

**Michael Albon**  
Executive, Access & Licensing  
Telephone: 0207 282 3660  
E-mail: michael.albon@orr.gsi.gov.uk



3 December 2018

Alex Aitken  
Franchise and Access Manager (Wessex)  
Network Rail Infrastructure Ltd  
Basingstoke Rail Operating Centre  
Gresley Road  
Basingstoke  
RG21 4FS

Kerene Raymond  
Access Contracts Manager  
First MTR South Western Trains Ltd  
Friars Bridge Court  
41-45 Blackfriars Road  
London  
SE1 8NZ

Dear Alex and Kerene

**Approval of the Seventy-Ninth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First MTR South Western Trains Limited**

1. We have today approved the above supplemental agreement submitted to us formally on 3 December 2018 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The purpose of this agreement is to reverse some of the changes made under the 76th supplemental agreement (the deletion of the Waterloo – Southampton rights and introduction of Southampton – Poole rights) originally granted to First MTR South Western Trains Limited for the December 2018 timetable. The agreement also amends the timing load of rights from Brockenhurst to Lymington Pier and Lymington Pier to Brockenhurst.
3. Network Rail undertook the normal industry consultation with one response received from Govia Thameslink Railway Limited who sought confirmation on the changes being made. Network Rail provided this information and there were no further comments.
4. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

5. 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.

6. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. 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

A handwritten signature in black ink, appearing to read 'Michael Albon', is written over a horizontal line. The signature is fluid and cursive.

**Michael Albon**