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7 December 2020

Dear Michelle and Nicola

Approval of the Thirtieth Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and Northern Trains Limited

The Office of Rail and Road (ORR) has today approved the Thirtieth Supplemental Agreement to the Track Access Contract (TAC) dated 3 March 2016 between Network Rail Infrastructure Limited (Network Rail) and Northern Trains Limited (Northern) (jointly the parties).

Purpose of the agreement and background

The agreement provides four amendment types to the TAC, as follows:

New or removed firm rights: Northern has been engaged in industry discussions to improve capacity and performance in the Manchester area. As a result of those discussions, rights between Ellesmere Port and Leeds (via Manchester) will run from Chester in the morning and to Chester in the evening, picking up stops previously provided by transport for wales services. In addition, rights are reduced between Huddersfield-Marsden and Huddersfield-Manchester Piccadilly. This is due to TransPennine Express (TPS) services recently picking up the calls allowing Northern to stop running services. This change in running has already occurred however at the time of



the change Northern were unsure whether the changes were going to be a permanent timetable change, we are now confident that we can reduce the access rights in line with this change.

Amendments to current rights reflecting a compliance exercise: Northern has been through a period of extensive change over the last two years including a change of ownership. An internal compliance exercise identified various corrections that were required to the TAC.

Extension of existing contingent rights: Access rights on the Castlefield Corridor are being extended to expire on the Subsidiary Change Date in 2021.

Extension of contingent rights: Rights between Hull and Halifax were introduced in December 2019. The performance impact of these rights was to be assessed with the intention for Network Rail to consider converting them to firm rights if that assessment was satisfactory. At the time of the consultation it was anticipated Network Rail would have completed this review. However, an impact of the pandemic has been the operation of a reduced timetable in the area and this review has not been completed. With the support of Network Rail, the contingent rights are to be extended as contingent for a further period of one year in order to allow a longer period of performance assessment.

During the industry consultation more wide ranging additional rights were proposed as part of the application. Those rights were to facilitate an amended service structure in the North-East, with additional services between Newcastle and Middlesbrough via the Durham coast from December 2020 onwards. Due to the impact of the pandemic the North East rights will now no longer be required until May 2021 at the earliest and corresponding rights have been removed from this application.

Consultation

Network Rail undertook the industry consultation between 29 April and 29 May 2020. The following parties either supported or did not object to the application: Nexus; West Yorkshire Combined Authority; North Yorkshire Moors Railway; Transport Focus; and, Crosscountry Trains.

TPE raised a number of queries on the application which have now been resolved either following the provision of further information or removal of the relevant rights from the agreement (see above). The queries included: the net increase in access rights; the performance of NTL's Hull-Halifax services; performance of services on the York-Leeds corridor; and, the proposed changes in the North East and the additional quantum of Durham Coast rights.

Grand Central raised queries regarding the proposed Durham Coast services and also potential interactions with the ECML. Following the removal of this category of rights from the application (other than amendments to those that were already running), Grand Central confirmed that it had no objections.

ORR review

We reviewed the agreement and noted that industry consultation had been effective, drawing out various queries from consultees, with all of those having been addressed to the satisfaction of all parties prior to formal submission. A small number of drafting points were noted and also addressed by the parties.

ORR's conclusions

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)).

Conformed copy of the track access contract

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.

Copies of the approval notice and the agreement will be placed on ORR's public register and copies of this letter and the agreement will be placed on the ORR website. I am also copying this letter without enclosures to Peter Craig at Network Rail and Keith Merritt at DfT.

Yours sincerely



John Trippier