

**Louise Beilby**  
Access Executive

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1 December 2021



Catherine Horton  
Franchise and Access Executive  
Network Rail Infrastructure Ltd  
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1 Puddle Dock  
Blackfriars  
London  
EC4V 3DS

Mark Walker  
Strategic Planning Manager  
Arriva Rail London Ltd  
Overground House  
125 Finchley Road  
London  
NW3 6HY

Dear Catherine and Mark

**Approval of the 79th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Arriva Rail London Limited dated 9 November 2007**

We have today approved the above supplemental agreement submitted to us formally on 1 December 2021 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**

The purpose of this agreement is an extension of firm rights between Clapham Junction and Shepherds Bush. Due to the Covid pandemic, the planned 18-month test period for these services was delayed from December 2020, so they have not yet run on the network. The rights are to commence on the Subsidiary Change Date 2021 and will expire on the Principal Change Date 2023.

**Industry consultation**

Network Rail undertook the usual industry consultation. A query was received from DB Cargo regarding Empty Coaching Stock movements terminating at Shepherds Bush. Network Rail answered this query to DB Cargos satisfaction before the application was submitted.

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## **ORR review**

Our review of the application raised no operational, performance or economic concerns, nor any drafting issues.

## **Our duties under section 4 of the Act and our decision**

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; 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)).

## **Conformed copy of the track access agreement**

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.

## **Public register and administration**

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. 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

**Louise Beilby**