

Claire Brooks
Access Executive



6 November 2023

Olivia Thornley
Franchise and Access Support Manager
Network Rail Infrastructure Ltd
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London
SE1 0NS

Mia Kirkpatrick
Track Access and HS1 Contracts Manager
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Dear Olivia and Mia

Approval of the 107th 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 6 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 update Appendix 7D of Schedule 7 of the track access contract with 42 class 375 units which are due to have energy meters installed in order to facilitate a switch from modelled to metered billing for EC4T charges from the 11 September 2023. This is to provide more accurate data to the NR Track Access Billing team so that the EC4T billing to SE Trains provides more accurate billing charges. The installation of these energy meters will be across several months, with the final unit completed on 14th March 2024. There are no other amendments to the contract.

Industry consultation

No industry consultation was undertaken as this type of submission would usually be dealt with by a General Approval. These are currently under a veto due to PR23.



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 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

Claire Brooks