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**Access Executive**  
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14 October 2021

Sid Ali  
Franchise & Access Support Manager  
Network Rail Infrastructure Ltd  
Floor 1, London Puddle Dock  
1 Puddle Dock  
London  
EC4V 3DS

Susan Ellis  
Track Access & HS1 Contracts Manager  
London & South Eastern Railway Ltd  
4 More London Riverside  
London  
SE1 2AU

Dear Sid and Susan

**Approval of the 81st supplemental agreement to the track access contract between Network Rail Infrastructure Limited and London & South Eastern Railway Limited dated 6 December 2007**

We have today approved the above supplemental agreement submitted to us formally on 14 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 allow the implementation of Phase 2 of the introduction of 22 Class 707 units onto London & South Eastern Railway's (LSER) routes from South Western Railway. These units are to be phased in over six weeks; eight have already been introduced in Phase 1. The rights are to be backdated to 21 August 2021, the date the first unit was introduced to LSER's network, and will expire on the Expiry Date or earlier termination of LSER's track access contract.

**Industry consultation**

Network Rail undertook the usual industry consultation. No concerns or queries were raised.

## **ORR review**

Our review of the application raised no operational, performance or economic concerns, and no drafting issues to be corrected at the time of formal submission.

## **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)).

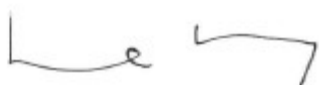
## **Conformed copy of the track access agreement**

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 grey ink, appearing to read 'Louise', followed by a stylized flourish.

**Louise Beilby**