

Louise Beilby
Senior Access Executive



11 September 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 90th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First Greater Western (FGW) Limited dated 4 March 2016

We have today approved the above supplemental agreement submitted to us formally on 11 September 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 FGW the rights necessary to operate its proposed December 2023 timetable. Service Group EF09 has been amended to include some extensions to and from Gatwick on the Redhill-Reading services, there are some additional relief services between Paddington and Cardiff Central in Service Group EF02, as well as some single new services in other service groups, and the new Ashley Down station has been added to Table 4.1 in anticipation of its opening in April 2024. The rights are to commence on The Principal Change Date 2023 and will expire on the Expiry Date or earlier termination of FGW's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. MTREL asked for information on the timings of the proposed additional services between Paddington and Cardiff Central,

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and for evidence of performance modelling, as it had concerns that, since these are peak services, there would be a negative impact on its own operations. Network Rail provided evidence that resolved MTREL's concerns. Comments in support were received from London Travel Watch and Transport Focus.

ORR review

We had a number of operational queries relating to capacity on the congested North Downs lines, in the Guildford area, and between Paddington and Cardiff Central. Network Rail has answered all of our concerns to our satisfaction, and there were no other areas of concern.

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', with a stylized flourish at the end.

Louise Beilby