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3 April 2017

Ian Messner  
Customer Manager  
Network Rail Infrastructure Limited  
5 Callaghan Square  
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CF10 5BT

Chris Dellard  
Engineering & Access Planning Manager  
Arriva Trains Wales Limited  
St Mary's House  
47 Penarth Road  
Cardiff  
CF10 5DJ

Dear Ian and Chris

**Seventy-Eighth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Arriva Train Wales Limited (ATW)**

1. We have today approved the above supplemental agreement submitted to us formally on 3 April 2017.
2. This agreement extends the expiry date for the access rights granted under the 73rd supplemental agreement permitting ATW to operate services between Manchester Piccadilly and Manchester Airport. The rights are due to expire on 10 December 2017 and this agreement will extend that to the expiry of the Franchise Agreement (14 October 2018).
3. Network Rail undertook a 28 day consultation ending on 16 February 2017. They received responses from various parties within the Welsh Government, Transport for Greater Manchester (TFGM) and First TransPennine Express (TPE).
4. The Welsh Government expressed support for the application; TFGM did not oppose the application but raised comments around connectivity to Manchester Airport including the best use of capacity; and TPE expressed concerns on the proposal being made until October 2018 because of the major restructuring of the timetable in the Manchester area for the Northern and TPE Franchises in May 2018.

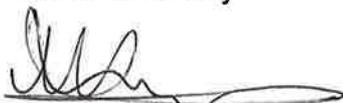
5. ATW responded highlighting that Network Rail's Capacity Planning team had carried out their own analysis to satisfy themselves that the existing paths could be accommodated from 11 December 2017 until 14 October 2018. Their confirmation was part of the proposal that was presented to Network Rail's Sale of Access Rights Panel on 9 January 2017 where the proposal was authorised. TPE offered no further comments.

6. Our own review of the application identified no issues and we are satisfied that approval is in accordance with our statutory duties under section 4 of the Railways Act 1993. We advised the parties of some drafting issues and after accepting the comments, they have made the necessary amendments to the agreement.

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. ORR's copy should be sent for my attention.

8. In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. Copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at the Department for Transport and Peter Craig at Network Rail. 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 'Michael Albon', with a long horizontal flourish extending to the right.

**Michael Albon**