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

David Rourke
Regulatory Access Manager
First MTR South Western Trains Ltd
South Bank Central
30 Stamford Street
London
SE1 9LQ

Dear Alex and David

Approval of the eighth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First MTR South Western Trains Limited (South Western)

1. We have today approved the above supplemental agreement submitted to us formally on 5 May 2020 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission on 8 March 2020 of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.

Purpose of Agreement

2. The agreement provides South Western with a small number of amended and additional rights in order to operate its May 2020 timetable. The changes are to Service Groups HY02, HY03, HY04, HY07, and HY08.

3. Overall the rights are increased by a quantum of 10 and reduced by a quantum of 7.

Consultation

4. The industry consultation was undertaken by Network Rail between 17 February and 17 March 2020. Transport Focus responded to note its support, and Crosscountry Trains noted that it did not object to the agreement.

ORR review

5. ORR reviewed the agreement and noted a small number of drafting points, which the parties addressed prior to formal submission.

Conclusion

6. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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 and goods (section 4(1)(b)); and
- enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

7. 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.

8. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. 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 be 'John Trippier', written over a light blue horizontal line.

John Trippier