

Jonathan Rodgers

Senior Executive

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12 March 2025

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Robbie Gilbody
Contracts and Compliance Manager
Transpennine Trains Ltd
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60 Whitworth Street
Manchester
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Dear Erin and Robbie

Approval of the 74th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Transpennine Trains Limited (trading as Transpennine Express (TPE)) dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 10 March 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 add station calling points in Table 4.1 of Schedule 5 of TPE's track access contract for services in the EA01 service group, to include calls at Garforth, Howden, Gilberdyke, Mirfield and Deighton. These are all stations which TPE currently calls at which previously had not been noted within Table 4.1, thus aligning TPE's rights with its current service fulfilment.

This agreement will also add new contingent calls at Eaglescliffe station for all services between Manchester Airport and Redcar and Saltburn.

Finally, Table 4.1 will be updated to reflect the amendment of the service between Scarborough and Manchester Piccadilly, which now operates between Scarborough and Manchester Victoria. Contingent rights for these services were granted as part of the 67th supplemental agreement.

The calling patterns are currently in the contract on a contingent basis, having been put in place using two supplemental agreements under general approval (70th and 73rd SAs) prior to the Principal Change Date in December 2024. The expiry date for both of these is 15 March 2025.



Industry consultation

Network Rail undertook the usual industry consultation from 29 January 2025. Comments raising no queries or issues were received from Transport Focus, West Yorkshire Combined Authority and Great Western Railway.

ORR review

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

This application demonstrates the need for the parties to conduct regular rights reviews to ensure that access rights in contracts correctly reflect the services and calling patterns that are running. It also demonstrates the need to promptly progress applications for longer term rights, once a general approval for temporary rights has been put in place. The general approvals were submitted to ORR on 12 December 2024 but delays in opening the industry consultation for the further application meant it was not complete until 26 February 2025, only 13 working days before the expiry of the general approvals.

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)).

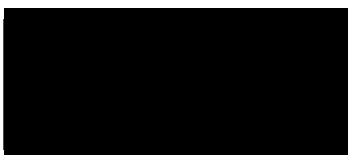
Conformed copy of the track access agreement

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



Jonathan Rodgers