

Jonathan Rodgers
Senior Executive
Telephone: 0207 282 3775
E-mail: jonathan.rodgers@orr.gov.uk



25 November 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 69th 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 amend Appendix 1 of Schedule 8 of the track access contract to reflect changes resulting from the transfer of services between LSER and Govia Thameslink Railway Limited in May 2018.

Industry consultation

An industry consultation was not required as no other parties are affected.

ORR review

We had a number of queries regarding the application but these have all been satisfactorily answered. We discussed the drafting of the agreement with the parties in

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

order to ensure it applied retrospectively only between 27 May 2018 and the end of Control Period 5.

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 'Jonathan Rodgers', is positioned above the printed name.

Jonathan Rodgers