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7 December 2021

Alistair Rusholme
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 Alistair and David

Approval of the 13th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First MTR South Western Trains Limited dated 9 April 2019

We have today approved the above supplemental agreement submitted to us formally on 7 December 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 MTR South Western Trains Ltd (First MTR) the rights necessary to run its December 2021 timetable. This entails the correction of some identified quantum errors within Table 2.1 of Schedule 5, and the introduction of service extensions to a number of existing services to and from stations including Waterloo and Clapham Junction. The rights are to commence on the Principal Change Date 2021 and will expire on the Expiry Date or earlier termination of First MTR's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No concerns or objections were raised.

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ORR review

Our review of the application raised no operational, performance or economic concerns, nor any drafting issues.

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)).

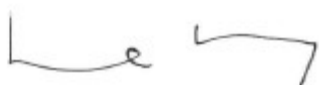
Conformed copy of the track access agreement

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 dark ink, appearing to read 'Louise', followed by a stylized flourish.

Louise Beilby