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Senior Access Executive



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Dear Jayne and Robert

Approval of the 99th supplemental agreement to the track access contract (TAC) between Network Rail Infrastructure Limited (Network Rail) and First Greater Western Limited (trading as Great Western Railway (GWR)) dated 4 March 2016

We have today approved the above supplemental agreement submitted to us formally on 6 August 2024 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

This supplemental agreement (SA) has four purposes:

1. To extend the current expiry date of London Paddington to Swansea extensions to Carmarthen from the Principal Change Date (PCD) in December 2024 to the end of the Summer Period in 2025.
2. To add a firm right for one Exeter St David's to Axminster weekday service, which is currently operating as a contingent right.
3. To extend the expiry date of a small number of contingent rights to the commencement of the Subsidiary Change Date (SCD) in May 2025.
4. To correct non-material formatting to Service Groups EF03, EF05 and EF07 in Tables 2.1 and 4.1 of Schedule 5 of GWR's TAC.

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Industry consultation

Network Rail undertook the usual industry consultation between 7 June and 5 July. Comments in support, or stating no concerns, were received from South Western Railway, CrossCountry, Amey Infrastructure Wales, and Transport Focus.

ORR review

The Carmarthen rights were originally added to the contract as part of the 88th SA. When approving that agreement we noted that “We have not yet been convinced that the full level of service could continue to operate alongside the additional Grand Union Trains London Paddington-Carmarthen services which have access rights from the Principal Change Date in 2024. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for the GWR Carmarthen extensions beyond the Principal Change Date in 2024”. We note that the start date for the additional Grand Union Trains services between London Paddington and Carmarthen has since been pushed back to PCD 2027. In line with our decision in the 88th SA, our usual policy of a strong presumption of the continuation of existing rights, will not apply for the GWR Carmarthen extensions.

Our review of other parts of the application raised no operational or performance concerns. We identified some minor drafting issues and these were resolved prior to the agreement’s formal submission.

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

Louise Beilby