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**Access Executive**  
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7 October 2021

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

Alex Bateman  
Track Access Manager  
Northern Trains Ltd  
9th Floor, Northern House  
Rougier Street  
York  
YO1 6JT

Dear Gary and Alex

**Approval of the 35th 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 6 October 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 support Northern Trains Limited's continued running of services between Hull and Halifax. It will convert currently held access rights from 'Contingent' to 'Firm' following a period, beginning in December 2019, whereby performance has been monitored over a 18 month period and has been shown to have a limited impact on network wide performance. The rights are to commence on the Principal Change Date 2021 and will expire on the Expiry Date or earlier termination of Northern's track access contract.

**Industry consultation**

Network Rail undertook the usual industry consultation. Cross Country Trains and GBRf both sought confirmation that this application did not come into conflict with ECML policy;

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NR has confirmed that it does not, and both parties then confirmed that they supported it. Comments in support were received from Greater Western Railway, Nexus and Transport Focus.

## **ORR review**

ORR had a number of queries about the performance monitoring outcomes, analysis and methodology, full details of which can be seen on the Box case. Network Rail provided a full and robust explanation of all issues raised, and we had no further questions about the proposed application. 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)).

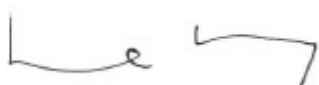
## **Conformed copy of the track access agreement**

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 and Network Rail's Policy and Access Team. 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 'Louise Beilby'.

**Louise Beilby**