

Louise Beilby
Senior Access Executive



26 July 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 93rd 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 26 July 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is amend Schedule 5 Tables 2.1 of the contract to cater for services on the Marlow line originally intended to be withdrawn as part of the May 2023 timetable change. The start date for these services was intended to be the Subsidiary Change Date 2023, and they have been running on a contingent basis since 25 May under the General Approval provision. This application seeks to make them firm. The rights 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 queries or complaints were raised.



ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were resolved before 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, appearing to read 'Louise Beilby'.

Louise Beilby