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5 December 2018

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

Phil Dawson
Regulation & Track Access Manager
London North Eastern Railway Limited
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York
YO1 6DH

Dear Mark and Phil

Approval of the 11th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and London North Eastern Railway Limited

1.e We have today approved the above supplemental agreement submitted to use formally on 5 December 2018 under section 22 of the Railways Act 1993 (the Act).e This follows an earlier informal submission of a draft agreement for our consideration.e The purpose of this letter is to set out the reasons for our decision.e

2.e The purpose of this agreement is to secure additional access rights for a pair of Sunday only King's Cross to Newcastle services. The rights are from the Principal Change Date 2018 to the Subsidiary Change Date 2019.e

3.e Network Rail undertook the usual industry consultation from 2 October to 25 October 2018. Nexus and Transport Focus supported the application. West Yorkshire Combined Authority responded but had no objections.e

4.e South Yorkshire Passenger Transport responded supportively to the additional Sunday services although expressed disappointment that the new 08.25 Newcastle service would not call at Doncaster. It welcomed a review of this which it saw as a missed opportunity. LNER considered the proposal but advised that it was unable to amend the train path for December because the process was at too far a stage to make changes.e It advised that it remained an aspiration for LNER to achieve an earlier call from Newcastle and would provide any update on progress.e

5. Grand Central queried whether the new services were franchised or open access and if they would be subject to the Infrastructure Cost Charge. Grand Central also noted that LNER had been operating a reduced timetable with some London - Leeds services cancelled throughout the week and queried if these services would be re-introduced before running additional services. In response, LNER explained that as its services are defined as 'Passenger Services', they are all subject to the requirements of the Services Agreement and therefore cannot be considered as open access. It would therefore pay the appropriate access charges for these additional services as determined by the ORR. LNER also advised that it would reintroduce the current service commitments as soon as the first of 65 new Azuma trains enters traffic which it anticipated being in the very early New Year.

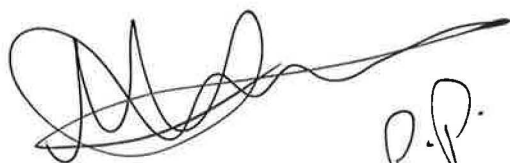
6. We reviewed the application and the comments that arose from the consultation and are content that approval of the application is consistent with our statutory duties under section 4 of the Railways Act 1993.

7. 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)).

8. 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 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, sweeping horizontal line extending to the right. To the right of the main signature is a smaller, stylized signature or set of initials.

Jonathan Rodgers