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20 October 2021

Rebecca Mordey
Franchise and Access Manager
Network Rail Infrastructure Ltd
1 Eversholt Street
London
NW1 2DN

Darren Gay
Track Access Contract Manager
Govia Thameslink Railway Ltd
1st & 2nd Floor, Monument Place
24 Monument Place
London
EC3R 8AJ

Dear Rebecca and Darren

Approval of the 43rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Govia Thameslink Railway Limited dated 2 March 2016

We have today approved the above supplemental agreement submitted to us formally on 20 October 2021 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 extend the date In Govia Thameslink's contract of the firm and contingent access rights in the Sussex Outer area, and the associated rights for the Great Northern Outer service group. The rights are to commence on the Principal Change Date and will expire on the Expiry Date or earlier termination of Govia Thameslink's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No comments or queries were received.

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ORR review

During our review, we noted that some of the timing loads that had been used in the rights tables were obsolete. Govia Thameslink resubmitted an amended draft that corrected this oversight. We identified no operational, performance or economic 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

A handwritten signature in blue ink, appearing to read 'Louise Beilby'.

Louise Beilby