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5 May 2020

Robert Neep
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Network Rail
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B1 2ND

Chris Hassall
Head of Commercial Contracts
First TransPennine Express Limited
8th Floor
Bridgewater House
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Dear Robert and Chris

Approval of the thirty second supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First TransPennine Express Limited (FTPE)

1. We have today approved the above supplemental agreement submitted to us formally on 4 May 2020 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.
2. This agreement seeks to make some minor changes to the parties' contract from the Subsidiary Change Date (SCD) 2020 until SCD 2021. The current Manchester Piccadilly to Huddersfield service is extended to Wakefield Kirkgate each hour/each direction every day. There will also be an additional each way weekday service between Cleethorpes and Manchester Airport, also until SCD 2021. Class 802 bi-mode trains are also added to the specified equipment in table 5.1 of Schedule 5 and the relevant timing loads in Table 2.1.
3. Cross Country, Nexus, Transport for Greater Manchester and Transport Focus responded to the industry consultation. Cross Country had some queries regarding timing loads that were resolved. They did note that the Newcastle – Durham service incorrectly showed running via Darlington. The parties said that they would correct this in the next supplemental. Nexus and Transport Focus both expressed support. Transport for Greater Manchester noted some errors, which the parties then corrected.

4. Our review identified some drafting issues and we felt that routing issue Cross Country had identified could be corrected now. We discussed these matters with the parties and they were resolved in the subsequent formal submission of the agreement.

5. 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)).

6. 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.

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

Jonathan Rodgers