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15 May 2019

Danny Adams
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Network Rail Infrastructure Ltd
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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 72nd 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 1 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. This letter explains the reasons for our decision.
2. The agreement extends the duration of the parties’ Track Access Contract from the Principal Change Date 2019 to the Principal Change Date 2020.
3. Network Rail undertook the usual industry consultation with supportive responses received from North Yorkshire Moors Railway Enterprises PLC and 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 areas in the draft supplemental agreement where it could be improved and highlighted these to the parties. They have 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 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 read 'Michael Albon'.

Michael Albon