

**Ryan Holt**  
Access Executive  
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9 February 2022

Mark Garner  
Customer Manager  
Network Rail Infrastructure Ltd  
4<sup>th</sup> Floor George Stephenson House  
Toft Green  
York  
Y01 6JT

Lanita Masi  
Network Access Manager  
Abellio East Midlands Ltd  
Prospect House  
Prospect Place  
Millennium Way  
Derby  
DE24 8HG

Dear Mark and Lanita

**Approval of the 8th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Abellio East Midlands Limited dated 1 September 2020**

We have today approved the above supplemental agreement submitted to us formally on 8 February 2022 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

**Purpose**

The purpose of this agreement is to grant Abellio East Midlands with an extension of all its East Coast Main Line contingent rights that fall under the conditions of the ECML access rights policy (as set out in the Schedule 5 table). The rights are to commence on the Subsidiary Change Date 2022 and will operate up until the Subsidiary Change Date 2023.

This agreement also grants Abellio East Midlands with an extension of its contingent rights affected by the Castleford Corridor access rights policy (as set out in the Schedule 5 table). These rights commence Subsidiary Change Date 2022 and will operate up until the Principal Change Date 2022.

**Industry consultation**



Network Rail undertook the usual industry consultation. Comments were received from CrossCountry, GWR, Transport Focus and WYCA. All feedback received was supportive of the agreement. No issues or queries were raised.

### **ORR review**

Our review of the application raised no operational, performance or economic concerns.

### **Our duties under section 4 of the Act and our decision**

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; 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)).

### **Conformed copy of the track access agreement**

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.

### **Public register and administration**

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. 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 read 'R Holt', with a long horizontal line extending to the right.

**Ryan Holt**