

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



10 April 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 10th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and East Midlands Trains Limited (EMT), (jointly “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally on 3 April 2018 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The purpose of this agreement is to extend the firm rights granted under the 5th Supplemental Agreement from the Subsidiary Change Date in May 2018 until the expiry of the parties' Track Access Contract (TAC). EMT's registered address is also updated in the preamble section to the TAC.
3. Network Rail undertook the usual industry consultation ending on 9 January 2018 and received no objections.
4. Our review identified no issues and we are satisfied that approval is in accordance with our Section 4 duties under the Railways Act 1993. We made suggestions to amend the draft of the Agreement to correct an oversight and to ensure the quality of the draft was legally robust. The parties accepted our comments and amended the agreement accordingly for the formal submission.
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', is written over a horizontal line. The signature is fluid and cursive.

Michael Albon