



OFFICE OF RAIL AND ROAD

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28 February 2018

Catherine Horton
Customer Manager
Network Rail Infrastructure Limited
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Tooley Street
London Bridge
SE1 2QG

Tom Causebrook
Access Contract Manager
Govia Thameslink Railway Limited
1st and 2nd Floor Monument Place
24 Monument Place
London
EC3R 8AJ

Dear Catherine and Tom

Eleventh supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Govia Thameslink Railway Limited (GTR)

1. We have today approved the above supplemental agreement submitted to us formally, in counterpart, on 28 February 2018.
2. The purpose of this agreement is to extend the access rights (one SX London Victoria to Bognor Regis and one SX Eastbourne to London Victoria) approved under the 5th Supplemental Agreement and then extended by the 8th Supplemental Agreement, until Subsidiary Change Date 2018. Due to the late submission of this application, the rights were further extended until 28 February 2018 via a General Approval.
3. Network Rail undertook a 28 day industry consultation ending on 15 December 2017. There were no responses other than a comment from Virgin Trains East Coast regarding the lateness of the consultation.
4. Our own 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. We made some comments regarding the drafting of the agreement and these were taken into account in 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. 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 read 'Jonathan Rodgers', is positioned above the printed name.

Jonathan Rodgers