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OFFICE OF **RAIL AND ROAD**

5 July 2017

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

Phil Dawson
Regulation & Track Access Manager
East Coast Main Line Company Limited
25 Skeldergate
York
YO1 6DH

Dear Mark and Phil,

Approval of the third supplemental agreement to the track access contract between Network Rail Infrastructure Limited and East Coast Main Line Company Limited

1.   The Office of Rail and Road (ORR) has today approved the third supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and East Coast Main Line Company Limited (Virgin Trains East Coast "VTEC"), submitted to us formally on 4 July 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.

Purpose of the agreement

2.   This agreement extends the additional rights that VTEC were granted in the 56th, 57th, 58th supplemental agreements to VTEC's previous Track Access Contract and the 1st supplemental agreement to its current Track Access Contract, from the Principal Change Date in December 2017 up to the Subsidiary Change Date in May 2018. Network Rail has only been willing to support these incremental rights on a timetable by timetable period basis.

3.   These rights cover a number of services between London King's Cross, Leeds, York, Newcastle and Edinburgh.

Consultation

4.   VTEC consulted the industry on these services through consultations on its 56th, 57th, 58th and 1st supplemental agreements.

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5.   Further details on the comments received in response to consultation on these supplemental agreements can be found in the associated decision letters.

ORR's review

6.   We reviewed the application and it did not raise any concerns beyond those detailed in our decision letters on VTEC's 56th, 57th, 58th and 1st supplemental agreements.

ORR's conclusions

7.   Following our review of the application, we are content that there are no operational, performance or economic concerns which should preclude our approval.

8.   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 agreement is consistent with our section 4 duties, in particular those relating to:

- protecting the interests of users of rail services;

- promoting the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable;

- contributing to the development of an integrated system of transport of passengers and goods;

- promoting competition in the provision of railway services for the benefit of users of railway services; and

- enabling persons providing railway service to plan the future of their businesses with a reasonable degree of assurance.

Conformed copy of the track access contract

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

Public register and administration

10.   In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. The parties have not asked us to redact anything (as provided for by section 71(2) of the Act) prior to placing it on the register.

11.   Copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at the Department for Transport. Copies of this letter and the agreement will be placed on the ORR website. I am also copying this letter without enclosures to Peter Craig at Network Rail.

Yours sincerely,

David Reed