

**Jonathan Rodgers**  
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13 November 2017

Janet Turlington  
Customer Manager  
Network Rail Infrastructure Ltd  
4th Floor, George Stephenson House  
Toft Green, York  
YO1 6JT

Georgia Ehrmann  
Track Access Manager  
Arriva Rail North Ltd  
4th Floor, Northern House  
9 Rougier Street, York  
YO1 6JT

Dear Janet and Georgia

**Approval of the 6th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Arriva Rail North Limited (ARN) (jointly, “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 10 November 2017 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 amend Schedule 8, Appendix 1, following the remapping of some services between ARN and FirstTransPennine Express on 1 April 2016. The consultants, CH2MHill, had undertaken a recalibration exercise and their report formed part of the parties' submission to us.
3. As these changes do not affect any other operator, no consultation was required.
4. We reviewed the application and requested clarification regarding the late submission of the application and the request for it to be approved retrospectively from 1 April 2016. We also asked a number of questions regarding the methodology for the changes. All these queries were answered satisfactorily. We made one suggestion regarding the drafting of the agreement and the parties amended it accordingly for the formal submission.

5. 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)).

#### **Administration and public register**

6. 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.

9. 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 (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 be 'Jonathan Rodgers', with a long horizontal line extending to the right.

**Jonathan Rodgers**