

Claire Brooks

Access Executive

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12 November 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
4 More
London Riverside
London SE1 2AU

Dear Sid and Susan,

Approval of the 113th 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 1 November 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 firm rights to run additional services for the Principal Change Date 2024 Timetable. These rights will cease at Principal Change date 2025. The new services are as below:

1 additional SX AM service New Cross – London Cannon Street
(06.27 New Cross to London Cannon Street, which will run to Slade Green via Bexleyheath (HU02) and then up to London Cannon Street via Greenwich (HU05)).

3 additional SX off-peak Slade Green – London Cannon Street
15.38 Slade Green to London Cannon Street, arriving at 16.22 (all stations via Greenwich) Off Peak (HU02).
16.08 Slade Green to Cannon Street, arriving at 16.52 (all stations via Greenwich) Off Peak (HU02).

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16.38 Slade Green to Cannon Street, arriving at 17.22 (all stations via Greenwich) Off Peak (HU02).

1 additional SX off-peak Dartford – London Charing Cross
05.05 Dartford to London Charing Cross via Sidcup service Off Peak (HU02).

To extend 2 existing services SX off-peak London Charing Cross - Maidstone East to Ashford International

1U12 21.29 London Charing Cross – Maidstone East extended to Ashford International (HU01)

1U16 22.29 London Charing Cross – Maidstone East extended to Ashford International (HU01)

To extend 1 existing service SX off-peak Hayes – Lewisham to New Cross

2K56 22.44 Hayes – Lewisham extended to New Cross (HU02)

Industry consultation

Network Rail undertook the usual industry consultation. Comments were received from London Travel Watch who welcomed the proposition, Transport Focus who said they were happy to accept and Great Western Railway who said that they had no objection

ORR review

Our review of the application raised no operational, performance or economic concerns. There was a significant error in the drafting of the agreement which we brought to the attention of the parties and was promptly corrected.

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

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Claire Brooks