract via a General Approval on a short-term, contingent basis. Those rights expire on 15 September 2024. The purpose of this supplemental agreement is to convert those contingent rights to firm rights. The firm rights will commence on 16 September 2024 and end at the contract expiry date of 28 July 2028. The firm rights being added to Schedule 5, Table 2.1 are 9 quantum rights in respect of Headbolt Lane – Liverpool Central services, Service Group HE01.

This supplemental agreement also amends HE02 service group with the removal of specific lines Hooton to Liverpool Central as well as amending Schedule 5 section 2.3 Passenger Train Slots text by removing Kirby and replacing with Headbolt Lane.

Industry consultation

Network Rail undertook the usual industry consultation. Comments were received from Greater Western Railway, Transport Focus and Northern Trains. No objections were raised.

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ORR review

Our review of the application raised no operational, performance or economic concerns.

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

Claire Brooks