

Claire Brooks
Access Executive



6 September 2024

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

Susan Ellis
Track Access and HS1 Contracts Manager
SE Trains Limited
Second Floor
4 More London Riverside
London, SE1 2AU

Dear Sid and Susan,

Approval of the 111th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and SE Trains Limited (trading as Southeastern) dated 6 December 2007.

We have today approved the above supplemental agreement submitted to us formally on 3 September 2024 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 supplemental agreement is to grant Southeastern firm rights to run additional services as part of the December 2024 timetable (Principal Change Date 2024 (PCD 2024)).

The additional services are as follows:

27 additional SX services London Victoria – Orpington and Orpington – London Victoria

5 additional SX services London Cannon Street – London Cannon Street (Loop service) and 7 additional SX PM services London Cannon Street – London Cannon Street (Loop service)

These additional rights will cease at PCD 2025, which is the current expiry date of the contract. The London Victoria services (27 SX London Victoria – Orpington and Orpington – London Victoria) were originally added in the 106th supplemental agreement for one

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timetable period from the Subsidiary Change Date 2024 and are due to expire at PCD 2024. These rights are now being extended to PCD 2025, via this 111th supplemental agreement.

Industry consultation

Network Rail undertook the usual industry consultation and there were a number of responses. Great Western Railway and Transport Focus did not raise any objections. Colas, London Travel Watch and GB Railfreight all requested further information, which Network Rail provided, and these queries were resolved. Freightliner had concerns about timetable validation and also wanted reassurance on Train Planning Rules compliance with existing freight services.

The application was submitted with the Freightliner objection still outstanding. After further discussions between parties, including reviewing an Attune report, Freightliner was happy to agree to the submission and its objection was removed.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor 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

C Brooks

Claire Brooks