

**David Reed**  
Senior Executive, Access & Licensing



4 May 2023

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

Malcolm Knight  
Head of Operational Planning  
London North Eastern Railway Limited  
East Coast House  
25 Skeldergate  
York, YO1 6DH

Dear Mark and Malcolm,

**Approval of the 28th 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 4 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 grant London North Eastern Railway Limited (LNER) contingent rights to operate five additional services on Sundays between London Kings Cross and Doncaster/Leeds. These additional services will alleviate crowding issues. The rights are to commence on the Principal Change Date in December 2023 and will expire on the Subsidiary Change Date in May 2024.

**Industry consultation**

Network Rail undertook the usual industry consultation in March and April 2023. The application was initially consulted on as a disputed Section 22A application for firm rights. During the consultation the application became a supported Section 22 application for contingent rights and consultees were made aware.



Great Western Railway, Transport Focus and West Yorkshire Combined Authority supported the proposal. GB Railfreight and CrossCountry responded with specific operational queries, which LNER responded to, but did not object to the proposal.

### **ORR review**

Our review of the application 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

A handwritten signature in black ink, appearing to read 'David Reed', written in a cursive style.

**David Reed**