

**Michael Albon**  
Executive, Access & Licensing  
Telephone: 0207 282 3660  
E-mail: michael.albon@orr.gsi.gov.uk



25 June 2018

Julie Dale  
Customer Manager  
Network Rail Infrastructure Limited  
Bateman Street  
Derby  
DE23 8JQ

Lanita Masi  
Track Access & Network Change Manager  
East Midlands Trains Limited  
Prospect House, Prospect Place  
Millennium Way  
Derby  
DE24 8HG

Dear Julie and Lanita

**Approval of the 11th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and East Midlands Trains Limited (jointly “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 8 June 2018 under section 22 of the Railways Act 1993 (the Act). The purpose of this letter is to set out the reasons for our decision.
2. This agreement amends Annex B to Part 3 of Schedule 4 in the parties' track access contract following a review of the Viable Transfer Points (VTPs). In summary, the parties have streamlined the VTPs for Barnetby, Ambergate and Widnes and Warrington Central to ensure that Annex B accurately reflects the operational interchange points between rail and bus services for the transfer of passengers.
3. No industry consultation was undertaken as the changes made under this agreement do no impact on any other train or freight operating company.
4. Our review identified no issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993.
5. 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and 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 read 'Michael Albon', with a large, stylized initial 'M'.

**Michael Albon**