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10 December 2020

Lee Shuttlewood
Franchise and Access Executive
Network Rail Infrastructure Ltd
Basingstoke Rail Operating Centre
Gresley Road
Basingstoke
RG21 4FS

David Rourke
Regulatory Access Manager
First MTR South West Trains Ltd
South Bank Central
30 Stamford Street
London
SE1 9LQ

Dear Lee and David

Approval of the 9th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First MTR South Western Trains Limited (South Western) dated 9 April 2019

We have today approved the above supplemental agreement submitted to us formally on 9 December 2020 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

Purpose

The purpose of this agreement is to provide South Western with amended and additional rights required for the December timetable change. It also includes some amendments removing a small number of late night/early morning services from Sunday to Thursday to allow Network Rail more time to carry out essential maintenance work. This will enable South Western to introduce additional late night services on Friday and Saturday evenings to cater for higher passenger demand. The rights commence on the Principal Change Date 2020 and last for the duration of South Western's track access contract until the Principal Change Date 2025.



Industry consultation

Network Rail undertook the usual industry consultation between 13 August and 14 September 2020. It was reissued on 20 August after a number of errors were identified and corrected. No comments were received on the amendments. Transport Focus and Cross Country had some queries which were resolved by correspondence.

ORR review

We had a number of queries regarding the details of the application and some discrepancies between the application form and the agreement. The parties clarified these matters to our satisfaction. Our review of the application raised no operational, performance or economic concerns.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; 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)).

Conformed copy of the track access agreement

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.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to Department for Transport and Network Rail's Regulatory Reform Team. 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', with a long horizontal flourish extending to the right.

Jonathan Rodgers