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Access Executive
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22 May 2020

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

Chris Hassall
Head of Commercial Contracts
First Transpennine Express Ltd
8th Floor, Bridgewater House
60 Whitworth Street
Manchester
M1 6LT

Dear Robert and Chris

Approval of the 33rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First Transpennine Express Limited dated 1 March 2016

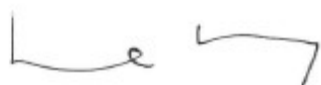
1. We have today approved the above supplemental agreement submitted to us formally on 21 May 2020 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter sets out the reasons for our decision.
2. The purpose of this agreement is to update Schedule 7, parts 7C and 7D, to include new classes of rolling stock, and will put in place the correct billing mechanism for EC4T. The rights are to commence from the approval date and will expire on the Expiry Date or earlier termination of FTPE's track access contract.
3. Network Rail undertook the usual industry consultation. West Yorkshire Combined Authority highlighted an error in the default train consist for one of the services, which was corrected before informal submission. There are no outstanding issues from any other parties.
4. Our review of the application raised no operational, performance or economic concerns. We suggested a minor amendment to the drafting agreement's expiry date, which was resolved before its formal submission.

5. We have concluded that approval of this supplemental agreement is consistent with the discharge of 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)).

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. 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. I am also copying this letter without enclosures to Peter Craig at Network Rail.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Louise', with a stylized flourish at the end.

Louise Beilby