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12 March 2021

Gary Davies-Knight
Customer Manager
Network Rail Infrastructure Ltd
Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Nicola Eyre
Track Access Manager
Northern Trains Ltd
4th Floor
Northern House
Rougier Street
York
YO1 6JT

Dear Gary and Nicola

Approval of the 33rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Northern Trains Limited dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 11 March 2016 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 grant Northern Trains the rights necessary to operate its proposed May 2021 timetable. This includes changes to quantum and timing loads in Table 2.1 and amendments to footnotes in Table 2.2 to extend the expiry date for contingent rights on the Castlefield Corridor. It also removes the services between Barton-on-Humber and Cleethorpes from Northern's contract in readiness for their transfer to East Midlands Railway. The rights are to commence on the Subsidiary Change Date 2021 and will expire on the Expiry Date or earlier termination of Northern Trains' track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No objections were raised.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were resolved when the agreement was formally submitted.

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)).

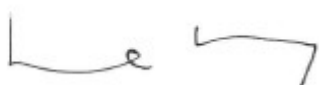
Conformed copy of the track access agreement

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', followed by a stylized flourish.

Louise Beilby