

Louise Beilby
Senior Access Executive



8 May 2024

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Track Access and HS1 Contracts Manager
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Dear Sid and Mia

Approval of the 106th 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 8 May 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 agreement is to grant Southeastern the rights necessary to run its June 2024 timetable. The changes are intended to increase capacity on the network by extending, retiming and/or rerouting existing services on key routes during busy periods. There will also be additional services aimed at improving local connectivity, and seasonal services to coastal stops to run until the end of the summer.

The changes will be effective from the Subsidiary Change Date in June 2024 and the majority will expire on the Expiry Date or earlier termination of Southeastern's track access contract, except for the seasonal services, which will expire on 3 September 2024.



Industry consultation

Network Rail undertook the usual industry consultation. London Travelwatch raised a concern that there was a discrepancy between the proposed services in this supplemental and what was being advertised in the timetable on Southeastern's website. However, this did not impact on the application itself and Southeastern has since addressed this issue.

ORR review

We reviewed the application from an operational point of view and we required some clarification on the performance modelling simulation that SE Trains carried out in support of the changes, in order to assure ourselves that they would lead to the improvements in performance that were promised. After some discussion with both Network Rail and the train operator, we are satisfied that the projected performance improvements are realistic and are based on reliable data.

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

Louise Beilby