

**Louise Beilby**  
Senior Access Executive



31 March 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 5HL

Dear Richard and Robert

**Approval of the 89th 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 31 March 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 the expiry date of the access contract from the Principal Change Date (PCD) 2023 to the Subsidiary Change Date 2026. This amendment will apply from the date that ORR issues its approval.

**Industry consultation**

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



## **ORR review**

Our review identified no operational or administrative errors. However, we are also currently processing the 88th supplemental agreement, which includes some rights between London Paddington and Camarthen which Network Rail has only authorised to PCD 2024. We wanted to ensure that the 89th supplemental agreement would not have the effect of extending these rights beyond the agreed date, as they are going to be subject to an Not Primarily Abstractive test at the request of Transport for Wales. We have cross-checked the drafting of the 88th supplemental agreement and note that there is a footnote limiting the Camarthen rights to PCD 2024, so we are satisfied that this measure addresses our 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 blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

**Louise Beilby**