

**Michael Albon**  
Executive, Access & Licensing  
Telephone: 0207 282 3660  
E-mail: michael.albon@orr.gsi.gov.uk



30 August 2017

Kerry Taylor  
Customer Manager  
Network Rail Infrastructure Ltd  
Floor 4B, George Stephenson House  
Toft Green, York  
YO1 6JT

Helen Bold  
Track Access Support  
First TransPennine Express Limited  
Bridgewater House  
60 Whitworth Street, Manchester  
M1 6LT

Dear Kerry and Helen

**Approval of the 10th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First TransPennine Express Limited (FTPE) (jointly, “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 29 August 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 amend the Access Charge Supplement in Schedule 4 and the Fixed Track Access Charge in Schedule 7 in the parties' track access agreement to reflect the remapping of a number of services from FTPE to Arriva Rail North Limited following the changes to both franchises on 1 April 2016.
3. No Industry Consultation was undertaken as the changes are of a financial nature and do not have any material effect on any other train/freight operating company.
4. Our review identified no issues and we are satisfied that approval is in accordance with our statutory duties under section 4 of the Railways Act 1993. We highlighted some minor drafting issues and put our suggestions to the parties. These were accepted with the agreement amended accordingly for the formal submission.
5. 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)).

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 and 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 'Michael Albon', is written over a horizontal line. The signature is fluid and cursive.

**Michael Albon**