

**Ellie Mitchell**  
Access Executive  
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8 November 2022

Alistair Rusholme  
Franchise and Access Manager  
Network Rail Infrastructure Ltd  
Basingstoke Rail Operating Centre  
Gresley Road  
Basingstoke  
RG21 4FS

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

Dear Alistair and David

**Approval of the 18th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First MTR South Western Trains Limited dated 9 April 2019**

We have today approved the above supplemental agreement submitted to us formally on 4 November 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 to install energy meters onto all of First MTR South Western Trains' Class 701 Rolling Stock. The agreement also updates the Class 707 section of Schedule 7 Appendix D to reflect the recent transfer of eighteen Class 707s from SWR to London & South Eastern Railway (LSER). The rights are to commence on 8 November 2022 and will expire on the Expiry Date or earlier termination of SWR's track access contract.

**Industry consultation**

Network Rail undertook the usual industry consultation. Transport Focus and Great Western Rail responded to the consultation providing their endorsement.



## **ORR review**

Our review of the application raised no operational, performance or economic 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 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 that reads 'Ellie Mitchell'.

**Ellie Mitchell**