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9 December 2022

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Programme Manager  
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Catherine Rowe  
Track Access Manager  
Abellio East Anglia Ltd  
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Dear Kush and Catherine

**Approval of the 89th 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 9 December 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:

- Annex B to Part 3 of Schedule 4 to reflect operational changes for rail replacement buses;
- Table 2.1 of Schedule 5, Service Group EB06 West Anglia Outer to reflect changes to EB06 Train Service Codes;
- Table 4.1 of Schedule 5, Service Group EB06 West Anglia Outer to reflect changes to EB06 Train Service Codes previously erroneously included in the 85th Supplemental General Approval to ORR;
- Appendix 7C Default Train Consist to reflect changes to Train Service Codes; and
- Schedule 8 Appendix 1 of the Contract, Service Group EB02 changes to monitoring points, plus changes to Performance Points resulting from changes to berthing offsets.

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These changes are required so that they are reflected in the PR23 Schedule 8 recalibration which is currently underway, and will come into effect from the date of this approval.

### **Industry consultation**

Network Rail undertook the usual industry consultation. No issues or queries were raised.

### **ORR review**

The application has been reviewed from an economic perspective and we identified no issues. We queried the amount of time taken to resubmit the application following a rejected attempt to submit it via General Approval nearly a year ago, and were advised that there had been delays in resubmitting because of staff resourcing issues. We also had a number of queries about the reasons for the amendments, which were answered to our satisfaction.

### **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 "Louise Beilby". The signature is written in a cursive style with a long horizontal stroke at the end.

**Louise Beilby**