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Sid Ali
Franchise and Access Support Manager
Network Rail Infrastructure Limited
London James Forbes House
27 Great Suffolk Street
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Lucinda Ball
Access Contracts Manager
London and South Eastern Railway Limited
Floor 3, Friars Bridge Court
41 – 45 Blackfriars Road
London
SE1 8NZ

Dear Sid and Lucinda

Seventy fifth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and London and South Eastern Railway Limited (LSER)

1. We have today approved the above supplemental agreement submitted to us formally on 27 August 2020, following an earlier informal submission for our review.
2. LSER has benefitted from a Direct Award Contract franchise extension until the 17 October 2021 with an option to extend for a further 6 reporting periods, which will potentially take LSER's extension up until the end of April 2022. The purpose of the agreement is to extend the contract from its current expiry date of the principal change date (PCD) in December 2020, to the PCD in 2022.

Industry consultation

3. The consultation was carried out by Network Rail between 6 July and 6 August 2020. The parties have advised that no responses were received.

ORR review

4. ORR notes that the agreement extends the contract by two years in order to cater for the franchise direct award extension. No additional rights are provided for, and such an extension will provide LSER and Network Rail contractual certainty for a further 2 years beyond the current expiry date. This falls with our current access policy.

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. ORR's copy should be sent for my attention.

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 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 'J. Trippier', written in a cursive style.

John Trippier