

**Louise Beilby**  
Senior Access Executive  
Telephone: 0207 282 2076  
E-mail: louise.beilby@orr.gov.uk



24 January 2023

Richard Turner  
Customer Relationships Executive  
Network Rail Infrastructure Ltd  
Western House  
1 Holbrook Way  
Swindon  
SN1 1BD

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

Dear Richard and Robert

**Approval of the 87th 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 24 January 2023 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 extend an existing Moreton-in-Marsh to Oxford firm right to start back at Evesham; to truncate an existing Worcester Foregate Street to Oxford firm right to start at Worcester Shrub Hill; to extend an existing Worcester Shrub Hill to Bristol Temple Meads firm right to start back at Worcester Foregate Street; and to add one new Twyford to Reading contingent right. This last amendment involves converting a current Empty Coaching Stock (ECS) move to an unadvertised passenger service.

The rights were due to start from PCD 2022 but the application was sent to ORR after this date. A 90-day General Approval (the 86th SA) was put in place establishing the rights as contingent prior to PCD 2022 and this 87th SA is intended to make those changes both permanent and firm.



## **Industry consultation**

Network Rail undertook the usual industry consultation. No comments or queries were received.

## **ORR review**

We found no operational issues with the proposed changes, but we had concerns about the plan to convert an ECS move into an unadvertised passenger service. Network Rail and FGW advised us that this amendment has been made for reasons primarily of industrial relations and that, if the change was not made, the continuation of the service would have been compromised. We note that there are precedents to the creation of unadvertised services, but in the past this has usually been done for reasons of train staff safety, which is a somewhat different matter.

However, while we do not wish to encourage operators to set up unadvertised services, as we do not consider them to be in the best interests of passengers, we recognise that it is sometimes a necessary measure and we do not consider this to be a barrier to approving the application.

## **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, appearing to read "Louise Beilby". The signature is written in a cursive style with a long horizontal stroke at the end.

**Louise Beilby**