

Claire Brooks
Access Executive



19 June 2025

Adebisi Akinyanju
Franchise and Access Manager
Network Rail Infrastructure Limited
1 Puddle Dock
Blackfriars
London, EC4V 3DS

Dean Cowie
Track Access Manager
South Western Railway Limited
South Bank Central
30 Stamford Street
SE1 9LQ

Dear Adebisi and Dean

Approval of the 39th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and South Western Railway Limited (South Western Railway) dated 9 April 2019

We have today approved the above supplemental agreement submitted to us formally on 11 June 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 grant South Western Railway an extension to their Track Access Contract until the Subsidiary Change Date 2027. The current contract ends at the Principal Change Date 2025. There is no additional access rights sought.

From 25 May 2025 South Western Railway Limited took over from First MTR South Western Trains Limited as part of the nationalisation of train operating companies. The track access contract has been updated to reflect this.

Industry consultation

Network Rail undertook the usual industry consultation. Comments were received from CrossCountry who had no objections and Transport Focus who were happy to accept.



ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues in respect of the new address which was resolved when 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

Claire Brooks