

Ellie Mitchell
Access Executive



7 December 2022

Alistair Rusholme
Franchise and Access Manager
Network Rail Infrastructure Ltd
Basingstoke Rail Operating Centre
Gresley Road
Basingstoke
RG21 4FS

David Rourke
Regulatory Access Manager
First MTR South Western Trains Ltd
South Bank Central
30 Stamford Street
London
SE1 9LQ

Dear Alistair and David

Approval of the 17th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First MTR South Western Trains Limited dated 9 April 2019

We have today approved the above supplemental agreement submitted to us formally on 7 December 2022 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 explains the reasons for our decision.

Purpose

The purpose of this agreement is to increase SWR's Friday, Saturday and other services, and also to provide Network Rail with increased night-time engineering access (this following from recommendation 26 and Section 9 of the Holden Review). The rights are to commence on the Principal Change Date 2022 and will expire on the Expiry Date or earlier termination of SWR's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No objections or queries were raised in response.



ORR review

During our review of the application we requested a small number of formatting changes and also asked for clarification regarding the timing loads provided for Class 455 rolling stock. The response that was supplied resolved our query and we concluded our review.

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

Ellie Mitchell