

Claire Brooks
Access Executive



24 October 2023

Sam Wheelan
Franchise and Access Manager
Network Rail Infrastructure Ltd
Square One
4 Travis Street
Manchester
M1 2NY

Chris Hassell
Head of Commercial Contracts
TransPennine Trains Ltd
8th Floor
Bridgewater House
60 Whitworth Street
Manchester, M1 6LT

Dear Sam and Chris,

Approval of the 52nd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and TransPennine Trains Limited dated 24 October 2023.

We have today approved the above supplemental agreement submitted to us formally on 24 October 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 TransPennine Trains Limited the rights to make extensions to several contingent rights contained in tables 2.1 and 2.2 of Schedule 5 and will fully support the December 2023 timetable and future TransPennine Route Upgrade (TRU) diversionary knowledge.

TPT is also seeking to extend some additional services in the December 2023 timetable. These extensions have been postponed from pre-covid timeframes and the service changes proposed have been developed and validated in close partnership with NR capacity planning and other Operators. At the same time, TPT have also relinquished several unused rights between Huddersfield and Wakefield Kirkgate as these are no longer required within TPT's 50th supplemental agreement. This is in line with the Industry



Unused Track Access Rights letter received from Network Rail / Jake Kelly dated 24 April 2023.

Industry consultation

Network Rail undertook the usual industry consultation. Comments were received from Transport for Greater Manchester and LNER. These issues were resolved to parties' satisfaction.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues, and these were 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

Claire Brooks