

Network Rail and Industry Access Colleagues

27 July 2023

Dear Industry colleague,

Audit of Sections 18(1)(c) and 22(3) of the Railways Act 1993: access contracts specified in a general approval given by the Office of Rail and Road

1. I am writing regarding an audit the ORR conducted on the use of access contracts General Approvals, for the period 01 April 2022 to 31 March 2023. General Approvals permit Network Rail and other parties to make certain types of amendments to their access contracts, or to enter a new contract without ORR's specific approval, subject to certain conditions. This supports industry efficacy and the conditions mean the risks of contracts unfairly impacting on others in industry or passengers are mitigated.
2. We were notified of 231 uses of General Approvals between 1 April 2022 to 31 March 2023. We found no cause for concern in the use of the General Approvals with no intentional misuse identified and any minor errors quickly rectified following our intervention. This is an improvement on last year where passenger track access identified four instances where the Passenger General Approval was used in error. This prompted a review of the Passenger General Approval and as a result we have now published a new document which allows a greater degree of flexibility in the use of the facility.

Passenger General Approval Audit

3. Network Rail notified ORR of 27 uses of Passenger General Approvals between April 2022 and March 2023. The quality of the submissions was generally good, and any errors were resolved quickly and satisfactorily by the ORR Case Officer and working with the party/parties involved.

General Approval Type	Received	Comments
Passenger Access Contract	27	GAs for this period related mainly to: Amendments to Appendix 1 of Schedule 8; Surrender of unused access rights; and GAs submitted to cover access rights that were not applied for in time by means of a full specific approval. There were also some amendments to Schedule 5.1 (specified equipment) and 7C (Default Train Consist Data).

Freight General Approval Audit

4. Network Rail notified ORR of 51 uses of General Approvals between April 2022 and March 2023. Generally, the quality of submissions was good and any errors were resolved quickly and satisfactorily by the ORR Case Officer and working with the party/parties involved.

General Approval Type	Received	Comments
Freight Track Access Contracts	7	1 new Freight Track Access contract for Varamis Ltd 6 supplemental agreements to update existing contracts
Facility Access	7	No specific comments
Connection Contract	37	No specific comments

Stations and Depots General Approval Audit

5. Although Network Rail owns most stations, most station access agreements are between industry operators (as lease holders and operators who require access). Similarly, depot contracts are mainly between operators or between operators and rail industry companies.
6. The quality of submissions for stations and depots continues to be generally good. Any errors were typically minor accuracy errors which were resolved quickly and satisfactorily by the ORR Case Officer and working with the party/parties involved.

General Approval	Type	Received	Comments
General Approval for stations (2017)	New Station Access Agreements	17	No specific comments
General Approval for stations (2017)	Amendment to Station Access Agreements	113	Most of these submissions relate to amendments to the relevant station specific annexes to reflect changes resulting from works at the station e.g., to record new assets or to update the lease Plan.
General Approval for depots (2017)	New Depot Access Agreements	6	No specific comments
General Approval for depots (2017)	Amendment to Depot	17	Most of these submissions relate to amendments to the relevant depot specific annexes

	Access Agreements		to reflect changes resulting from works at the depot e.g., to record new assets or to update the lease Plan.
--	-------------------	--	--

7. This letter to industry will be published on the ORR website as part of our commitment to transparency.

Yours sincerely,



Gareth Clancy
Head of Access and Licensing