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Mark Garner
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Lanita Masi
Network Access Manager
Abellio East Midlands Ltd
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Millennium Way
Derby
DE24 8HG

Dear Mark and Lanita

Approval of the 1st 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 9 February 2021 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 the rights necessary to operate its proposed May 2021 timetable. These [additional/amended] services will convert a number of existing ECS moves to passenger services, change the origin or destination of existing services in standard hour slots, provide additional services for passenger benefits, and surrender a number of other services. The rights are to commence on the Subsidiary Change Date 2021 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. Comments were received from DfT, who were concerned about the impact of the new services on XC Trains' journey

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times and platform availability, and from Northern, who requested more information about the Leeds services.

Network Rail answered both of these queries to the parties' satisfaction.

ORR review

Our review of the application raised no operational, performance or economic concerns. However, we identified that the Form P did not include sufficient detail to determine whether or not the supplemental agreement fulfilled its brief. We requested a more detailed Form P, which was provided, and we subsequently found a small number of drafting errors; these were corrected before formal submission was invited.

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)).

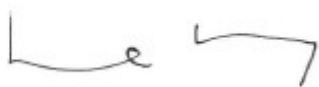
Conformed copy of the track access agreement

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. 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. I am also copying this letter without enclosures to Peter Craig at Network Rail.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Louise', followed by a stylized flourish.

Louise Beilby