



Richard Turner
Customer Relationships Executive
Network Rail Infrastructure Limited
1 Holbrook Way
Swindon
SN1 1BD

Alice Kaiser
Office of Rail and Road
25 Cabot Square,
London
WC2B 4AN

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Network Rail Infrastructure Limited Representations for the 201st Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract between Network Rail Infrastructure Limited and First Greater Western Limited dated 04 March 2016.

1. Purpose

- 1.1 This letter provides final representations from Network Rail Infrastructure Limited (NRIL for the 201st Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Application between Network Rail Infrastructure Limited and First Greater Western Limited (FGWL) dated 04 March 2016.
- 1.2 This representation builds upon the representations submitted by NRIL for this application on the 28 June 2024.
- 1.3 The purpose of this final representation is to provide ORR with NRIL's final position on this application (and the specific access rights within it) and will do so by providing facts, data, evidence to support our position.
- 1.4 NRIL can confirm that based on the facts, data and evidence outlined in this representation it is supportive of this application, subject to any comments, suggested amendments or specific issues highlighted in this representation.
- 1.5 Where there are a number of applications seeking capacity at the locations referred to in this letter, and as detailed in Annex A, the basis of our support of applications either in total, or in part (as can be determined by reading the relevant representations), may have a connection to our position on all other applications at that location. You may wish to wait for final representations on related applications and the information provided therein prior to making your decision.

2. Background of the Application and Network Rail Representations

2.1. In line with ORR's letter of 24 April 2024 to the industry on 'Competing and/or complex track access applications for December 2024, May 2025, and December 2025 timetable changes', FGWL submitted this application to the ORR on 20 May 2024 as a S22A application in line with ORR's deadline.

2.2. As requested by ORR, Network Rail submitted a High-Level Plan in June 2024, and a further detailed plan was published on NRIL's website in August 2024 and updated in January 2025. NRIL made its initial representations on this application on 28 June 2024 where an initial view of the application Form P and SA was provided. On 22 July 2024, FGWL responded with its comments.

2.3. In our initial representation letter of 28 June 2024 we highlighted the following key points:

- NRIL noted that according to advice received from FGWL, the Sunday (SU) Cheltenham Spa to Swindon relief service would not be required to call at Gloucester from December 2024 if it was approved. This was a change from the submitted application in which FGWL specified the service to be via Gloucester Station. An updated Form P was sent to ORR from FGWL confirming this on 2 January 2025; this update was accepted by ORR. An updated Supplemental Agreement has not been submitted alongside the updated Form P; therefore the following serves to comment on the updated Form P and also serves to highlight the amendments NRIL believe are required to the Supplemental Agreement should ORR direct upon this application.
- NRIL also noted within its 28 June 2024 representation letter that neither the early morning Weekday (SX) Oxford <> London Paddington round trip, the Saturday Only (SO) Cheltenham Spa to Swindon service, nor the Bristol <> Oxford SO extensions were bid as part of the December 2024 timetable production process, and we understood that this may be due to funder discussions.
- Further to this, NRIL can confirm that the SO Cheltenham Spa to Service as well as the Bristol <> Oxford SO extensions were bid under the Train Operator Variation Request (TOVR) process and were later included in the December 2024 timetable. In respect of the Oxford <> London Paddington round trip these rights were withdrawn through an updated Form P sent to ORR by NRIL on behalf of FGWL on 2 January 2025. This has been accepted by ORR.
- NRIL previously confirmed in its earlier representation that not all services had been bid for December 2024. NRIL notes within this representation that the following services were bid and included in the New Working Timetable for the December 2024 timetable: relating to rights requested in this application.
 - 1) SX 1P19 - 0900 Oxford to London Paddington
 - 2) SO 2G01: 0520 Gloucester to Great Malvern
 - 3) 2G92: 0643 Gloucester to Worcester Foregate Street
 - 4) Sun 2B38: 0905 Gloucester to Swindon
- NRIL would like to take the opportunity to confirm that that these services do feature within the May 2025 timetable and have been bid for December 2025.

