

**Louise Beilby**  
Senior Access Executive



13 November 2023

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

Mia Kirkpatrick  
Track Access & HS1 Contracts Manager  
SE Trains Ltd  
4 More  
London Riverside  
London  
SE1 2AU

Dear Sid and Mia

**Approval of the 104th 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 13 November 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 grant three additional access rights in order to provide more capacity and reduce overcrowding on existing peak services on the Ashford-Charing Cross and Sidcup-Maidstone East lines which will benefit performance improvement overall. The three additional services are between Crayford and Charing Cross, Maidstone East and Charing Cross, and Ashford and Cannon Street. The rights are to commence on the Principal Change Date 2023 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, nor any drafting issues with the submission itself.

## **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, appearing to read 'Louise Beilby'. The signature is written in a cursive style with a long horizontal stroke at the end.

**Louise Beilby**