

Ellie Mitchell
Access Executive
Telephone: 0207 282 3981
E-mail: ellie.mitchell@orr.gov.uk



6 May 2022

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
SE Trains Limited
4 More London Riverside
London
SE1 2AU

Dear Sid and Susan

Approval of the 85th 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 3 May 2022 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 amend Appendix 7D of Schedule 7 of the track access contract. The contract was transferred by way of a Statutory Transfer Scheme from London & South Eastern Railway Limited to SE Trains Limited on 17 October 2021.

The amendments are needed to facilitate a switch from modelled to metered billing for EC4T charges from 1 April 2022.

Industry consultation

Network Rail undertook the usual industry consultation. No objections or queries were raised in response.



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 the Department for Transport and Chris Meadows at Network Rail. 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 that reads 'Ellie Mitchell'.

Ellie Mitchell