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Lanita Masi
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Dear Mark and Lanita

Approval of the 11th 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 7 December 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 convert existing contingent rights between Liverpool and Manchester Piccadilly to firm, following a performance and capacity study on the Castlefield Corridor. Tables 2.1 and 2.2 of the Contract will be amended with these changes. The rights are to commence on the Principal Change Date 2022 and will expire on the Expiry Date or earlier termination of EMR's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. Responses stating no objections were received from Northern, Amey Infrastructure Wales, Transport Focus, GWR and CrossCountry. GB Railfreight responded to the consultation requesting additional details regarding sections 4.1 and 4.2 of the Form P, which was duly provided.



ORR review

Our review of the application raised no operational, performance or economic concerns. We requested some further detail on the alignment of the changes with the work of the Manchester Recovery Taskforce, and these queries were responded to by the parties to our satisfaction.

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

Ellie Mitchell