2.4. The amendments in the 2 January 2025 Revised Form P Submission are as follows:

2.5. Section 4.1 (Benefits) confirms:

- the 08:07 SX Oxford – London Paddington withdrawal

- that the Saturday Cheltenham Spa to Swindon right has been amended to avoid Gloucester after as a path has been accommodated in the Principal Timetable 2025 (which commenced in December 2024). NRIL would also comment that rights were supported under the interim approach published August 2025 for Contingent rights for one timetable. These were extended under the ORR approved 106th SA for the May 2025 timetable.
- that one-timetable Contingent rights are in place for the SO Bristol <> Oxford services Winter Period. NRIL also confirms that one-timetable Contingent rights are in place for the May 2025 timetable under the ORR approved 106th SA.
- that one-timetable Contingent rights are in place for the December 2024 timetable for 1P19, 2G01, 2G92 and 2B38. NRIL would also comment that one-timetable Contingent rights are in place for the May 2025 timetable under the ORR approved 106th SA.

2.6. Section 5 (The expression of access rights) confirms:

- The 08:07hrs SX Oxford – London Paddington is withdrawn.

2.7. Section 9 (Other) confirms:

- that one-timetable rights have been introduced through a Section 22 Supplemental Agreement, and NRIL can confirm that a further Supplemental Agreement (106th) as approved by ORR is in place for the May 2025 timetable currently. NRIL would like to also take the opportunity to comment on the Supplemental Agreement, as provided by FGWL on 20 May 2024 and makes the following points should ORR direct positively on this application.

2.8. Owing to FGWL not submitting a revised Supplemental Agreement alongside the revised Form P, NRIL would request that the following alterations are made to update the original Supplemental Agreement:

- Item 3.1 relating to the early morning weekday Oxford-London Paddington should be deleted in line with its withdrawal from this application.
- Item 3.2 should be renumbered 3.1 and the accompanying Schedule 5 Table entry amended to remove “Gloucester” from the ‘Via’ column, and the ‘Description’ should be renumbered “EF03.126”.
- Item 3.3 should be renumbered to 3.2 and footnote 1 as it applies to Schedule 5, Table 2.2 for Service Group EF01 should be deleted.
- Item 3.4 should be renumbered to 3.3 and footnote 1 as it applies to Schedule 5, Table 2.2 for Service Group EF05 should be deleted.
- Item 3.5 should be renumbered to 3.4 and footnote 2 as it applies to Schedule 5, Table 2.2 for Service Group EF05 should be deleted. The additional row that relates to the entry for Oxford to London Paddington should also be deleted.
- Item 3.6 should be renumbered to 3.5 and footnote 4 as it applies to Schedule 5, Table 2.2 for Service Group EF05 should be deleted. The additional row that relates to the entries for Gloucester to Great Malvern and Gloucester to Worcester Foregate Street should also be deleted.
- Item 3.7 should be renumbered to 3.6 and footnote 2 as it applies to Schedule 5, Table 2.2 for Service Group EF03 should be deleted. The additional row that relates to the entry for Gloucester to Swindon should also be deleted; and
- Item 3.7 should be used for the insertion of an entry into Schedule 5 Table 4.1 as it applies to Service Group EF03 for a Cheltenham Spa to Swindon slot with a regular calling pattern comprising only Stonehouse, Stroud and Kemble and with a new ‘Description’ of “EF03.126”.

2.9. Access Rights Contained in the Application as Part of the Interim Approach

2.10. Some of the rights in this Application were supported under a Section 22 application using the Interim Approach and this approach was applied for the December 2024 Timetable and May 2025

Timetable through the 102nd and 106th Supplemental Agreements.

3 Access Rights Sought in the Application

3.1 The rights sought in this application are for:

<u>The rights included in the 201st SA</u>	<u>Specific locations identified in ORR's Letter of 24 April 2024</u>
A continuation of 2 x Contingent rights each way to be utilised for Bristol <> Oxford Winter Period SO services until the expiration of the contract	(g) Oxford
1 x Firm right to be utilised for SO 1K00 08:35 Cheltenham Spa - Swindon	(f) Gloucester (No longer interacts with Gloucester Station directly)
1 x Contingent right to be utilised for SX 1P19 09:00hrs Oxford to London Paddington	(g) Oxford
1 x Contingent right to be utilised for SO 2G01 05:20hrs Gloucester to Great Malvern	(f) Gloucester
1 x Contingent right to be utilised for SO 2G92 06:43hrs Gloucester to Worcester Foregate Street	(f) Gloucester
1 x Contingent right to be utilised for Su 2B38 09:05 Gloucester to Swindon	(f) Gloucester

3.2 Annex B of this letter contains a table which shows all of the access rights requested in this application.

3.3 The Table in Annex B provides details of the access rights characteristics i.e.:

- Origin
- Destination
- Quantum by Day of Week (Peak or Off Peak)
- If the access rights are currently held in the contract and proposed change is an amendment to those rights for e.g. calling pattern change, contingent to firm etc.
- Which locations it interacts with from ORR's list of nine locations in their letter to the industry 24 April 2024.

