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**Access Executive**  
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17 March 2021

Mark Garner  
Customer Manager  
Network Rail Infrastructure Ltd  
George Stephenson House  
Toft Green  
York  
YO1 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 2nd 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 16 March 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 facilitate the transfer of the right to operate services between Barton-on-Humber and Cleethorpes from Northern Trains to Abellio East Midlands. 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. No objections were raised.

## **ORR review**

Our review of the application raised no operational, performance or economic concerns. We identified that the effective date could lead to some conflict with the previously-approved 1st supplemental agreement, and advised that the times should be staggered to avoid this, which was done before the agreement was formally submitted.

## **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)).

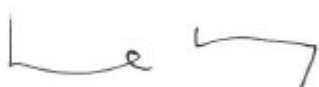
## **Conformed copy of the track access agreement**

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**