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Dear Alistair and Catherine

Approval of the seventy-fifth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Abellio East Anglia Limited (AEA)

1. We have today approved the above supplemental agreement submitted to us formally on 3 December 2019 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

2. The agreement is to give AEA the rights necessary to operate its December 2019 timetable. The changes are:

- *Service Group EB05 Anglia Locals*: The Ipswich - Lowestoft and Ipswich - Cambridge Sunday services will become hourly rather than two hourly. Norwich - Lowestoft and Ipswich - Felixstowe Sunday services will operate all year round rather than summer only. There will be an additional service Cambridge to Harwich International.
- *Service Groups EB05 Anglia Locals and EB06 West Anglia Outer Weekdays Saturdays and Sundays*: Norwich - Cambridge and Cambridge - Stanstead Airport services are being combined to form Norwich - Stanstead Airport through services.

This requires an additional two firm rights between Stansted Airport and Cambridge and one between Cambridge and Stansted Airport on weekdays and Sundays.

- *Cambridge/Cambridge North “swap”*: GTR’s Kings Cross - Cambridge North services have been cut back to start/terminate at Cambridge. AEA is extending its Liverpool St - Cambridge services to/from Cambridge North to replace these.
- *Service Groups EB06 (West Anglia Outer)*: Some misalignments between the rights and services are being corrected.

Consultation

3. Network Rail undertook the industry consultation from 9 August to 6 September. Transport Focus supported the application but it was submitted for approval with unresolved issues from Cross Country Trains and GB Railfreight (GBRf).

4. Cross Country raised four queries and these were responded to by AEA and Network Rail. Cross Country felt that its query around shunt moves at Cambridge was not satisfactorily answered but said it would monitor this after inception through the Cambridge Operational railway meetings.

6. GBRf was concerned that the retimings of the services between Norwich and Cambridge in order to run the through service would eliminate the opportunity to operate a loaded freight train along the Norwich to Ely line. GBRF said that its request for a daytime path along this route for the December 2019 WTT had been rejected as a result.

7. Network Rail provided detailed reasons why GBRf’s path was rejected which were not only related to AEA’s through service. It said that both operator’s access proposals had equal status (an expectation of rights) in the Part D process and that it had given the path to AEA in line with the decision criteria. GBRf’s noted this but said that AEA’s through right would still affect the offering of any new freight path across this line of route.

ORR’s review

8. We note that Cross Country still has concerns around shunt moves at Cambridge but that it will monitor the situation and deal with any issues arising through the Cambridge Operational railway meetings.

9. GBRF remains concerned that running the Norwich - Cambridge – Stansted Airport will adversely affect the opportunity for freight services. Network Rail has explained that it assessed both operator’s access proposals in accordance with the Decision Criteria and decided in favour of AEA.

10. In reviewing the supplemental agreement, we noticed that the right to combine services had not been included as a Firm Right in paragraph 2.3. of Schedule 5. Network Rail said this was an oversight and asked if it could be added. As this had not been included in the agreement which was consulted on, and given GBRf’s concerns, we could not agree to this. Instead, we asked the parties to include the right to combine services at Cambridge as Contingent Right in paragraph 2.3. This means that any future



access proposal for a freight service will not automatically have a lower priority in the Part D timetable process and will be considered in line with the Decision Criteria.

11. When we consider access applications, we must do so in a way which we consider best fulfils our statutory duties which are set out in section 4 of the Railways Act 1993. We have concluded that approval of this agreement is consistent with our section 4 duties, in particular those relating to:

- protecting the interests of users of rail services;
- promoting the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable; and
- contributing to the development of an integrated system of transport for passengers and goods;.

12. 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.

13. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. Copies of the approval notice and the agreement will be placed on ORR's public register and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

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