

**David Reed**  
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11 December 2014

Geoff Jones  
HS1 Limited  
12<sup>th</sup> Floor  
One Euston Square  
40 Melton Street  
London  
NW1 2FD

Suad Chowdhury  
Contracts and Partnership Manager  
London & South Eastern Railway  
Limited  
Friars Bridge Court  
41-45 Blackfriars Road  
London  
SE1 8NZ

Dear Geoff and Suad,

**Approval of the 4th supplemental agreement to the Framework Track Access Agreement between HS1 Limited and London & South Eastern Railway Limited dated 14 August 2009 (as amended) and 1<sup>st</sup> supplemental agreement to the Framework Track Access Agreement between HS1 Limited and London & South Eastern Railway Limited dated 13<sup>th</sup> March 2014**

The Office of Rail Regulation (ORR) has today approved the 4th supplemental agreement to the Framework Track Access Agreement between HS1 Limited and London & South Eastern Railway Limited (jointly the parties) dated 14 August 2009 (as amended) and 1<sup>st</sup> supplemental agreement to the Framework Track Access Agreement between the parties dated 13<sup>th</sup> March 2014, submitted to us formally on 11 December 2014 under The Railways Infrastructure (Access and Management) Regulations 2005 (as amended) (“the Regulations”). 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.

**Purpose of the agreements**

The purpose of these agreements is to grant LSER the rights necessary to operate one additional Sunday service from St Pancras to Faversham.

On 17<sup>th</sup> March 2014, ORR approved the new Framework Track Access Agreement between HS1 Ltd and LSER from 31 December 2014. As a consequence of the revised Schedule 5 of the current Framework Track Access Agreement, the parties have also



included within this application the 1<sup>st</sup> supplemental agreement to the new Framework Track Access Agreement to make the corresponding amendments to Schedule 5 of this agreement.

Taking into account the amendments to both the current Framework Track Access Agreement dated 14<sup>th</sup> August 2009 and the new Framework Track Access Agreement dated 13<sup>th</sup> March 2014, the rights are to commence on the date of our formal approval and will expire on 31 December 2024.

### **Consultation**

A pre-application consultation was carried out by HS1 in line with the process set out in the HS1 Criteria and Procedures document (“the C&Ps”). No issues or objections were raised by any consultee.

### **ORR review**

We reviewed the application and had no concerns with the rights sought. No queries were raised with the parties.

### **ORR’s conclusions**

Pursuant to Regulation 28(1) of the Regulations, in considering the application and in reaching our decision, we are required to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Railways Act 1993 (as amended). Approval of this application is consistent with these duties; in particular our duties to:

- protect the interests of users of rail services;
- promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable;
- contribute to the development of an integrated system of transport of passengers and goods; and
- enable persons providing railway service to plan the future of their businesses with a reasonable degree of assurance.



**Conformed copy of the track access contract, public register and administration**

Pursuant to paragraph 3.75 of the C&Ps, HS1 is required to produce a conformed copy of the track access agreement within 28 days of any amendment being made, and to send copies to ORR. I look forward to receiving the conformed copies.

We will place a copy of the supplemental agreements on our public register. The parties have not asked us to make any redactions prior to placing on the public register. Copies of this letter and the agreements will also be placed on the ORR website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Reed', is positioned below the closing text.

**David Reed**