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17 August 2017

Kerry Taylor
Customer Manager
Network Rail
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Chris Hassall
Head of Commercial Contracts
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Dear Kerry and Chris

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

We have today approved the above supplemental agreement submitted to us formally on 17 August 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.

The purpose of this agreement is to seek access rights from 19 August 2017 for:

Service Group Anglo Scottish

An additional Manchester Airport to Glasgow service, in either direction, each weekday and Sunday.

Service Group North TransPennine

An additional weekday service between Hull and Manchester Victoria and an additional Sunday service between Hull and Leeds.

The above services are currently running under general approval and these contingent rights will expire on 19 August 2017. The rights for the Anglo Scottish service group services are requested until SCD 2024 and those for the North TransPennine services are requested until SCD 2018.

The industry consultation was carried out for 28 days, between 4 July and 1 August 2017. Supportive responses were received from Transport Focus, West Yorkshire Combined Authority, Transport for Greater Manchester and MerseyTravel.

Virgin Trains responded to the consultation by asking for the performance data for the Manchester Airport to Glasgow services. FTPE provided a detailed response, setting out the performance of each service and stating that FTPE was committed to reducing any incidents they were responsible for. Virgin Trains have not corresponded further.

We reviewed this application and the consultation responses. We have no concerns.

We asked the parties to make a number of amendments in order to correct errors in the draft agreement. They have both agreed to these amendments.

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)).

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.

Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and 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 be 'Jonathan Rodgers', written in a cursive style. The signature is followed by a long horizontal line that extends to the right.

Jonathan Rodgers