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Executive, Access and Licensing
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23 May 2017

Carew Satchwell
Customer Manager
Network Rail Infrastructure Limited
Baskerville House, Centenary House
Broad St, Birmingham
B1 2ND

James Carter
Network Contract Manager
London & Birmingham Railway Limited
Floor 5, 102 New Street
Birmingham
B2 4JB

Dear Carew and James

Fourth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and London & Birmingham Railway Limited (jointly, “the parties”)

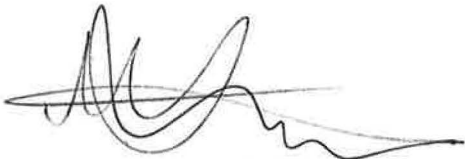
1. We have today approved the above supplemental agreement submitted to us formally on 22 May 2017.
2. The purpose of this agreement is to replicate the access rights approved under the 59th Supplemental Agreement (extending one Sunday evening service in both directions from Crewe to Liverpool Lime St) from the parties' track access contract (TAC) that expired in December 2016 onto their new and current TAC. The access rights were not included in the current TAC as the application was still undergoing industry consultation at the time when the new TAC was authorised. The agreement also updates Network Rail's revised contact particulars in Schedule 1.
3. Network Rail undertook the standard industry consultation with no concerns raised.
4. Our own review identified no issues and we are satisfied that approval is in accordance with our statutory duties under section 4 of the Railways Act 1993. We highlighted a number of drafting issues and provided our recommended suggestions. The parties have accepted our comments and amended the agreement for the formal submission.

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

7. In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. Electronic copies of this letter and the approval notice 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 black ink, appearing to read 'Michael Albon', with a long horizontal flourish extending to the right.

Michael Albon