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2 May 2019

Shivani Patel
Customer Manager
Network Rail Infrastructure Limited
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London
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Beata Tadros
Head of Planning & Performance
Trenitalia c2c Limited
Floor Two, Cutlers Court
115 Houndsditch
London
EC3A 7BR

Dear Shivani and Beata

Approval of the 7th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Trenitalia c2c Limited (c2c) (jointly, “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally on 2 May 2019 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The purpose of this agreement is to provide c2c with additional rights for it to operate its May 2019 timetable. This includes extending the weekend rights to Liverpool Street from the Subsidiary Change Date 2019 to the Subsidiary Change Date 2020, extending Ockendon services to and from Shoeburyness, and operating an additional 1tph fast service between Shoeburyness and Fenchurch Street, running fast between Benfleet and West Ham on the weekend.
3. Network Rail undertook the usual industry consultation with no concerns raised.
4. Our review identified no performance, operational or economic issues and we are satisfied that approval is consistent with our statutory duties under Section 4 of the Railways Act 1993.
5. However, the quality of the informal submission made was lacking with a number of inconsistencies between the Form P and the draft agreement where they did not support each other in a way that we could easily understand or check the changes being sought.

Only after highlighting this to the parties and a few iterations was a submission made that that we could approve. We expect the parties to take greater care when preparing and drafting future applications to ensure they are accurate, proportionately detailed, clear to understand, consistent and legally robust.

6. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

7. 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.

8. 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 (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 be 'M Albon', written in a cursive style.

Michael Albon