3.4 NRIL acknowledges that FGWL notified NRIL and ORR on 2 January 2025 that FGWL were no longer pursuing the rights relating to an early morning round trip between Oxford and London Paddington via an updated Form P, and that the SO Cheltenham Spa to Swindon relief service would not be required to call at Gloucester from December 2024.

4. Capacity - Possible Interactions with Other Applications from 20th May 2024

4.1 Timetable capacity analysis has identified capacity for the services aligned to the rights applied for in the 201st SA. The analysis identified one conflict between this application and indicative timings associated to a SO service that has rights already awarded between London Paddington and Carmarthen. NRIL has identified this conflict to be resolvable, through consequential changes to other operators' services. Overall, from a timetable capacity perspective, we are supporting the FGWL 201st but it is prudent to point out that there are still unresolvable issues in other Section 22A applications at Gloucester and at Oxford, which NRIL is not supportive of, however, the FGWL 201st is not the reason for NRIL not supporting these other applications. ORR may wish to wait for all representations relating to these locations prior to directing these rights.

4.2 It should also be noted that the majority of the rights in this application are planned to run to Oxford

and through Gloucester, which are two locations identified in ORR's letter to the industry concerning Competing and/or complex Track access applications for December 2024, May 2025 and December 2025, dated 24th April 2024. The timetable capacity assessment has identified c.60 unresolvable conflicts at Gloucester and c.70 unresolvable conflicts at Oxford for other Section 22A applications. It is important for NRIL to point out that should ORR positively determine upon those applications that NRIL is not lending its support, multiple applications would need to be reconsidered by NRIL.

5. Considerations with Oxford

5.1 The Didcot – Oxford – Birmingham route is a busy mixed traffic railway with long-distance and local passenger operators, plus freight. Traffic will increase with the commencement of East West Rail (EWR) under CS1 and will increase further with the completion of CS2 and CS3.

5.2 The EWR project context is as follows:

- EWR Connection Stage 1 (CS1) is the reopening of the OXD (Oxford to Bletchley) line, which has now been completed, with 2 Oxford-Milton Keynes trains per hour planned to be introduced later in 2025.
- EWR Connection Stage 2 (CS2) is a package of upgrade works on the BBM (Bletchley to Bedford Midland) line, funding for which was announced in the 2024 Budgets, to allow introduction of an hourly Oxford to Bedford service by 2030.
- EWR Connection Stage 3 (CS3) includes further significant upgrade works on both the BBM and OXD lines, promoted by EWR Co, to support introduction of Oxford-Cambridge services in 2035- 2040. This is a key element of the Oxford-Cambridge Growth Corridor promoted by the Government.

5.3 Recent announcements concerning development of a Universal theme park and resort near to Bedford, with an anticipated opening of 2031, mean consideration is currently being given to its impact on passenger demand and any implications for the EWR programme.

5.4 Current assessments are being undertaken as part of the EWR project to understand timetable capacity for the different configuration stages. Oxford is a known capacity constraint on accommodating the services proposed through East West Rail.

5.5 Whilst the rights being sought within this application do not overlap with the timescales of the expected introduction of East West Services for CS2 and CS3, ORR and FGWL should be minded that NRIL is not currently able to confirm they would be able to accommodate the services at the point CS2 and/or CS3 are introduced. And their continuity once EWR commences after CS2 and CS3 cannot be assumed.

5.6 There are also multiple operational constraints in the area i.e. Sandy Lane and Yarnton Lane Level Crossings and ORR will be aware that NRIL, in conjunction with our stakeholders, is developing plans to resolve these. Although NRIL has significant concerns with these crossings that are situated north of Oxford, we acknowledge that none of the requested rights within FGWL's 201st Supplemental Agreement interact with said crossings; therefore this is not a concern to NRIL in respect of this application.

