

Louise Beilby
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14 March 2025

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Network Rail Infrastructure Ltd
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Milton Keynes
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George Williams
Concession and Business Framework
Manager
Merseyrail Electrics 2002 Ltd
Rail House
Lord Nelson Street
Liverpool
L1 1JF

Dear Lucinda and George

Approval of the 23rd 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 13 March 2025 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 provide Merseyrail with firm access rights for three services in the HE01 service group, comprising one Sunday service from Hunts Cross to Liverpool Central, and one weekday service and one Saturday service from Liverpool Central to Ormskirk. These services had been bid for in the Principal Change Date (December) 2024 timetable, but they were not applied for due to an oversight on Merseyrail's part. The services are currently in the contract on a contingent basis, having been put in place using a general approval (21st SA) prior to PCD 2024. The expiry date for these is 15 March.

This 23rd supplemental agreement will replace the contingent rights with firm rights and will be effective upon ORR approval until the expiry date or earlier termination of Merseyrail's track access contract.



Industry consultation

Network Rail undertook the normal industry consultation for one month from 17 January. Responses stating no objection were received from Great Western Railway and Transport Focus.

ORR review

We have some minor concerns with the On Time performance of the additional weekday Liverpool Central to Ormskirk service, but we are reassured that Merseyrail has sufficient plans in place to monitor and implement performance improvement.

Our review of the application raised no other operational, performance or economic concerns. We identified some minor drafting issues and these were resolved when the agreement was formally submitted.

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)).

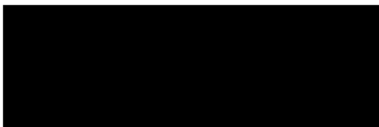
Conformed copy of the track access agreement

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



Louise Beilby