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9 February 2022

Mark Garner
Customer Manager
Network Rail Infrastructure Ltd
George Stephenson House
Toft Green
York
YO1 6JT

Phil Dawson
Head of Business Planning
London North Eastern Railway Ltd
East Coast House
25 Skeldergate
York
YO1 6DH

Dear Mark and Phil

Approval of the 24th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and London North Eastern Railway Limited dated 3 March 2017

We have today approved the above supplemental agreement submitted to us formally on 8 February 2022 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 extend London North Eastern Railway (LNER)'s rights to operate services on the East Coast Main Line for a further two timetable periods, in line with Network Rail Policy. This is effected by way of extending the duration of Part B of Schedule 5 in LNER's track access contract, and delaying the start of Part C until Part B's expiry. The rights are to commence on the Subsidiary Change Date 2022 and will operate until the Subsidiary Change Date 2023, or upon the earlier termination of LNER's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No concerns or objections were raised. Comments in support were received from West Yorkshire Combined Authority, Transport Focus, Greater Western Railway and Cross Country Trains.

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ORR review

Our review of the application raised no operational, performance or economic concerns, nor any drafting issues to be 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

A handwritten signature in blue ink, appearing to read 'Louise Beilby'. The signature is written in a cursive style with a long horizontal stroke at the end.

Louise Beilby