5.7 Considerations with Gloucester

5.8 The Gloucester area is highly constrained, and any application for this area also needs consideration of services via Cheltenham Spa which bypass it but interact with the wider Gloucester area. Service

levels are limited by the complex interacting crossing movements at Gloucester Yard Junction, Gloucester Barnwood Junction, Gloucester station area and the shunt moves required at Cheltenham Spa for services terminating there. The long-distance nature of many of the passenger and freight services in this area further restrict flexibility due to the need to align with paths through Bristol, South Wales and the West Midlands.

5.9 The two images provided below demonstrate the increase in conflicting moves based on the December 2024 timetable overlaid with the Unsupported Access Rights applications, where NRIL has been provided with the requested timetable information..

Comparison of Gloucester area conflicting movements

	December 2024	With IR applications
Barnwood Jn Down Main towards Gloucester	91	101
Gloucester Yard Jn Up Main from Gloucester	60	61
Horton Road Jn from Barnwood Jn and towards Gloucester Yard Jn	151	162

- Slight increase in potentially conflicting moves at Gloucester Yard Jn
- More significant increase of 11 % at Barnwood Jn and 7 % at Horton Road Jn
- Increase in movements across Horton Road Level Crossing would also be a concern (currently c. 330 per day)



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Constraints in the Gloucester area

- In addition to the conflicting routings referred to on the previous slide there are many other constraints in the Gloucester area:
 - Restricted routing of services at the east end of the station results in conflicts when platform 1 is occupied (Figure 1)
 - Platform length limitations affect platforming of longer IET formations
 - Services terminating and shunting at Cheltenham Spa restrict capacity to / from the West Midlands
 - Severn Tunnel Jn layout also impacts on availability of paths towards Gloucester

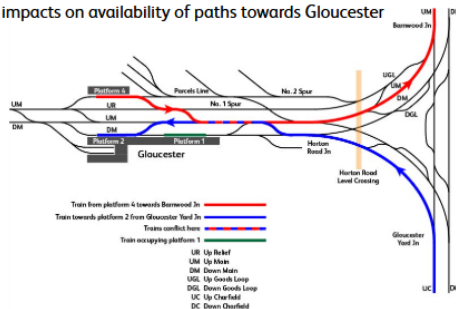


Figure 1 – routing constraints when platform 1 is occupied

5.10 Although there is an increase in movements across Gloucester as a result of the Section 22A applications, the rights applied for in this application are not a concern and can be accommodated from a timetable capacity perspective and do not conflict with other applications.

5.11 Frequency increases affecting Gloucester are envisaged by the promoters of both the MetroWest and the South Wales Metro projects. NRIL published its Greater Bristol Rail Network Strategic Study in February 2023 (Greater Bristol Rail Network Strategic Study February, 2023), with recommendations for this interacting major nearby area including consideration of the Bristol to Gloucester route. Currently, NRIL considers that the rights sought under this application are unlikely to inhibit the Greater Bristol Rail Network Rail Strategic Study.

5.12 Furthermore, there is a major level crossing located close to Gloucester station (Horton Road Level Crossing). Our assessment of the impact of this application as well as other interacting access rights

applications suggest that the barrier downtime at Horton Road Level Crossing is tolerable. Our rationale is as follows:

- 5.13 At Manually Controlled Barrier (MCB) type crossings such as Horton Road Level Crossing, the barrier down time per train is often in the 3-minute area, as opposed to Automatic Crossings which are often around the 30 second area. This provides a different risk to consider. Essentially there is a collision risk and convenience risk. Due to the length of barrier down time at MCB type crossings, an additional train can end up more than doubling the time a user waits at the crossing as this train may fit in a slot where the barriers were previously raised for a few minutes, affecting road commuters' plans.
- 5.14 Our assessment of this application alongside the other interacting access rights applications considers that the barrier downtime at Horton Road Level Crossing is not a concern.

6. Performance

- 6.1 In December 2023 performance at Oxford was above the national On Time WTT performance, 65.2% Nationally compared to 68.6 % at Oxford. This location had an On Time WTT percentage 63.3% for FGWL. Comparably in June 24 at Oxford is above the national On Time WTT performance, 61.9% Nationally compared to 64 % at Oxford. This location had an On Time WTT percentage 59.8% for FGWL. While FGWL has lower performance compared to other operators, it should be noted that FGWL has the most services operating at Oxford in both timetables and are therefore likely to be the most impacted by delay causing incidents.
- 6.2 In both timetables Oxford performance by hour, throughout the day, shows steady morning peak performance (up to 10:00) before performance decreases slightly with no recovery of performance until 2100.

