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Senior Executive

Email: [REDACTED]

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Dear Jayne and Rob

201st 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

1. Today, we have made a decision on this application and, in due course, will direct Network Rail and GWR (jointly the parties), under section 22A of the Railways Act 1993 (the Act), to enter into the above supplemental agreement (SA). This letter explains the reasons for our decision. ORR's approval of this application will allow access rights for a number of GWR services introduced at the Principal Change Date (PCD) in December 2024 to be extended, providing more certainty for passengers and GWR and mitigate overcrowding issues.

Background

2. On 24 April 2024, ORR wrote to industry setting out a process for access applications for December 2024, May 2025 and December 2025, given our expectation (as confirmed by Network Rail) that we would receive numerous complex and competing applications across that period. Applications were submitted to ORR for direction as "unsupported" applications, as Network Rail was not able to agree that there was sufficient capacity and therefore submit agreed applications for our approval.

Application

3. The purpose of this application and SA, submitted on 20 May 2024, was originally to amend the access rights in the parties' contract to allow for the following:
 - An additional Weekday service between Oxford and Paddington until the end of the contract, which had previously been withdrawn during the pandemic
 - An additional Saturday Cheltenham to Swindon "relief" service until the end of the contract, to reduce overcrowding, pathed via Gloucester
 - An extension, until the end of the contract, of the duration of a Saturday Bristol to Oxford "Winter Period" service, due at that time to be introduced in September 2024, which was designed to relieve overcrowding on existing London to Bristol services
 - An extension, until the end of the contract, of the duration of 4 services (a Weekday Oxford to Paddington service, a Saturday Gloucester to Great Malvern service, a Saturday Gloucester to Worcester Foregate Street service and a Sunday Gloucester to Swindon service).
4. Network Rail and GWR updated and revised the application on 6 January 2025, partly to update the industry consultation information but also to reflect changes to the proposed services. The additional Weekday service between Oxford and Paddington was withdrawn and the additional Saturday Cheltenham to Swindon "relief" service would now be pathed to avoid Gloucester.
5. This revision to the original application is in line with our [letter dated 1 November 2024](#) which sets out how we consider revisions within this process. The changes should not negatively impact on the capacity available for other operators.
6. All the access rights for this application, apart from the right relating to the withdrawn Oxford to Paddington service, were applied for by the parties and subsequently approved, on a time-limited contingent basis, via the 102nd and 106th SAs. The rights are, therefore, currently in the contract and expire at PCD 2025.

Industry consultation

7. The initial industry consultation took place from 21 May to 21 June 2024.
8. Industry was then invited to comment on Network Rail's final representations from 27 June to 11 July 2025. No further comments were received.
9. In the initial consultation, Avanti West Coast, Amey Infrastructure Wales, DB Cargo, London TravelWatch, Transport Focus, CrossCountry and West Midlands Trains either said that they supported the application or had no concerns or objections.
10. Freightliner commented that until it understood that its services could be accommodated alongside other operators' services, it would not provide its support until Network Rail's advance timetabling work was complete.

11. MTR Elizabeth Line (now GTS) wanted to see performance modelling that demonstrated that the additional services could operate reliably with no impact on its services. Network Rail said that these outputs would be shared.
12. We have concluded that the lack of response from industry to the most recent opportunity to comment means that there are no outstanding objections to GWR's application.

Statutory Consultation

13. As required under the Act, on 30 May 2024, we sought Network Rail's representations on the application, and it replied on 28 June 2024. We forwarded these representations to GWR on 3 July 2024 and asked for its comments. GWR provided comments on 22 July 2024.
14. Following the completion of Network Rail's capacity analysis it sent its final representations on 8 May 2025. Again, we forwarded these to GWR and asked for its comments, which it provided on 27 May 2025.

Network Rail's representations

15. In its initial representations dated 28 June 2024, Network Rail noted that it needed to undertake a number of assessments and analysis to inform a position whether it supported the application or not. It also made some specific comments on the application and expressed some concerns, noting that the Gloucester area was highly constrained (but also noting GWR's intention to amend this part of the application).
16. GWR made some comments on Network Rail's representations with regard to Gloucester.
17. In its final representations, Network Rail stated that it was now in a position to support all of the access rights in the revised application. This reflected discussions between the parties since the initial representations. The representations contained a detailed review of the background to the access rights sought in the application, the access rights that had been added to the contract via the 102nd and 106th SAs, interactions with other applications, considerations with Oxford and potential East West Rail Connection Stage 2 and 3 (EWR CS2 & 3) services, considerations with Gloucester and performance.
18. Network Rail confirmed that the additional Saturday Cheltenham to Swindon "relief" service could be supported as a firm access right until the end of the contract and all the other rights could be supported as contingent rights until the end of the contract. The current expiry date of the contract is PCD 2028.
19. Network Rail stated that it could not currently confirm that it would be able to accommodate any Oxford related services in this application after EWR CS2 & 3 commences and said that the continuity of those services could not be assumed.
20. GWR said that it supported Network Rail's representations.

ORR review

21. We note that the update and revisions to the application in early 2025 identified the potential for Network Rail to progress this as an agreed application but it did not do so.
22. After we received the final representations in May 2025, we carried out a full review of the application, taking into account issues that were being considered in relation both to this application and to the competing demands on capacity on the wider network.
23. We noted the minimal impact on capacity, performance and interactions with other applications, arising from this application, as set out by Network Rail. We consider that the, overall, the services supported by Network Rail are operating at an acceptable level of performance. We also consider that Network Rail has provided suitable evidence showing why it supported the rights.
24. We have looked more widely at other applications from both passenger and freight operators to run services in the same area and we do not believe that there is any direct conflict with their requests for capacity, such that directing Network Rail to enter into this supplemental agreement, in due course, would preclude us from doing the same for any others.
25. We noted Network Rail's position regarding the continuity of services (and by definition, access rights) when EWR CS2 & 3 services commence. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for the rights in question.
26. Overall, we concurred with Network Rail's assessment on the basis that the impacts on capacity and performance are minimal and that the extension of these rights has a number of benefits. We concluded that we would direct the application in line with Network Rail's support, as set out in its representations.

Our duties under section 4 of the Act and our decision

27. We have considered this supplemental agreement, and we have concluded that its approval is consistent with the discharge of our statutory duties under section 4 duties of the Act: in particular, those relating to:
 - enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g))
 - promoting improvements in railway service performance (section 4(1)(zb))
 - protecting the interests of users of railway services (section 4(1)(a))
 - promoting the use of the railway network for the carriage of passengers and goods (section 4(1)(b))
 - having regard to the funds available to the Secretary of State (section 4(5)(c))



We have looked very closely at all the evidence submitted from the parties and consultees. We have concluded that we should approve application on the basis that has been agreed between the parties and set out in this letter. We will now work with the parties on the details of the SA that we will direct Network Rail to enter into.

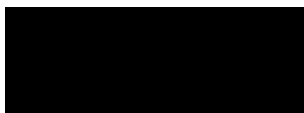
Conformed copy of the track access contract

28. 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 GWR. ORR's copy should be sent for my attention.

Public register and administration

29. Electronic copies of this letter, the directions notice and the SA, will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the directions notice and the SA will be placed on ORR's public register and copies of this letter and the SA will be placed on the ORR website.

Yours sincerely



Jonathan Rodgers