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David O'May
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Derby DE23 8JQ

Tim Gledhill
Finance Director
East Midlands Trains Ltd
1 Prospect Place
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Dear David and Tim

Approval of the amendments to Connection Contract agreements at Neville Hill, Etches Park, Eastcroft and Cricklewood depots between Network Rail Infrastructure Limited and East Midlands Trains Limited dated 12 August 2019

1. We have today approved the above supplemental agreements submitted to us formally on 12 August 2019 under section 22 of the Railways Act 1993 (the Act). This was to facilitate DfT's franchise scheme transfer on 18 August 2019 for the East Midlands franchise that will include these connection contracts.

2. The purpose of this agreement is to amend paragraph 5.1.1 in the original agreements to read: "the Depot Facility Owner ceasing to be the facility owner of the Depot *save where the rights and obligations of the Depot Facility Owner under this Agreement have been novated in accordance with Clause 8 or have been transferred to another train operating company by a statutory transfer scheme made by the Secretary of State for Transport or otherwise, in either case to another train operator which is the facility owner of the Depot*".

3. Our review of the application raised no operational, performance or economic concerns. I note that the new operator, Abellio East Midlands Trains, has agreed to these amendments.

4. This case is unusual but we note that the parties have requested it in this instance to facilitate DfT's franchise transfer scheme. In making this decision, we are satisfied that approval, in this instance, reflects our duties under section 4 of the Act.

Yours sincerely

Steve Jones

