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27 November 2020

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1 Holbrook Way
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Robert Holder
Network Access Manager
First Greater Western Ltd
Milford House
1 Milford Street
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Dear Jayne and Robert

Approval of the 66th 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 27 November 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 explains the reasons for our decision.

Purpose

The purpose of this agreement is to make firm a number of contingent rights between Reading and Redhill that were introduced by General Approval under the 36th supplemental agreement. The rights are to commence on the Principal Change Date 2020 and will expire on the Expiry Date or earlier termination of First Greater Western's track access contract.

Industry consultation

These rights were originally consulted as part of the 39th supplemental agreement in May 2019. Comments were received from South Western Railway with regard to the proposed timing loads, specifically the Class 769 vehicles.



Network Rail has confirmed that only contingent rights apply to the Class 769 vehicles, and that this proposed amendment shows Class 165 vehicles in the timing loads for the firm rights. These are faster than the 769s and so can be used without causing any performance issues. South Western Railway is content with this response and confirms support for the application.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were 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 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 without enclosures to Peter Craig at Network Rail.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

Louise Beilby