

Ellie Mitchell
Access Executive



14 August 2023

Adebisi Akinyanju
Franchise and Access Manager (Wessex)
Network Rail Infrastructure Ltd
Basingstoke Rail Operating Centre
Gresley Road
Basingstoke
RG21 4FS

Cara Stimson
Head of Industry Partnerships
First MTR South Western Trains Ltd
South Bank Central
30 Stamford Street
London
SE1 9LQ

Dear Adebisi and Cara,

Approval of the 21st supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First MTR South Western Trains Limited dated 9 April 2019

We have today approved the above supplemental agreement submitted to us formally on 7 August 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 grant South Western Trains Limited the rights for a number of services that previously did not hold rights in the May 2023 timetable. This supplemental agreement arose from a timetable and rights comparison check undertaken by Network Rail and South Western Trains Limited. The changes in this supplemental agreement are currently covered by the 20th supplemental agreement under General Approval, which expires on 19 August. The rights are to commence on 14 August 2023 and will expire on the Expiry Date or earlier termination of SWR's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No concerns or objections were raised and Transport Focus, GWR and CrossCountry confirmed they endorsed the application.



ORR review

Our review of the application raised no operational, performance or economic concerns. We identified a minor drafting issue and this was resolved 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'. The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Ellie Mitchell