

Kirstin Scott
Executive, Access & Licensing



12 May 2023

Erin Flanagan
Customer Manager, LNW Route
Network Rail Infrastructure Ltd
Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Chris Hassall
Head of Commercial Contracts
First Transpennine Express Ltd
8th Floor, Bridgewater House
60 Whitworth Street
Manchester
M1 6LT

Dear Erin and Chris

Approval of the 49th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First Transpennine Express Limited (FTPE) dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 11 May 2023 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 FTPE's expired and existing firm and contingent Schedule 5 rights to the Subsidiary Change Date 2024. These extensions support May 2023 and December 2023 timetable changes. The rights will commence upon ORR approval and will expire on the Expiry Date or earlier termination of FTPE's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. Comments in support were received from First Greater Western, Transport Focus and Northern Railway.



Cross Country raised a question about the impact of the amendments on Reston calls. Network Rail advised that Reston will continue to be served with five services per day from Newcastle and seven from Edinburgh. Cross Country was content with this response and has confirmed it has no further concerns.

ORR review

Our review of the application raised a number of minor drafting issues which have been resolved to our satisfaction.

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 black ink that reads 'Kirstin Scott'. The signature is written in a cursive, flowing style.

Kirstin Scott