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11 August 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 82nd 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 11 August 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 twofold; firstly, to extend FGW's track access contract from its current expiry date at the Principal Change Date (PCD) 2022 until PCD 2023. Secondly, this amendment makes changes to Schedule 5 to facilitate proposed timetable changes for SCD 2023. The rights will expire on the PCD 2023 or earlier termination of FGW's track access contract.

**Industry consultation**

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



## **ORR review**

At the initial review stage, we requested a revised version of the Supplemental Agreement to remove footnotes that referred to changes applicable from SCD 2021, and to amend minor wording errors. We also queried whether the introduction of the “Weave” service from SCD 2023 would constitute a conflicting application with the ongoing Grand Union Trains (GUT) application for London-Carmarthen services. Network Rail provided satisfactory assurances that no conflict existed, also noting that both applications (FGW’s and GUT’s) are taken into account in the London Crossrail Western ESG Concept Timetable. Our review of the application raised no other 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 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". The signature is written in a cursive style with a long horizontal stroke at the end.

**Ellie Mitchell**