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Catherine Rowe  
Track Access Manager  
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Dear Alistair and Catherine

**Approval of the sixty-ninth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Abellio East Anglia Limited (AEA) (jointly, “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 17 April 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.

**Purpose of the agreement**

2. The purpose of this agreement is to provide AEA with the rights to operate four new services per day between Norwich and London Liverpool Street for one year from the May 2019 Timetable.

3. On Monday to Saturday, these services have a scheduled journey time of 90 minutes, a commitment of AEA’s franchise. Consequently, alterations to other existing AEA access rights are also sought under this agreement to accommodate the “Norwich in 90” franchise obligation.

**Industry Consultation**

4. Industry consultation was undertaken in the usual manner with supportive response received from First Greater Western Limited, North Yorkshire Moors Railway Enterprises PLC and Transport Focus.

5. MTR Crossrail did not formally object to the proposal, but raised queries, which have resulted in unresolved concerns. These relate to the risk of a negative performance impact caused by the proposed services, and the perceived lack of assessment undertaken. Also, the scheduling of rolling stock anticipated for the new services was raised and the impact on sectional running times, dwell times and compliance with timetable planning rules if they were unavailable at the May 2019 timetable. The parties advised of their contingency arrangements and what steps had been taken in mitigation to ensure there would be minimal disruption, particularly at Ipswich. MTR Crossrail remained unhappy at Network Rail's inconsistent approach across the network with regard to meeting sectional running times.

### **ORR's review**

6. 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.

7. We note the concerns of MTR Crossrail and acknowledge the work that Network Rail and AEA have undertaken to address these, particularly in setting up a working group to demonstrate that all identified risks will be managed to mitigate the impact of the proposed changes on the rest of the operating railway. We also accept the contingency arrangement that the parties have in place in the event that the new rolling stock is unavailable from the May 2019 timetable.

8. We welcome the parties' willingness to work with MTR Crossrail via current well-established forums such as Tactical Operations Group, and the Control Working Group. We expect the parties to continue to work together to ensure that services can be operated reliably.

9. We are satisfied that the changes to services enabled by this supplemental agreement will bring about positive benefits to passengers and for businesses, particularly with improved journey times between East Anglia and London. As noted earlier, the new services are for one year and are a franchise obligation of AEA.

10. Having considered the concerns raised by MTR Crossrail against the benefits for the new Norwich to Liverpool Street services, on balance, we believe that approving AEA's application best fulfils our statutory duties, in particular those listed in paragraph 6 above.

**Public register and administration**

10. 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.

11. 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. I am also copying this letter without enclosures.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M Albon', written in a cursive style.

**Michael Albon**