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3 December 2019

Mark Garner
Customer Manager
Network Rail Infrastructure Limited
George Stephenson House
Toft Green
York
YO1 6JT

Phil Dawson
Regulation & Track Access Manager
London North Eastern Railway Limited
25 Skeldergate
York
YO1 6DH

Dear Mark and Phil

Approval of the 17th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and London North Eastern Railway Limited (jointly “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally today 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. The purpose of this agreement is to correct a small number of errors in Schedule 5 of the parties’ track access contract. The application also formalised the removal of Part Z of Schedule 5 of the contract and the extension of incremental East Coast Main Line (ECML) access rights to SCD 2021 in line with Network Rail’s ECML policy.
3. Industry consultation was not necessary for this application as the rights had already been consulted on in previous applications.
4. Our review did not identify any issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993.
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 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 'Jonathan Rodgers', written in a cursive style.

Jonathan Rodgers