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Dear Jayne and Rob

Approval of the 106th 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 3 April 2025 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 Subsidiary Change Date (SCD) in May 2025. This letter explains the reasons for our decision. It also explains ORR's position on the concurrent applications 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 two such applications on 20 May.

In reaching a decision on this supported 106th 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 applications;
- GWR's section 22A applications remain "live" and we continue to try to progress them. However, ORR cannot reach a decision on those applications 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 106th supplemental agreement ensures that GWR has approved access rights in the May 2025 timetable.

Purpose of 106th supplemental agreement

The purpose of the 106th supplemental agreement is to grant GWR the rights necessary to operate its proposed May 2025 timetable. The agreement will:

- Provide firm rights to the end of the contract for additional rights on the Newquay branch in service group EF12 on weekdays and weekends;
- Provide a firm right to the end of the contract for a Saturday service from Plymouth to Exeter St Davids with no presumption of continuity;
- Extend for one timetable period only contingent rights for a number of services in the Oxford and Gloucester areas that were part of the 201st SA (a S22A application). These were originally put in place by the 102nd SA from the Principal Change Date (PCD) in December 2024 and are due to expire on SCD 2025;
- Include Ivybridge and Teignmouth stations in the calling pattern for both available routes between London Paddington and Penzance; and
- Amend a service code error in Table 2.2 of Schedule 5 of the contract in passenger service EF11.226.

The rights will be effective on SCD 2025 and will expire on the expiry date or earlier termination of GWR's track access contract, with the exception of the contingent rights extensions for services in the Oxford and Gloucester areas, which will expire on PCD 2025. Network Rail noted that it could agree to these access rights on a contingent basis only until PCD 2025 due to potentially competing applications from other train operators,



and that there could be no presumption of the continuation of these rights beyond PCD 2025.

Industry consultation

Network Rail undertook the usual industry consultation for one month from 21 February. Comments in support or stating no objections were received from Chiltern, Transport Focus and the Core Valley Lines. CrossCountry requested timetable details for the hourly Falmouth to Newquay services, which Network Rail provided to the enquirer's satisfaction. It also pointed out an error in the timings stated for an Exeter departure, which has now been corrected.

ORR review

Our review of the application raised no operational, performance or economic concerns.

We noted Network Rail's position on the continuation of contingent rights in the Oxford and Gloucester areas beyond PCD 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 the Oxford and Gloucester areas in this application beyond PCD 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