

Ellie Mitchell
Access Executive



3 February 2023

Lysette Rowley
Franchise and Access Manager
Network Rail Infrastructure Ltd
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Centenary Square
Broad Street
Birmingham
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Alex Bateman
Track Access Manager
Northern Trains Ltd
4th Floor, Northern House
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York
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Dear Lysette and Alex

Approval of the 43rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Northern Trains Limited dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 23 January 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 replace Kirkby Station with Headbolt Lane Station as the originating and terminus station for Northern Trains Ltd's North Manchester services. This change is to come into effect once Headbolt Lane has been commissioned and made available for passengers, currently due to happen in May 2023. Northern's rights to call at Kirkby station will expire upon the commissioning and availability of Headbolt Lane station for passenger services. The rights are to commence on 3 February 2023 and will expire on the Expiry Date or earlier termination of Northern's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No concerns or objections were raised.



ORR review

We reviewed this application alongside the Merseyrail 6th Supplemental Agreement. Whilst the two agreements do not impact on each other, they both replace Kirkby with Headbolt Lane as the originating/terminus station for passenger services. Our review of the applications raised no operational, performance or economic concerns.

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

Ellie Mitchell