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Dear Catherine and Mark

Approval of the sixty sixth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Arriva Rail London Limited (ARL)

1. On 15 May 2020, we approved the above supplemental agreement submitted to us formally on 14 May 2020 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.
2. This agreement provides ARL with a mix of firm and contingent rights for the introduction of West London Line shuttle services from the Subsidiary Change Date (SCD) 2020 until the parties' current track access agreement expires on the Principal Change Date (PCD) 2025. Specifically, there will be an additional two trains per hour (peak) and one train per hour (off peak) shuttle services between Clapham Junction and Shepherd's Bush. Firm Rights were sought for those services which have been fully validated and accommodated within the timetable, and Contingent Rights sought for those services which have not been accommodated within the timetable. The initial application that went out to consultation was for Firm Rights only but in response to concerns raised in the consultation, the parties reduced those Firm Rights within the application to align with the paths that are currently in the timetable.
3. The services will run during weekdays, Saturdays and Sundays and will alleviate gaps and provide better service intervals for passengers. Current service gaps have led to severely overcrowded services which contributes to poor performance due to increased station dwell times. Platform 17 at Clapham Junction will be used for these services, meaning there will be no impact on the North London Line timetable. A Joint Timetable

Readiness Group has been set up to ensure that any risks to the timetable are identified and mitigated against. The WLL shuttle service will be suspended during times of disruption to ensure appropriate service recovery and protect the overall performance of the timetable.

4. Network Rail undertook the usual industry consultation, which ended on 23 December 2019. Two freight operators, Freightliner and GB Railfreight, expressed concerns.

5. Freightliner raised concerns regarding the number of Firm Rights sought compared to the timetable paths in the working timetable and also the issue of long term freight capacity versus passenger demand along the WLL routes and the lack of a Network Rail strategy to address the longer term WLL capacity concerns.

6. GB Railfreight (GBRf) also expressed concerns regarding the long term strategic capacity on the WLL and they also had a query about historical signal box instructions (which was clarified in correspondence).

7. In response to the concerns raised, the parties met with both operators in January 2020, in order to discuss them directly and also set the remit for workstreams designed to review the WLL timetable going forward, looking at the longer term strategic issues and to review the efficient use of capacity along the route.

8. Following the January meetings, Network Rail wrote to both operators in February to respond to specific queries and also set out what actions were underway regarding this review. These were set out as follows:

- The wider WLL strategy has been escalated to the London Rail and Integration Director, and this item will now be added to the Continuous Modular Strategic Planning (CMSP) forum;
- Network Rail Strategic planning have scoped out a proposal that will be presented at the next CMSP to review the infrastructure capability of the WLL to identify any opportunities in terms of providing improved capacity along the mixed traffic route (i.e. exploring a potential line speed review, freight growth and passenger growth assumptions);
- Network Rail System Operator timetabling function will be undertaking a review of the current capacity along the network to identify any off-peak capacity along the WLL.
- Network Rail/ARL have reduced those Firm Rights within the application to align with the paths that are currently in the timetable. Contingent Rights were sought for the remainder of the aspirations, this gives a lower priority within the timetable but still reflects the aspirations for these paths to be accommodated in future timetables.

9. Further to the February letters, the parties have continued to have discussions with the freight operators and following the informal submission of this application, the parties met with ORR to explain what they had done to take forward the concerns raised during the consultation.

10. We acknowledge the parties have been proactive in taking on board the concerns raised in the consultation and created workstreams where these issues can be discussed and reviewed further. In particular, we note Network Rail's escalation of the wider WLL strategy to the London Rail and Integration Director and this strategy being added to the CMSP forum. We also support the review of WLL infrastructure capability to identify any opportunities for increased capacity.

11. We are satisfied that the increase in services enabled by this application will bring about positive benefits to passengers by improving the frequency of services to meet passenger demand, ease overcrowding and mitigate poor performance caused by overcrowding.

12. While acknowledging the concerns raised by the freight operators, on balance, taking into account the efforts the parties have made to resolve the concerns raised, we are satisfied that approval of this application is in line with our statutory duties. However, we expect the parties and any impacted third parties to continue to have constructive discussions to resolve any outstanding concerns and make any necessary adjustments through the timetable process.

13. 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. The duties we consider most relevant in this context are to:

- protect the interests of users of railway services;
- promote the use of the railway network in Great Britain for the carriage of passenger and goods, and the development of that railway network, to the greatest extent that it considers economically practicable;
- promote measures designed to facilitate the making by passengers of journeys which involve use of the services of more than one passenger service operator; and
- enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.

14. 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.

15. 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

A handwritten signature in black ink, appearing to read 'Jonathan Rodgers'. The signature is fluid and cursive, starting with a large 'J' and ending with a long horizontal stroke.

Jonathan Rodgers