

Jonathan Rodgers
Senior Executive, Access & Licensing
Telephone: 0207 282 3775
E-mail: jonathan.rodgers@orr.gov.uk



3 December 2019

Mark Garner
Customer Manager
Network Rail Infrastructure Limited
George Stephenson House
Toft Green
York
YO1 6JT

Phil Dawson
Regulation & Track Access Manager
London North Eastern Railway Limited
25 Skeldergate
York
YO1 6DH

Dear Mark and Phil

Approval of the 18th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and London North Eastern Railway Limited (jointly “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally today under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The purpose of this agreement is to add one additional Newark North Gate to Lincoln access right each way on Saturdays from Principal Change Date (PCD) 2019 to Subsidiary Change Date (SCD) 2021.
3. Network Rail undertook the usual industry consultation from 10 October until 8 November 2019. The period of access rights proposed at that stage was PCD 2019 until PCD 2025. The application was also proposed to be submitted under Section 22A of the Act as Network Rail had not at that time agreed to them. It was subsequently authorised at Network Rail’s Sale of Access Rights panel in November and submitted to us as an agreed application under Section 22 of the Act, supporting contingent rights to SCD 2021 only, in line with Network Rail’s East Coast Mainline access rights policy.
4. There were two responses to the consultation. Transport Focus supported the application. Arriva Rail North said that it would only support contingent rights until SCD 2021. LNER replied and said that the application would proceed as a Section 22 application and Network Rail had supported contingent rights until SCD 2021.



5. Our review did not identify any issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993.

6. 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)).

7. 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.

8. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. 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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Rodgers', is positioned below the text 'Yours sincerely'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jonathan Rodgers