

Jonathan Rodgers
Senior Executive, Access and Licensing
Telephone: 0207 282 3775
E-mail: jonathan.rodgers@orr.gsi.gov.uk

16 May 2018

Catherine Horton
Customer Manager
Network Rail Infrastructure Limited
Cotton Centre
Tooley Street
London Bridge
SE1 2QG

Tom Causebrook
Access Contract Manager
Govia Thameslink Railway Limited
1st and 2nd Floor Monument Place
24 Monument Place
London
EC3R 8AJ

Dear Catherine and Tom

Fourteenth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Govia Thameslink Railway Limited (GTR)

1. We have today approved the above supplemental agreement submitted to us formally on 15 May 2018.

Purpose of the agreement

2. The purpose of this agreement is to make significant changes to the existing GTR timetable, following the completion of the Thameslink Programme. The changes to services resulting from the completion of the Programme are being phased in over four timetables. This agreement covers the access rights being introduced for the May 2018 timetable. Approximately 80% of the total changes will be delivered in this first phase and include the following:

- 18 trains per peak hour and 15 trains per hour (tph) off peak through the Central London Core.
- Thameslink services replace Southern trains between London Bridge and Horsham, Littlehampton (peak) and East Grinstead (peak).
- Thameslink services to Peterborough (2ph) and Cambridge (3tph).
- Introduction of new Thameslink services to Rainham from Luton (2tph).

- Great Northern Metro services into Moorgate increase from 6 to 8 tph off peak.
- Southern Mainline, Coastway and West London Line timetable introduced in full
- With the exception of one flow, all Southern Metro timetable changes will be made.
- The Gatwick Express timetable introduced in full.

3. The current GTR track access contract expires on the Subsidiary Change Date (SCD) 2018. As well as the additional services outlined above, this agreement also extends the expiry date of the contract to SCD 2019.

The application process

4. This application was submitted to us informally on 20 March 2018 for our consideration prior to formal submission under section 22 of The Railways Act 1993 (the Act). At this stage, GTR had not been able to reach agreement with Network Rail regarding a number of services and it was intending to submit a separate application under section 22a of the Act for them. However, GTR and Network Rail were able to work collaboratively regarding the outstanding services and they were all subsequently added to the 14th Supplemental agreement, which was resubmitted to ORR on 20 April 2018.

Consultation

5. Network Rail undertook a 28 day industry consultation on this application ending on 2 March 2018. Arriva Rail London and South Western Railway had a number of queries which were resolved by correspondence. Virgin Trains East Coast confirmed that they supported the application.

6. Grand Central and East Midlands Trains (EMT) responded to the consultation expressing some concerns. GTR responded to Grand Central on 14 March 2018 and again on 6 April 2018 with an update on how the application had progressed. Following this exchange of correspondence there has been no further response from Grand Central.

7. GTR wrote to EMT on 19 March 2018, in response to the queries raised. The letter provided clarification regarding the proposals and their anticipated impacts. It said that EMT should contact GTR if it had any further questions. GTR subsequently provided an update to EMT by email in April 2018 about the progress of the application.

8. On 26 April 2018, EMT replied to GTR's letter of 19 March 2018. It said it was supportive of the application but was seeking assurance that the modelled impact of the timetable change would not adversely affect its operational performance. It therefore welcomed the fact that the parties had put in place measures in order to mitigate the risks identified in the timetabling modelling.

9. EMT went on to note the specific risks of performance and service delays at Bedford, Harpenden Junction and the potential imported delays to northbound EMT long distance services. It also noted the mitigation plans that had been put in place and commented that all industry parties should continue to work through these plans and review their effectiveness as early as possible. EMT noted that the access rights proposed

in this application would expire by SCD 2019 and suggested that Network Rail view this as a performance “proving period” against which subsequent access applications for longer term access rights could be evaluated.

10. In response, on 2 May 2018, GTR acknowledged that EMT still had some concerns about the proposed services. It said that the performance of the services will be monitored and reviewed following their introduction and said that the performance of the timetable would be reviewed by the Industry Readiness Board (IRB). It further said that all future access rights applications will be dealt with as per the usual regulatory process.

ORR review and decision

11. We are pleased with the collaborative approach the parties have taken towards this large and complex application and we are also satisfied with the approach taken by GTR to engage with stakeholders and resolve concerns raised during and after the consultation. We note that EMT still have some concerns about performance but consider that GTR’s responses to these issues, as set out in their letter of 2 May 2018, are reasonable. We expect the parties and stakeholders to continue to work together constructively to monitor the performance of the new timetable and ensure any risks are mitigated effectively.

12. We identified a significant number of drafting issues in the initial submission of this agreement. However, after discussion with the parties, these issues were either clarified or corrected in the resubmission of the application on 20 April 2018.

13. Our review of this application did not raise any operational, performance or economic concerns and we are satisfied that approval is in accordance with our statutory duties under section 4 of the Railways Act 1993.

14. 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)).

15. 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 GTR. ORR’s copy should be sent for my attention.

16. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and 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 "JR" or "Jonathan Rodgers".

Jonathan Rodgers