

Louise Beilby
Senior Access Executive



20 February 2023

Mark Garner
Customer Manager
Network Rail Infrastructure Ltd
Floor 4B, George Stephenson House
Toft Green
York
YO1 6JT

Lanita Masi
Network Access Manager
Abellio East Midlands Ltd
Locomotive House
Locomotive Way
Pride Park
Derby
DE24 8PU

Dear Mark and Lanita

Approval of the 12th 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 17 February 2023 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 two existing empty coaching stock (ECS) moves into two passenger services; and to extend existing contingent rights under Network Rail's ECML access rights policy to SCD 2024.

The rights in the 12th supplemental agreement will commence on the Subsidiary Change Date 2023 and will expire on the Expiry Date or earlier termination of Abellio East Midlands' track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No concerns or objections were raised.

Head Office: 25 Cabot Square, London E14 4QZT: 020 7282 2000 orr.gov.uk



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

Louise Beilby