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8 March 2021

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James Parkinson
Head of Commercial
Tyne and Wear Passenger Transport
Executive
Tyne and Wear Metro
Metro Control Centre
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NE3 1YT

Dear Karen and James

Approval of the 12th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Tyne and Wear Passenger Transport Executive (t.a. NEXUS) dated 22 December 1999

We have today approved the above supplemental agreement submitted to us formally on 3 March 2021 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 update some elements of NEXUS' track access contract. The definition of Expiry Date is amended from 'the 30th anniversary of the Commencement Date' to '31st March 2032'. This does not change the date but, reflecting that services started on 31 March 2002, makes the Expiry Date clear and unambiguous. The agreement also provides a clearer map in Schedule 2, gives contingent rights to operate relief passenger train slots for special and seasonal events, and updates Schedules 7 and 8 to reflect the correct train service codes.

Industry consultation

Network Rail undertook the usual industry consultation. No objections were received, although Transport Focus expressed the view that the map in Schedule 2 was still not as accurate as it could be. However, this did not affect its support for the application.

ORR review

Our review of the application raised no operational, performance or economic concerns.

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)).

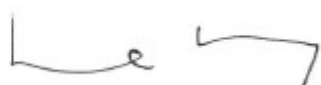
Conformed copy of the track access agreement

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. 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 Beilby', with a stylized flourish at the end.

Louise Beilby