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9 May 2019

Danny Adams
Customer Manager
Network Rail Infrastructure Ltd
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Tooley Street
London
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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 71st supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and London & South Eastern Railway Limited (Southeastern) (jointly the “parties”)

1. We have today approved the above supplemental agreement submitted to us formally on 9 May 2019 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. This agreement amends the parties' track access contract to enable Southeastern to operate its May 2019 timetable. This includes the:
 - Addition of two off-peak services between Gravesend and Charing Cross;
 - Removal of two off-peak services between Dartford and Charing Cross; and
 - Addition of 12 dated Contingent rights.
3. Network Rail undertook the usual industry consultation ending on 15 March 2019 with one supportive response from Transport Focus.
4. Our review identified no operational, performance or economic issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993. We noted some discrepancies with the draft of the agreement and

advised the parties of this. They have 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 to 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 'M Albon', written in a cursive style.

Michael Albon