

Claire Brooks
Access Executive

11 December 2024



Catherine Horton
Franchise and Access Executive
Network Rail Infrastructure Ltd 1
Puddle Dock
Queen Victoria Street
London EC4V 3DS

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

Dear Catherine and Mark,

Approval of the 95th 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 10 December 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 make minor amendments to the track access contract to align the quantum of access rights with the timetable offer for the Principal Change Date 2024. This is as a result of a due diligence exercise undertaken as part of the 93rd supplemental agreement (which extended the track access contract to May 2027) and sees a net reduction in quantum overall. These amended rights will cease at two different times; additional rights in EK01 and EK02 will cease at Subsidiary Change Date 2025 and additional rights in EK03 will cease at Subsidiary Change Date 2027 or earlier termination of the contract.

Changes are as below:

Service Group EK01 (Mildmay/Suffragette Line) – reduction in quantum rights of 9 and 1 additional right on a Saturday. This will cease at Subsidiary Change Date 2025.



Service Group EK02 (Lioness/Watford to Euston Line) – reduction in quantum rights of 2 and 1 additional right on a Sunday. This will cease at Subsidiary Change Date 2025.

Service Group EK03 (Windrush Line) – reduction in quantum rights of 14 and 1 additional right on the Windrush Line. This will cease at Subsidiary Change Date 2027 or earlier termination of the contract.

Industry consultation

Network Rail undertook the usual industry consultation. Comments were received from Transport Focus who had no comments. Travelwatch requested further details that the rights reductions were not passenger services. Network Rail responded that these were not, and the query was closed out.

ORR review

Our review of the application raised no operational, performance or economic 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 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

C Brooks

Claire Brooks