

**David Reed**  
**Senior Executive, Access and Licensing**

21 November 2024



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 to extend the date by which Grand Union Trains No. 2 Limited (Grand Union) must enter into a rolling stock procurement contract. This has been done under Clause 3.7 of the Track Access Contract between Network Rail Infrastructure Limited (Network Rail) and Grand Union dated 13 June 2023 by amending the dates in Clause 3.5(d) of the contract. This is following a request made to us by Grand Union on 4 November 2024. This letter explains the reasons for our decision.

### **Grand Union's application**

Grand Union explained that it was close to procuring the required rolling stock but that it needed flexibility to mitigate against delays in final sign-offs at the proposed rolling stock manufacturer. 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 not a requirement for an 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.

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As part of the application, we were provided evidence of the status of Grand Union's rolling stock supplier negotiations. We also met with Grand Union's proposed rolling stock supplier to discuss the progress that had been made and the process and timescales for entering into a contract. We accept that Grand Union has good reason to want to extend the date by which it must procure rolling stock, and that this wait will not unduly block capacity that could otherwise be used.

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.

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

**David Reed**