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11 November 2022

Jayne Tipton
Customer Manager (GWR)
Network Rail Infrastructure Ltd
Western House
1 Holbrook Way
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Rob Holder
Network Access Manager
First Greater Western Ltd
Milford House
1 Milford Street
Swindon
SN1 1HL

Dear Jayne and Rob

Approval of the 83rd 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 10 November 2022 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 extend the expiry date of rights in First Greater Western's (FGW) track access contract that were introduced during the Subsidiary Change Date 2022. These consist of additional round trips between Westbury and Salisbury to maintain connections following the suspension of services between Bristol and Brighton. The amendments are effective from the Principal Change Date 2022 and will expire on the Expiry Date or earlier termination of FGW's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No queries or issues were raised.



ORR review

We asked Network Rail for further information about the performance improvement work referenced in the application. Network Rail advised that there were some challenges with infrastructure performance in the Gloucester area which were contributing to poor performance, and that there is a plan in place to remedy this. The operator hopes to be able to apply for firm rights once the instigation of this plan has resulted in an improvement in performance. Our review of the application raised no other operational, performance or economic 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 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 'Louise Beilby', with a stylized flourish at the end.

Louise Beilby