	On Time %	Time to 3 %	Time to 5 %	Recorded WTT Points
0000 - 0059	58.5 %	79.9 %	88.6 %	790
0100 - 0159	72.5 %	79.8 %	82.8 %	233
0300 - 0359	95.5 %	97.3 %	98.2 %	110
0500 - 0559	89.4 %	94.4 %	97.0 %	677
0600 - 0659	78.0 %	90.8 %	94.5 %	1,889
0700 - 0759	71.8 %	85.0 %	90.5 %	1,958
0800 - 0859	67.1 %	84.2 %	90.7 %	1,872
0900 - 0959	75.0 %	86.4 %	91.9 %	2,014
1000 - 1059	46.5 %	67.6 %	79.2 %	1,551
1100 - 1159	54.4 %	71.7 %	81.9 %	1,755
1200 - 1259	59.5 %	72.7 %	81.4 %	1,666
1300 - 1359	58.6 %	75.4 %	83.6 %	1,750
1400 - 1459	60.3 %	75.7 %	84.6 %	1,536
1500 - 1559	61.6 %	78.9 %	85.8 %	2,138
1600 - 1659	56.3 %	74.3 %	82.1 %	1,920
1700 - 1759	60.8 %	74.8 %	82.6 %	1,813
1800 - 1859	60.6 %	74.7 %	83.1 %	1,856
1900 - 1959	57.0 %	72.7 %	81.7 %	1,823
2000 - 2059	59.3 %	72.2 %	80.3 %	1,589
2100 - 2159	71.5 %	84.2 %	89.3 %	1,679
2200 - 2259	73.0 %	86.8 %	91.6 %	1,623
2300 - 2359	72.3 %	85.7 %	90.3 %	949

- 6.3 In December 2023 Congestion delay shows that south of Oxford, Didcot North Jn <> Oxford services linking to the Western Mainline (MLN1) suffered the most reactionary delay attributed to delay caused by a late running service. The most prominent services involved are FGWL services impacting other FGWL services but also impacting other operator services. The FGWL Hereford to London Paddington 1P service frequently impacted the FGWL Oxford to Didcot Parkway 2L services. Similarly

in June 2024 Congestion delay showed that south of Oxford > Wolvercote Jn, Didcot North Jn <> Oxford services suffered the most reactionary delay attributed to delay caused by a late running service.

- 6.4 In summary, both timetables at Oxford shows steady performance across the day with a slight dip post morning peak, but performance levels stay relatively stable.
- 6.5 Performance at Gloucester in the December 2023 was 49.3 % which was below the national On Time WTT performance target of 65.2 % . FGWL's performance during this period at this location was 53.5 % Similarly in June 2024, performance at Gloucester was at 49.1 % which fell short of the national On Time WTT target of 61.9 % . FGWL's performance at Gloucester in the June 2024 timetable was FGWL 53.1 % .FGWL had the most services operating at Gloucester in both timetables.
- 6.6 Gloucester performance by hour in December 2023, throughout the day, deteriorated from 0900 to 43.1 % between 1100-1159 with slight recovery between 1200-1259 until the evening peak where performance dropped to 36.1 % between 2200-2259. Similarly in June 2024, throughout the day, performance deteriorated during 0500-0959 from 86.1 % to 45.3 % On Time WTT, recovering slightly during the off peak before dropping again the evening peak to a low of 33.4 % during 2000-2059. Both Timetables recovered from 2300.
- 6.7 In both December 2023 and June 2024 congestion delay shows that Gloucester itself, Standish Jn <> Gloucester and Barnwood Jn > Gloucester suffered the most reactionary delay attributed to delay caused by late running services. In December 2023 most prominent services involved are the FGWL services impacting other FGWL services. The FGWL Cheltenham Spa to London Paddington 1L service frequently impacted the FGWL London Paddington to Cheltenham Spa 1G services. Also, the FGWL London Paddington to Cheltenham Spa 1G services frequently impacted the FGWL Bristol Temple Meads to Worcester Foregate Street 2E services. In June 2024, the most prominent services involved are the FGWL and Transport for Wales services impacting other FGWL services. The FGWL Cheltenham Spa to London Paddington 1L service and the Transport for Wales Maesteg to Cheltenham Spa 2G services both frequently impacted the FGWL London Paddington to Cheltenham Spa 1G services.
- 6.8 In summary, performance at Gloucester within December 2023 started to deteriorate from 0900 till noon, with a slight short recovery before a performance drop during evening peak. Similarly, in June 2024, performance at Gloucester started to deteriorate earlier during 0500-0959, with a slight short recovery before a performance drop again during evening peak. Both timetables started to recover from the evening peak from 2300.
- 6.9 ORR will be aware NRIL's Wales and Western Region is at Level 2 of the Regulatory escalator regarding performance delivery within the region, and this has been subject to an ORR investigation. Therefore, the below information is provided for against the FGWL 201st Section 22A should be read with this in mind.
- 6.10 As the ORR is aware, the rights contained within FGWL's 201st Section 22a have been supported for one timetable period only Contingent right with no presumption of continuity for the May 2024 and December 2024 timetable currency. Similarly, the FGWL 106th Section 22 application, approved by ORR, also provides FGWL with one timetable period with no presumption of continuity for the May 2025 timetable. With this in mind, NRIL has undertaken its analysis of performance of the corresponding services for the period between December 2024 and May 2025 and the findings are

