

**Michael Albon**  
Executive, Access & Licensing  
Telephone: 0207 282 3660  
E-mail: michael.albon@orr.gsi.gov.uk



15 March 2018

Danny Adams  
Customer Manager  
Network Rail Infrastructure Ltd  
Floor 2, Cottons Centre  
Tooley Street  
London  
SE1 2QG

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 64th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and London & South Eastern Railway Limited (jointly, “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 15 March 2018 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 add 17 Class 277 units to Appendix 7D Schedule 7 of the parties' Track Access Contract.
3. Network Rail undertook the normal industry consultation ending on 8 February 2018 with the only response received from Passenger Focus who confirmed no objections.
4. Our review identified no 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 (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', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Michael Albon**