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Network Rail Infrastructure Ltd
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Swindon
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Robert Holder
Network Access Manager
First Greater Western Ltd
Milford House
1 Milford Street
Swindon
SN1 1HL

Dear Richard and Rob

Approval of the 71st 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 17 September 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 amend Tables 2.2 and 4.1 in Schedule 5 to reflect new services on the North Downs route. The contingent rights are for five Monday to Friday return journeys between Reading and Gatwick; four Monday to Friday return journeys between Redhill and Gatwick; and 13 round trips on Saturdays between Redhill and Gatwick. The Redhill - Gatwick rights are for onward extension of existing Reading - Redhill services to Gatwick. The rights are to commence on upon ORR approval 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 in support were received from Cross Country and Transport Focus.

A minor query on the coupling capacity of the Class 769s was raised by MTR Elizabeth Line and answered to its satisfaction. South Western Railway queried the timing of the services between Reading and Gatwick and whether they had been validated by the planning team; again, the Greater Western customer team dealt with this query prior to informal submission.

Freightliner noted that, while it had no objection to this application, it raised wider questions about inconsistency in the approaches to performance modelling required from freight and passenger operators. However, this is not an issue that is within the remit of this application to consider.

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)).

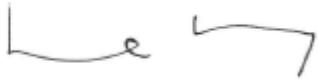
Conformed copy of the track access agreement

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 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 'Le' followed by a stylized flourish.

Louise Beilby