

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



19 October 2017

Shivani Patel
Customer Manager
Network Rail Infrastructure Ltd
12th Floor, One Stratford Place
Montifichet Road
London, E20 1EJ

Phil Sullivan
Track Access Manager
Trenitalia c2c Ltd
2nd Floor, Cutlers Court
115 Houndsditch
London, EC3A 7BR

Dear Shivani and Phil

Approval of the 3rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Trenitalia c2c Limited (c2c) (jointly, “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally on 19 October 2017 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 further extend the rights approved under the fiftieth supplemental agreement (to c2c's previous track access agreement) in December 2015, and then again under the fifty-fifth supplemental agreement in January 2017 for c2c to divert 2 trains per hour on weekends from Barking via Forest Gate Junction to Liverpool Street until May 2019.
3. Network Rail undertook the usual industry consultation with no issues raised.
4. Our review identified no issues and we are content that approval is in accordance with our section 4 duties under the Railways Act 1993. We identified a number of drafting issues and put this to the parties with our suggestions to improve the drafting quality. The parties have accepted our comments and amended the agreement for 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. 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 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 stylized and somewhat cursive.

Michael Albon