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**Access Executive**  
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20 April 2021

Jayne Tipton  
Customer Manager  
Network Rail Infrastructure Ltd  
Western House  
1 Holbrook Way  
Swindon  
SN1 1BD

Rob Holder  
Access Manager  
First Greater Western Ltd  
Milford House  
1 Milford Street  
Swindon  
SN1 1HL

Dear Jayne and Rob

**Approval of the 64th 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 19 April 2021 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 First Greater Western the rights necessary to operate its May 2021 timetable. These additional services will include the restoration of services between Exeter and Okehampton, an increase in services between London and Bristol, amendments and improvement to services in the Thames Valley area and between London and the North Cotswolds, and service enhancements and performance improvements in South Wales and South Coast services. The rights are to commence on the Subsidiary Change Date 2021 and will expire on the Expiry Date or earlier termination of First Greater Western's track access contract.

**Industry consultation**

Network Rail undertook the usual industry consultation. Comments were received from Freightliner, Grand Union Trains, Cross Country Trains, and MTR Elizabeth Line.

Cross Country had concerns about capacity at Exeter and wanted to know more about the timings of the new services arriving there. Network Rail answered this query to its

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satisfaction. MTREL requested further information about the Maidenhead and Twyford calls, as it believed that these had been rejected on performance grounds. Again, Network Rail was able to address their concerns satisfactorily.

Freightliner and Grand Union, while both supportive of the application, had wider concerns about the process by which Network Rail approves competing access rights between passenger, freight and open access operators, and what they believe to be different requirements being applied to different types of applications.

ORR acknowledges the point that has been raised but, as neither party wishes to dispute this particular application, we are not treating it as an outstanding objection in either case.

### **ORR review**

Our review of the application raised a number of operational queries which, between them, Network Rail and First Greater Western answered to a satisfactory standard. 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)).

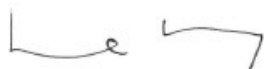
### **Conformed copy of the track access agreement**

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 the Department for Transport and to 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 blue ink, appearing to read 'Louise Beilby'.

**Louise Beilby**