

Kirstin Scott
Executive, Access & Licensing



25 April 2024

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Network Rail Infrastructure Ltd
1 Puddle Dock
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SE1 0NS

Mia Kirkpatrick
Track Access & HS1 Contracts Manager
SE Trains Ltd
4 More
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Dear Sid and Mia

Approval of the 108th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and SE Trains Limited (t.a. Southeastern) dated 6 December 2007

We have today approved the above supplemental agreement submitted to us formally on 22 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 make contingent rights previously granted by a 90-day General Approval into firm rights. This will align Southeastern's access rights with the current timetable. The rights are to commence upon approval by ORR and will expire on the Expiry Date or earlier termination of Southeastern's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No objections were raised.



ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were resolved before the agreement was formally submitted.

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

Kirstin Scott