

Jonathan Rodgers
Senior Executive



19 May 2023

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Customer 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 92nd 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 18 May 2023 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:

Schedule 5, table 2.1 – Passenger train slots – revised to reflect May 2023 timetable alterations and updated timing loads.

Schedule 5, table 2.2 – Additional Passenger Train Slots - revised to reflect May 2023 timetable alterations.

Schedule 5., table 4.1 – revised to reflect May 2023 timetable related service group amendments.

Schedule 8 – Appendix 1 amended to include changes to Contractual Monitoring Points and Monitoring Point Weightings as a result of changes to EB06 and EB07 services in table 2.1.

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Industry consultation

Network Rail undertook the usual industry consultation between 24 March and 27 April 2023. There were a couple of queries which were clarified via correspondence. No concerns or objections were raised.

ORR review

Network Rail delayed in getting this application through its internal processes and it was, as a consequence, submitted to ORR at a very late stage. We have already discussed with Network Rail the need to avoid such delays again. We had a number of questions about the application and these were resolved to our satisfaction. There were a number of drafting errors in the agreement and these were corrected in the formal submission.

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', written over a thin horizontal line.

Jonathan Rodgers