

Ellie Mitchell
Access Executive



12 April 2023

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

Chris Hassall
Commercial Contracts Manager
First TransPennine Express Ltd
8th Floor Bridgewater House
60 Whitworth Street Manchester
M1 6LT

Dear Erin and Chris

Approval of the 47th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First TransPennine Express Limited dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 12 April 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 amend Appendix 1 to Schedule 8 of the First TransPennine Express (TPE) track access contract to reflect changes to the EA01 (North Transpennine) and EA02 (South TransPennine) service groups in the December 2022 (PCD) Timetable. The rights are to commence on 12 April 2023 and will expire on the Expiry Date or earlier termination of FTPE's track access contract.

Industry consultation

There is no requirement for industry consultation in this matter.



ORR review

We reviewed the proposal from a technical and economic viewpoint and were content with the values proposed. We identified a minor drafting issue and this was 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 black ink that reads 'Ellie Mitchell'.

Ellie Mitchell