shown in Annex C.

6.11 NRIL's Performance analysis and its position on each is summarised below:

- SO Gloucester to Great Malvern (2G01) – NRIL is supportive of a Contingent right, as requested by FGWL, based upon the performance analysis demonstrating that the service is meeting the NRIL Time to 3 target of 80 %
- SO Oxford to Bristol Temple Meads (1N61) – While NRIL is concerned around the volume of traincrew and technical fleet failures, NRIL recognises that the Bristol <> Oxfords are a strategic priority for the Western route and for FGWL. NRIL is satisfied that FGWL is working to address these areas and therefore NRIL can support a Contingent right, as requested by FGWL, in this respect.
- SU Gloucester to Swindon (2B38) – NRIL is satisfied that the service is performing well against Time to 3 at a + 75 % basis and is therefore supportive of a Contingent right as requested through this application.
- SO Bristol Temple Meads to Oxford (1D58) - While NRIL is concerned around the volume of traincrew and technical fleet failures, NRIL recognises that the Bristol <> Oxfords are a strategic priority for the Western route and for FGWL. NRIL is satisfied that FGWL is working to address these areas and therefore NRIL can support a Contingent right in this respect as requested through this application.
- SO Oxford to Bristol Temple Meads (1N71) - While NRIL is concerned around the volume of traincrew and technical fleet failures, NRIL recognises that the Bristol <> Oxfords are a strategic priority for the Western route and for FGWL. NRIL is satisfied that FGWL is working to address these areas and therefore NRIL can support a Contingent right, as requested by FGWL, in this respect.
- SX Oxford to London Paddington (1P19) NRIL is supportive of a Contingent right, as requested by FGWL, based upon strong Time to 3 performance.
- SO Gloucester to Worcester Foregate Street (2G92) – NRIL is supportive of a Contingent right requested by FGWL based upon strong Time to 3 performance.
- SO Cheltenham Spa to Swindon (1K00) – NRIL is supportive of a Firm right requested by FGWL based upon strong Time to 3 performance.
- SO Bristol Temple Meads to Oxford (1D58) - NRIL is satisfied that the service is performing well against Time to 3 at a + 75 % basis, and is therefore supportive of a Contingent right requested through this application.

6.12 NRIL does caveat the performance analysis to date – as explained above and as shown in Annex C – represent the performance of those services considering the quantum of trains currently operating in these locations; therefore, should other access rights applications be directed by the ORR through these areas, the performance outputs may change accordingly.

7. Conclusion

7.1 In this representation letter, NRIL has confirmed that it has no concerns in respect of the rights sought at Horton Road Level Crossing, and NRIL has confirmed that none of these services interact

with the Oxford Level Crossings.

7.2 NRIL has also set out the required changes it believes are required to the FGWL Supplemental Agreement of 20 May 2024 in this presentation letter should ORR positively direct upon this application.

7.3 Should ORR choose to direct this application, we would like the opportunity to review any finalised Supplemental Agreement including Schedule 5 table drafting before ORR directs.

7.4 Finally in this representation letter, we have confirmed that we do support all of the access rights sought in this application.

Yours sincerely,

Redacted

Richard Turner

Customer Relationships Executive
