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7 May 2020

Richard Turner  
Customer Relationships Executive  
Network Rail Infrastructure Ltd  
Western House  
1 Holbrook Way  
Swindon  
SN1 1BD

Robert Holder  
Network Access Manager  
First Greater Western Ltd  
Milford House  
1 Milford Street  
Swindon  
SN1 1HL

Dear Richard and Robert

**Approval of the 49th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First Greater Western Limited dated 4 March 2016**

1. We have today approved the above supplemental agreement submitted to us formally on 6 May 2020 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter sets out the reasons for our decision.
2. The purpose of this agreement is to grant GWR the rights necessary to operate an increased quantum of Sunday services on a number of routes. The rights are to commence on 17 May 2020 and will expire on the Expiry Date or earlier termination of GWR's track access contract.
3. This agreement was formerly submitted as two separate SAs: the 49th and the 51st. On reviewing the two applications, we suggested that, as they were both due to take effect at the same time and they made amendments to some of the same service groups, these SAs could be combined and resubmitted as a single application, which Network Rail agreed to. The 49th SA now incorporates all the required changes and the 51st has been withdrawn.
4. Network Rail undertook the usual industry consultation. Comments were received from Cross Country, MTR Elizabeth Line, and South Western Railway.

5. Cross Country enquired if a contingency plan was in place for late running and reducing impact on other operators' services. The MTR Elizabeth Line also raised a number of concerns, and South Western Railway enquired about the train slots for some of the extended services. Network Rail resolved all of these queries to the operators' satisfaction, and no unresolved issues remain outstanding.

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

7. 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)).

8. 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.

9. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport. 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. I am also copying this letter without enclosures to Peter Craig at Network Rail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

**Louise Beilby**