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28 September 2022

Avni Depala
Franchise and Access Support Manager
Network Rail Infrastructure Ltd
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Blackfriars
London
EC4V 3DS

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

Dear Avni and Mark

Approval of the 83rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and ARL Limited dated 9 November 2007

We have today approved the above supplemental agreement submitted to us formally on 28 September 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 1 of Schedule 8 of the Contract relating to Service Group EK01. Barking Riverside has been added as a new Contractual Monitoring Point (CMP), and a minimal weighting has been moved from the existing Barking weighting to the new Barking Riverside CMP. The rights are to commence on 28 September 2022 and will expire on the Expiry Date or earlier termination of ARL's track access contract.

Industry consultation

The changes effected by this agreement do not concern any other operator, so industry consultation was not required.



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 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 that reads 'Ellie Mitchell'. The signature is written in a cursive style with a long horizontal stroke at the end.

Ellie Mitchell