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10 December 2020

Sarah Jason
Franchise and Access Support Manager
Network Rail Infrastructure Ltd
Basingstoke Rail Operating Centre
Gresley Road
Basingstoke
RG21 4FS

David Rourke
Regulatory Access Manager
First MTR South West Trains Ltd
South Bank Central
30 Stamford Street
London
SE1 9LQ

Dear Sarah and David

Approval of the 11th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First MTR South Western Trains Limited (South Western) dated 9 April 2019

We have today approved the above supplemental agreement submitted to us formally on 7 October 2020 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 facilitate a switch from modelled to metered billing of electricity 'EC4T' charges for 32 Class 450 electrical multiple units (EMUs) and 17 Class 444 EMUs. The relevant unit numbers are to be added to Schedule 7 Appendix 7D of the track access contract.

Industry consultation

A consultation was not necessary.



ORR review

Our review of the application raised no concerns.

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 Department for Transport and Network Rail's Regulatory Reform Team. Copies of the approval notice and the agreement will be placed on ORR's public register 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 'Jonathan Rodgers', written over a faint horizontal line.

Jonathan Rodgers