

Jonathan Rodgers
Senior Executive
Telephone: 0207 282 3775
E-mail: jonathan.rodgers@orr.gov.uk



21 February 2022

Nicole Ledwith
Customer Manager
Network Rail Infrastructure Ltd
12th Floor, 1 Stratford Place
Montfitchet Road
West Stratford City
Greater London
E20 1EJ

Catherine Rowe
Track Access Manager
Abellio East Anglia Ltd
11th Floor, 1 Stratford Place
Montfitchet Road
West Stratford City
Greater London
E20 1EJ

Dear Nicole and Catherine

Approval of the 87th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Abellio East Anglia Limited dated 10 December 2004

We have today approved the above supplemental agreement submitted to us formally on 17 February 2022 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 make some minor changes from Principal Change Date 2021, to access rights for service changes on West Anglia Main Line/West Anglia Inner (Hertford East Services). It also includes the addition of Soham as a new station in table 4.1 of Schedule 5 of the contract.

Industry consultation

Network Rail undertook the usual industry consultation. Great Western Railway confirmed that they had no objection and Transport Focus and Cross Country said that they supported the application. No issues or queries were raised.



ORR review

This application was reviewed by Network Rail's Sale of Access Rights (SoAR) Panel on 21 June 2021 but a decision to authorise was deferred so that, amongst other things, Network Rail's System Operator could review the capacity impact of the additional Soham station calls. There was then a significant delay in finalising these matters and the application was not authorised by the SoAR Panel until 8 November 2021. In addition, the industry consultation did not start until 19 November 2021. These delays meant that the application would not be submitted to ORR until 21 December 2021, after the timetable change date.

The review of the capacity impact of the additional Soham calls had not been provided as part of the application. We requested this information and on 23 December 2021, asked Network Rail a number of questions about it. We did not receive a response until 9 February 2022.

Following a review of this application we did not have any concerns.

Our understanding is that Greater Anglia services began stopping at Soham station on 13 December 2021, despite the application for access rights for those service not having been submitted to ORR. We have taken forward our concerns about this with Network Rail.

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 the Department for Transport and Network Rail's Policy and Access Team. 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 'Jonathan Rodgers'. The signature is fluid and cursive, starting with a large 'J' and ending with a long horizontal stroke.

Jonathan Rodgers