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Dear Jayne and Rob

Approval of the 102nd supplemental agreement to the track access contract 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 17 October 2024 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. ORR's approval of this application means GWR can continue to run its services across the network it covers and can provide continuity of services to its passengers from the Principal Change Date (PCD) in December 2024. This letter explains the reasons for our decision. It also explains ORR's position on the concurrent application that GWR has submitted in accordance with section 22A of the Act.

Concurrent section 22A application

On 24 April 2024 ORR [wrote to industry](#) to set out a process for access applications for the December 2024, May 2025 and December 2025 timetable changes. In that letter we asked industry to comply with a deadline of 20 May 2024 for applications for additional rights (or amended rights that change capacity parameters) for these timetable changes that met specific criteria. GWR submitted such an application (201st SA) on 20 May.

In reaching a decision on this supported 102nd supplemental agreement, it is important to clarify that:

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- ORR has reached its decision in the full knowledge of GWR's concurrent section 22A application;
- GWR's section 22A application remains "live" and we continue to try to progress it. However, ORR cannot reach a decision on that application as Network Rail has not yet completed its analysis. We continue to press Network Rail to complete its analysis as quickly as possible; and
- most importantly, the approval of the 102nd supplemental agreement ensures that GWR has approved access rights in the December 2024 timetable.

Purpose of 102nd supplemental agreement

The purpose of the 102nd supplemental agreement is to grant GWR the rights necessary to operate its proposed December 2024 timetable. This involves:

- extending five weekday services between London Paddington and Swansea services and one weekday service between Bristol Parkway and Swansea service to Carmarthen;
- converting a current Moreton-in-March - Evesham Empty Coaching Stock service to a passenger service;
- establishing new relief services on Saturday from Cheltenham Spa to Swindon and from Swindon to Bristol Temple Meads;
- retiming Sunday Bristol Route relief trains; and
- extending the expiry date for a number of date-restricted trains.

The rights will be effective on PCD 2024 and will expire on the Subsidiary Change Date (SCD) in May 2025, with the exception of the extensions to Carmarthen, which will expire on SCD 2026.

Network Rail noted that it could agree to these access rights in the Oxford and Gloucester areas on a contingent basis only until SCD 2025 due to potentially competing applications from other train operators, and that there could be no presumption of the continuation of these additional rights beyond SCD 2025. This is with the exception of the extensions to Carmarthen.



Industry consultation

Network Rail undertook the usual industry consultation for four weeks from 29 August. Responses were received from MTR Elizabeth Line, CrossCountry and Transport Focus stating that they had no objections to make.

ORR review

Our review of the application raised no operational, performance or economic concerns. We note that the start date of the Grand Union Trains Carmarthen services has now been moved to PCD 2027, and since the extensions to Carmarthen will expire on SCD 2026, this GWR application will have no effect on that operator.

We noted Network Rail's position on the continuation of additional rights in the Oxford and Gloucester areas beyond SCD 2025 due to competing aspirations from other train operators. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for the rights in this application beyond SCD 2025.

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