

Louise Beilby
Senior Access Executive



10 January 2024

James de Mars
Franchise and Access Manager
Network Rail Infrastructure Ltd
Basingstoke Campus
Gresley Road
Basingstoke
RG21 4FS

Robert Hodgkinson
Regulatory Access Manager
First MTR South Western Trains Ltd
South Bank Central
30 Stamford Street
London
SE1 9LQ

Dear James and Robert

Approval of the 26th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First MTR South Western Trains Limited (trading as South Western Railway (SWR)) dated 9 April 2019

We have today approved the above supplemental agreement submitted to us formally on 10 January 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 update Schedule 7 Appendix 7D of the Track Access Contract to enable EC4T consumption to be accurately recorded and billed via on-train meters, rather than using modelled consumption rates. This would normally be done via a General Approval, but as the PR23 moratorium on GAs is still effective, a full supplemental agreement has been submitted. The amendment is effective from the date of ORR approval and will apply until the Expiry Date or earlier termination of SWR's track access contract.

Industry consultation

As no third party is affected by this change, industry consultation was not required.

Head Office: 25 Cabot Square, London E14 4QZT: 020 7282 2000 orr.gov.uk



ORR review

Our review of the application raised no economic concerns, nor any drafting issues.

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', with a stylized flourish at the end.

Louise Beilby