

Jonathan Rodgers
Senior Executive, Access & Licensing
Telephone: 0207 282 3775
E-mail: jonathan.rodgers@orr.gov.uk



7 August 2020

Richard Turner
Customer Relationships Executive
Network Rail Infrastructure Ltd
Western House
1 Holbrook Way
Swindon
SN1 1BD

Robert Holder
Network Access Manager
Frist Greater Western Ltd
Milford House
1 Milford Street
Swindon
SN1 1HL

Dear Richard and Robert

Approval of the 63rd 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 7 August 2020 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 sets out the reasons for our decision.

Purpose

The main purpose of this agreement is to extend the expiry date of the current contract from the Subsidiary Change Date (SCD) 2021 to the Principal Change Date (PCD 2021). Some rights which require the use of Platform 6 at London Paddington are limited to SCD 2021 in line with Heathrow Airport Limited's agreement to waive its right to sole use of Platform 6.

Industry consultation

The rights and extension of the contract were covered by the consultation Network Rail undertook regarding a previous Section 17 application. No material concerns or objections were raised. MTR Crossrail Ltd advised that they would support this application once their own linked application was submitted to ORR.



ORR review

We queried the drafting of some of the amendments during our review and the parties made some further changes which clarified this matter to our satisfaction. We had no other 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 Keith Merritt at Department for Transport. 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. I am also copying this letter to Peter Craig at Network Rail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Rodgers', with a long horizontal flourish extending to the right.

Jonathan Rodgers