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8 November 2022

Erin Flanagan
Customer Manager, LNW Route
Network Rail Infrastructure Ltd
Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Fiona Topping
Commercial Contracts Manager
First TransPennine Express Ltd
8th Floor
Bridgewater House
60 Whitworth Street
Manchester
M1 6LT

Dear Erin and Fiona

Approval of the 45th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First TransPennine Express Limited dated 3 March 2016.

We have today approved the above supplemental agreement submitted to us formally on 4 November 2022 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 amend FTPE's firm and contingent rights relating to Liverpool-Scarborough and Liverpool-Hull services. The rights are to commence on the PCD 2022 and will expire on the Expiry Date or earlier termination of FTPE's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. One response queried some differences between the initially shared Form P and supplemental agreement - this was investigated by FTPE and found to be a typographical error. The consultation documents were amended, reissued to all consultees, and no further comments were received on these updated materials.

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ORR review

Our review of the application raised no operational, performance or economic concerns. We identified one minor drafting issue which was promptly resolved prior to formal submission.

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 that reads 'Ellie Mitchell'.

Ellie Mitchell