

**Louise Beilby**  
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25 November 2020

Eleanor Lloyd  
Customer Manager  
Network Rail Infrastructure Ltd  
James Forbes House  
27 Great Suffolk Street  
London  
SE1 0NS

Mark Walker  
Strategic Planning Manager  
Arriva Rail London Ltd  
Overground House  
125 Finchley Road  
London  
NW3 6HY

Dear Eleanor and Mark

**Approval of the 72nd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Arriva Rail London Limited dated 9 November 2007**

We have today approved the above supplemental agreement submitted to us formally on 25 November 2020 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 Arriva Rail London the rights necessary to operate additional services on the West London Line between Clapham Junction and Shepherds Bush. The rights are to commence on 13 December 2020 and will expire on the Expiry Date or earlier termination of Arriva Rail London's track access contract.

**Industry consultation**

Network Rail undertook the usual industry consultation. Comments were received from DB Cargo, who requested more clarity on the ECS moves associated with the services, and regarding any performance mitigations for detraining passengers at Shepherds Bush.



Arriva Rail London answered these queries to DC Cargo's satisfaction and there are now no outstanding issues with the application.

### **ORR review**

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were resolved when 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 Keith Merritt at 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 black ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

**Louise Beilby**