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8 December 2017

Carew Satchwell
Route Contracts Manager
Network Rail
Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Chris Hassall
Head of Commercial Contracts
8th Floor
Bridgewater House
60 Whitworth Street
Manchester
M1 6LT

Dear Carew and Chris

Approval of the twelfth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First TransPennine Express Limited

1. We have today approved the above supplemental agreement submitted to us formally on 8 December 2017 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The purpose of this agreement is to make a number of changes to the TransPennine South and Anglo-Scottish service groups in Schedule 5 of the track access contract.
3. The TransPennine South service group changes are designed to improve connectivity between Cleethorpes/Doncaster and Manchester Airport on Saturday and Sundays. There will also be one change, in response to passenger demand, to improve calling frequency at Dore Station on Sundays.
4. Two existing Saturday services are to be joined to create a through service between Manchester Airport and Cleethorpes. Four existing Sunday services are to be extended. There will be two additional Sunday services between Manchester Airport and Cleethorpes. One Manchester Airport to Doncaster service will call additionally at Dore station.

5. The above changes will commence on the Principal Change Date 2017 and end on the Subsidiary Change Date 2024, apart from the two additional Sunday services between Manchester Airport and Cleethorpes, which will end on Subsidiary Change Date 2019.

6. The Anglo-Scottish service group changes introduce ten additional services between Scotland and Manchester Airport, in order to improve connectivity between the North West and Scotland, mainly on Saturdays and Sundays. These changes will commence on the Principal Change Date 2017 and end on the Subsidiary Change Date 2019.

7. Network Rail undertook the usual industry consultation between 6 September and 6 October 2017. There were nine responses and no objections.

8. Our review of the application and the consultation responses raised no operational, performance or economic concerns. We suggested a significant number of amendments to the drafting of the agreement, which were accepted by the parties.

9. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

10. 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.

11. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. Copies of the approval notice and the agreement will be placed on ORR's public register 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 'Jonathan Rodgers', with a long horizontal flourish extending to the right.

Jonathan Rodgers