

**Ellie Mitchell**  
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20 June 2022

Jayne Tipton  
Customer Manager  
Network Rail Infrastructure Ltd  
Western House  
1 Holbrook Way  
Swindon  
SN1 1BD

Rob Holder  
Network Access Manager  
First Greater Western Ltd  
Milford House  
1 Milford Street  
Swindon  
SN1 1HL

Dear Jayne and Rob

**Approval of the 80th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First Greater Western Limited dated 4 March 2016**

We have today approved the above supplemental agreement submitted to us formally on 20 June 2022 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 amend Tables 2.1 and 4.1 of Schedule 5 of the track access contract, in response to directions from the Department for Transport to First Greater Western Limited to operate within revised budget requirements. The changes are already in effect using a General Approval (the 79<sup>th</sup>), lasting until 13 August 2022. The rights are to commence upon approval by ORR and will expire on the Expiry Date or earlier termination of First Greater Western's track access contract.

**Industry consultation**

Network Rail undertook the usual industry consultation. No objections or queries were raised in response.



## **ORR review**

Our review of the application raised no operational, performance or economic concerns. We requested a version of the supplemental agreement with amended wording for the proposed commencement date and this was duly provided. There were no drafting issues when the agreement was formally submitted.

## **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 the Department for Transport and Network Rail's Policy and Access Team. 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 that reads 'Ellie Mitchell'.

**Ellie Mitchell**