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21 December 2017

Danny Adams  
Customer Manager  
Network Rail Infrastructure Ltd  
Floor 2, Cottons Centre  
Tooley Street  
London  
SE1 2QG

Susan Ellis  
Access Contracts Business Partner  
London & South Eastern Railway Ltd  
Floor 3, Friars Bridge Court  
41-45 Blackfriars Court  
London  
SE1 8NZ

Dear Danny and Susan

**Approval of the 62nd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and London & South Eastern Railway Limited (Southeastern) (jointly, “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 20 December 2017 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. Southeastern’s Schedule 5 previously contained two sets of rights in Table 2.1: one representing the existing services and one representing services from 8 January 2018 as they were envisaged in 2014 following the Thameslink Programme (TLP). Since then Southeastern has made a number of changes to services due to the TLP, passenger demands and the Department for Transport’s Franchise Service Level Commitments’. This agreement therefore amends table 2.1 in Schedule 5 of the parties’ track access contract to accurately reflect the services Southeastern will be running from 31 December 2017.
3. Network Rail undertook the usual industry consultation ending on 12 December 2017 with only Transport Focus commenting and offering support for the proposal.
4. Our review identified no issues and we are satisfied that approval is in accordance with our section 4 duties under the Railways Act 1993. We noted some areas where the drafting of the agreement could be improved and provided some suggestions. The parties



accepted our comments and amended the agreement accordingly for the formal submission.

5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and Peter Craig at Network Rail. 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 be 'Michael Albon', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Michael Albon**