

Claire Brooks
Access Executive



19 April 2024

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Dear Suzanne and Catherine

Approval of the 94th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Abellio East Anglia Limited (trading as Greater Anglia) dated 10 December 2004.

We have today approved the above supplemental agreement submitted to us formally on 16 April 2024 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 to grant Greater Anglia an extension to its Track Access Contract to the Subsidiary Change Date in 2027. The quantum of rights within the contract is unchanged. This amendment will take effect from the Principal Change Date in December 2024.

Industry consultation

Network Rail undertook the usual industry consultation. The application was submitted with outstanding objections raised by CrossCountry Trains, which related to performance impacts, timetabling, and potential conflicts with the East Coast Main Line Event Steering Group (ECML ESG) timetable. CrossCountry requested confirmation that this 94th supplemental agreement had been considered as part of this timetable. Network Rail confirmed that the ECML ESG had provided its support and that the 94th supplemental agreement had been considered in full as part of the process, that no concerns had been raised, and it provided data from the ECML ESG database confirming this. Informal discussions were held between parties to try to resolve the objection which were unsuccessful.

ORR review

Head Office: 25 Cabot Square, London E14 4QZT: 020 7282 2000 orr.gov.uk



ORR reviewed the application and the comments and objections raised by consultees. We raised specific queries with the parties, to which Network Rail provided detailed responses. These responses were reviewed and found to be satisfactory. In particular, we are satisfied with the performance and planning assurances made by Network Rail regarding the contract extension. Network Rail has confirmed that there is sufficient capacity to run the current services which are held by Greater Anglia and that any timetable conflicts can be dealt with through the usual timetable development process.

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, and to Lee Tuttle at CrossCountry. 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

Claire Brooks