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3 April 2018

Danny Adams
Customer Manager
Network Rail Infrastructure Ltd
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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 66th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and London & South Eastern Railway Limited

1. We have today approved the above supplemental agreement submitted to us formally on 29 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 extend the contingent rights granted under the 63rd Supplemental Agreement effective until 8 July 2018.
3. Network Rail undertook the usual industry consultation with one response received from Transport Focus supporting the proposal.
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. We identified some drafting issues and highlighted these to the parties with our suggestions. They were accepted and the agreement was amended accordingly for the formal submission.
9. 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)).

10. 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.

11. 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 'MA', is written over a faint, larger version of the same signature.

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Michael Albon