

**Claire Brooks**  
Access Executive



4 March 2024

Alexis Xoufarides  
Customer Manager  
Network Rail Infrastructure Ltd  
Floor 4B  
George Stephenson House  
Network Operations  
Toft Green  
York YO1 6JT

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

Dear Alexis and Lanita

**Approval of the 16<sup>th</sup> supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Abellio East Midlands Limited t.a East Midlands Railway dated 1 September 2020**

We have today approved the above supplemental agreement submitted to us formally on 29 February 2024 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 extend East Midlands Railway contingent rights from SCD 2024 to PCD 2024, in line with the Network Rail ECML access rights policy. This is effected by replacing Table 2.2 in Schedule 5 with a new table in which the footnote indicating when the rights expire is amended from SCD 2024 to PCD 2024.

**Industry consultation**

Network Rail undertook the usual industry consultation, no concerns were raised.



## **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

**Claire Brooks**