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Eleanor Lloyd
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Network Rail Infrastructure Ltd
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27 Great Suffolk Street
London
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Mark Walker
Strategic Planning Manager
Arriva Rail London Ltd
Overground House
125 Finchley Road
London
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Dear Eleanor and Mark

Approval of the 73rd 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 its proposed December 2020 timetable, following a substantial recast. These amendments will create additional weekday and weekend rights within service group EK01. 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 GB Railfreight, who had concerns about the performance analysis provided by Arriva Rail London, and asked to see further information about how this had been carried out. They also raised the issue of potential future capacity concerns.



Network Rail responded to these queries by clarifying the terms of reference of the performance analysis, and by assuring GB Railfreight that a capacity review of the West London Lines is currently being carried out, with the outcome due to be communicated to all operators by December 2020. GB Railfreight were given several weeks to respond to these comments, but no further representations have been received. We are therefore treating their concerns as resolved.

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 blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

Louise Beilby