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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 Sixty Ninth Supplemental Agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Arriva Rail London Limited (ARL) dated 9 November 2007

We have today approved the above supplemental agreement submitted to us formally on 11 December 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 extend ARL's access rights for its Euston to Watford Junction services, in Service Group EK02, from the Subsidiary Change Date (SCD) 2021 to the Principal Change Date (PCD) 2022.

These rights were time limited to SCD 2021 in a previous application due to ongoing performance monitoring. This monitoring work has been undertaken and areas for performance improvement highlighted. Network Rail will continue to work with ARL and London Underground to implement any recommendations.



Industry consultation

Network Rail undertook the usual industry consultation. GB Railfreight Limited asked for an explanation regarding performance and this was resolved by correspondence. No other concerns were raised.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some 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 Department for Transport and Network Rail's Regulatory Reform Team. Copies of the approval notice and the agreement will be placed on ORR's public register 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 'Jonathan Rodgers', written over a light blue horizontal line.

Jonathan Rodgers