

Louise Beilby
Senior Access Executive



3 March 2023

Sid Ali
Franchise and Access Manager
Network Rail Infrastructure Ltd
1 Puddle Dock
Queen Victoria Street
London
SE1 0NS

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

Approval of the 92nd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and SE Trains Limited dated 6 December 2007

We have today approved the above supplemental agreement submitted to us formally on 2 March 2023 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 Schedule 5 of the track access contract to reflect local area morning peak demand for school travel on Kent Metro and Mainline services. These amendments largely utilise passenger and Empty Coaching Stock paths in the current timetable, along with some service removals, and have been timetabled to reflect feedback received from local stakeholders.

These rights were part of a late bid for the Principal Change Date 2022 timetable and they are currently in place by means of the 91st General Approval. This will expire on 10 March 2023. The rights in the 92nd supplemental agreement will commence on that date and will expire on the Expiry Date or earlier termination of SE Trains' track access contract.



Industry consultation

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

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some drafting issues and these were 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

A handwritten signature in blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

Louise Beilby