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21 February 2018

Sam Commons
Customer Manager
Network Rail Infrastructure Ltd
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Montfichet Road
London
E20 1EJ

David Rourke
Track & Engineering Access Manager
Arriva Rail London Limited
Overground House
125 Finchley Road
London
NW3 6HY

Dear Sam and David

Approval of the 57th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Arriva Rail London Limited (jointly, “the parties”)

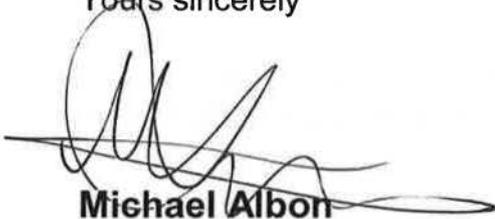
1. We have today approved the above supplemental agreement submitted to us formally on 21 February 2018 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The purpose of this agreement is to extend the Expiry Date of the parties' Track Access Contract from the Principal Change Date 2018 to the Principal Change Date 2025.
3. Network Rail undertook the normal industry consultation ending on 12 January 2018. They received a response from First Greater Western Limited (GWR) querying whether the services fitted with any anticipated future freight growth, specifically at Acton with the Great Western Main Line. Network Rail provided the commentary used in the SoAR paper to which GWR confirmed they were content. Transport Focus also provided a response confirming support for the proposal.
4. Our review identified no issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993. We highlighted some drafting issues with the agreement and included our suggestions to improve its quality. The parties have accepted our recommendations and amended the agreement accordingly for the formal submission.

9. 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)).

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 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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Albon', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael Albon