

Louise Beilby
Access Executive
Telephone: 0207 282 2076
E-mail: louise.beilby@orr.gov.uk



14 October 2021

Sid Ali
Franchise & Access Support Manager
Network Rail Infrastructure Ltd
Floor 1, London Puddle Dock
1 Puddle Dock
London
EC4V 3DS

Susan Ellis
Track Access & HS1 Contracts Manager
London & South Eastern Railway Ltd
4 More London Riverside
London
SE1 2AU

Dear Sid and Susan

Approval of the 81st supplemental agreement to the track access contract between Network Rail Infrastructure Limited and London & South Eastern Railway Limited dated 6 December 2007

We have today approved the above supplemental agreement submitted to us formally on 14 October 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 to allow the implementation of Phase 2 of the introduction of 22 Class 707 units onto London & South Eastern Railway's (LSER) routes from South Western Railway. These units are to be phased in over six weeks; eight have already been introduced in Phase 1. The rights are to be backdated to 21 August 2021, the date the first unit was introduced to LSER's network, and will expire on the Expiry Date or earlier termination of LSER's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No concerns or queries were raised.



ORR review

Our review of the application raised no operational, performance or economic concerns, and no drafting issues to be corrected at the time of formal submission.

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

A handwritten signature in black ink, appearing to read 'Louise Beilby'. The signature is written in a cursive style with a long horizontal stroke at the end.

Louise Beilby