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Senior Access Executive



22 July 2025

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Dear Catherine and Mark

Approval of the 97th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Arriva Rail London Limited (ARL) dated 9 November 2007

We have today approved the above supplemental agreement submitted to us formally on 22 July 2025 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 provide ARL with the rights necessary to operate additional weekday peak services on the West London Line (WLL). This involves granting firm rights for the following services in the morning and evening peak times:

- three morning services between Shepherds Bush and Clapham Junction;
- three morning services between Clapham Junction and Shepherds Bush;
- five evening services Shepherds Bush and Clapham Junction; and
- five evening services between Clapham Junction and Shepherds Bush.

These additional shuttle services are being introduced to alleviate passenger overcrowding along the stations on this line of route, which has been a particular problem within the peaks, especially since the overall reduction in timetabled services following COVID-19.

The rights are to commence on the subsidiary Change Date (SCD) in May 2026 for an initial period of 12 months, expiring on SCD 2027 or the earlier termination of ARL's track access contract.

ARL originally submitted this application as unsupported under S22A of the Act so that it could start industry consultation prior to Network Rail's agreement being obtained for a supported application. Following discussions between Network Rail and ARL, they have now agreed to this application for an initial period of 12 months to allow for the monitoring of performance. The rights are agreed subject to the power modelling in the North West and Central region confirming that there is enough capacity for the planned Empty Coaching Stock moves from to and from Wembley C sidings in the peak times. These rights have been supported with no guarantee of continuation, depending on the outcome of the performance trial.

Industry consultation

Network Rail undertook an industry consultation from 4 June to 3 July 2025. Transport Focus and Great Western Railway both sent responses indicating that they had no objection.

London Travel Watch commented on the plans to monitor performance of the additional services and stated that it hoped adjustments would be made if the impacts proved to be negative. Network Rail provided reassurance on this point.

c2c asked what performance reviews had been completed and what mitigations had been put in place to protect this, and whether there was any performance risk to c2c's own services. Network Rail provided a response, which we followed up with c2c, and were told that its concerns had been addressed.

GB Railfreight (GBRf) had a number of queries and concerns. It asked about turnaround times at Shepherds Bush and Clapham Junction; whether or not there were any competing aspirations in the area and potentially any impact on freight operators; and that some trains were losing time north of Kensington and that this did not seem to have been brought up during recent Event Steering Group discussions. ARL and Network Rail responded to these concerns which we followed up with GBRf, although at the time of writing we have not had a response. However, we believe that the parties' responses to GBRf were sufficiently detailed in their explanations of the mitigations that are in place, and of the plan to monitor the services carefully over the next 12 months, and ORR is content with this approach.

ORR review

During our review, we asked ARL to explain the planned method of reversal at Shepherds Bush, and how it planned to mitigate against excessive dwell and capacity utilisation in the area whilst undertaking this. ARL provided a detailed explanation which addressed our concerns, but we still note that there is a performance risk associated with these services. We would expect robust performance analysis to be provided with any application to extend these rights beyond SCD 2027 and note that Network Rail will be monitoring this closely.

Our review of the application raised no other operational, performance or economic concerns.



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