



OFFICE OF RAIL AND ROAD

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14 June 2017

Danny Adams  
Customer Relationship Manager  
Network Rail Infrastructure Limited  
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SE1 2QG

Stuart Freer  
Franchise & Access Manager  
London & South Eastern Railway Limited  
Floor 3, Friars Bridge Court  
41-45 Blackfriars Road  
London  
SE1 8NZ

Dear Danny and Stuart

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

1. We have today approved the above supplemental agreement submitted to us formally on 14 June 2017.
2. This agreement corrects an error with the effective date in the 58<sup>th</sup> Supplemental Agreement that added 8 Class 377 trains onto the Metered Table in Appendix 7D of Schedule 7 in the parties' track access contract. The date for the addition of the Class 377s will be applied retrospectively from 18 December 2016.
3. Network Rail undertook a 28 day consultation ending on 12 May 2017 and received no objections for the proposal.
4. Our review identified no issues and we are content that approval is in accordance with our statutory duties under section 22 of the Railways Act 1993. We highlighted some drafting points in the agreement and provided our suggestions. The parties have accepted our comments and amended the agreement accordingly 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

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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. In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. Electronic copies of this letter and the approval notice will be sent to Keith Merritt at the Department for Transport and Peter Craig at Network Rail. 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.

**Michael Albon**