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12 October 2021

Dear Gary and Alex

Approval of the Twenty-seventh Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and Northern Trains Limited

The Office of Rail and Road (ORR) has today approved the Twenty-Seventh Supplemental Agreement to the Track Access Contract (TAC) dated 3 March 2016 between Network Rail Infrastructure Limited (Network Rail) and Northern Trains Limited (Northern) (jointly the parties).

Purpose of the agreement and background

Northern's class 331 fleet are equipped with an on-board metering capability which automatically records the current drawn from the Overhead Line Equipment (OHLE) by the train and can facilitate more accurate charging for EC4T. The purpose of this supplemental agreement is to amend Schedule 7D of the contract to record that the entirety of the Class 331 Fleet now has EC4T metres enabled, which will allow EC4T usage to be billed more accurately.

Consultation



Network Rail undertook the industry consultation between 4 June and 7 July 2021. No concerns were raised.

ORR review

We reviewed the agreement and raised a number of drafting queries with Network Rail, which have been addressed.

ORR's conclusions

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)).

Conformed copy of the track access contract

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.

Copies of the approval notice and the agreement will be placed on ORR's public register 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 and Keith Merritt at DfT.

Yours sincerely



John Trippier