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13 July 2022

Kush Desai
Programme Manager – Anglia
Network Rail Infrastructure Ltd
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Catherine Rowe
Track Access Manager
Abellio East Anglia Ltd
11th Floor, 1 Stratford Place
Montfitchet Road
West Stratford City
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Dear Kush and Catherine

Approval of the 90th 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 13 July 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 amend Appendix 7D of Schedule 7 of the track access contract to install energy meters onto all of Abellio East Anglia's Class 745 and 755 Rolling Stock to enable more accurate billing and transparency regarding distribution losses on the network.

Industry consultation

Network Rail undertook the usual industry consultation. No objections or queries were raised in response.



ORR review

Our review of the application raised no concerns.

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 Chris Meadows at Network Rail. 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 that reads 'Ellie Mitchell'.

Ellie Mitchell