

**Jonathan Rodgers**  
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8 December 2017

Carew Satchwell  
Route Contracts Manager  
Network Rail  
Baskerville House  
Centenary Square  
Broad Street  
Birmingham  
B1 2ND

Chris Hassall  
Head of Commercial Contracts  
8<sup>th</sup> Floor  
Bridgewater House  
60 Whitworth Street  
Manchester  
M1 6LT

Dear Carew and Chris

**Approval of the fourteenth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First TransPennine Express Limited**

1. We have today approved the above supplemental agreement submitted to us formally on 8 December 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 make some minor changes to the North TransPennine service group, in order to improve connectivity between York and Middlesbrough and also to change the current contingent rights between York and Newcastle into firm rights. The changes will apply from the Principal Change Date 2017 until the Subsidiary Change Date 2019. The details are as follows:
  - An SX firm right to extend an existing Liverpool to York service to Middlesbrough
  - A firm right to introduce a new additional service between Middlesbrough and York
  - Firm rights between York and Newcastle (4 each way on weekdays and 5 each way on Saturdays and Sundays.)
3. Network Rail undertook the usual industry consultation between 27 September and 27 October 2017. There were no responses.

4. We did not have any operational, performance or economic concerns about this application. We suggested a significant number of amendments to the drafting of the agreement, which were accepted by the parties. In addition, the amendments relating to the firm rights from York to Newcastle, which were initially included in a separate (11<sup>th</sup>) Supplemental Agreement, were incorporated into this agreement.

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)).

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.

7. 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', with a long, sweeping tail that extends to the right.

**Jonathan Rodgers**