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Queen Victoria Street
London, EC4V 3DS

Mark Walker
Strategic Planning Manager
Arriva Rail London Ltd
Palestra
197 Blackfriars Road
London, SW1 8NJ

Dear Eleanor and Mark,

Approval of the 89th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Arriva Rail London Limited (trading as London Overground) dated 9 November 2007.

We have today approved the above supplemental agreement submitted to us formally on 23 July 2024 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 grant London Overground the rights necessary to operate two additional late-night services, converted from empty coaching stock movements. The additional services are a weekday service (Monday – Thursday) from Enfield Town to London Liverpool Street and a Saturday service from Cheshunt to London Liverpool Street. The changes are proposed to commence on the Principal Change Date (PCD) in December 2024 and will expire at PCD 2025.

Industry consultation

Network Rail undertook the usual industry consultation. No concerns were raised and responses in agreement were received from, Elizabeth Line, Greater Western Railway, Transport Focus and London TravelWatch.



ORR review

Our review of the application raised no operational, performance or economic concerns. There were some errors in the application and there was also some confusion as to what was being requested for the Enfield Town service. After discussion, the errors were corrected, and the parties provided further clarifications about the Enfield Town service at a meeting. We also identified a minor drafting issue in the agreement, and this was resolved when it 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

Claire Brooks