

APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A PASSENGER TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT

ORR ensures that train operating companies have fair access to the rail network and that best use is made of capacity. If a train operator wants to access the national railway network, it will need a track access agreement with Network Rail which requires ORR's approval under the Railways Act 1993. When determining access to the network, we must have regard to our [statutory duties](#), most of which are set out in section 4 of the Act. We must exercise our functions (which include the approval of access contracts) in a way that we consider best achieves those duties.

Use this form to apply to the Office of Rail and Road (ORR) for a passenger track access contract, or an amendment to an existing contract by a supplemental agreement, under sections 17-22A or the Railways Act 1993.

It sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) (and our [making an application](#) guidance in particular) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry [code of practice for track access application consultations](#) for more information.

This form should be completed up to section 10 and sent to consultees along with a copy of the proposed contract or supplemental agreement. Sections 10 and 11 should be filled in after the consultation and before applying to ORR.

We are happy to talk to you informally before you apply. Please contact us [here](#). You can download a copy of this form, and of our model track access contract, from our [website](#). Please ensure that you are using the latest version of this form as published on our website. We may ask for applications which have not used the latest version to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

1. Application Summary

1.1 Beneficiary company name:

First Greater Western Limited (“GWR”, “Great Western Railway”)

1.2 Facility owner details:

Network Rail:	<input type="checkbox"/>				
Region:	Southern <input type="checkbox"/>	Eastern <input type="checkbox"/>	North West & Central <input type="checkbox"/>	Wales & Western <input checked="" type="checkbox"/>	Scotland’s Railway <input type="checkbox"/>
Other Facility Owner:	<input type="checkbox"/>	Please state:			

1.3 Application under the Railways Act 1993 section:

17 <input type="checkbox"/>	18 <input type="checkbox"/>	22 <input type="checkbox"/>	22A <input checked="" type="checkbox"/>
Supplemental Number:		202	
Current contract date:		04 March 2016	
Current contract expiry date:		SCD 2026	

1.4 Applicant status:

Public Service Operator <input type="checkbox"/>	Public service contract start date:	14 June 2022
	Public service contract end date:	22 June 2025 or 25 June 2028 at DfT prerogative
	Name of funder (e.g. DfT, Local Authority):	DfT
	Does the funder support this application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Open Access <input type="checkbox"/>		
Charter Operator <input type="checkbox"/>		

1.5 Executive summary of the proposed contract or amendment:

Provision for a call at Charfield new station with Bristol - Gloucester local services.

Proposed commencement date:	PCD 2025
End date:	Expiry Date
Date approval or directions wanted by:	Before the commencement date.

1.6 Industry consultation:

Who carried out the consultation?	Network Rail will do this.	
Consultation start date:	Consultation end date:	
Not carried out <input type="checkbox"/>		

1.7 Applicant details

Facility Owner Company: Network Rail Infrastructure Limited (“Network Rail”) Contact name: Jayne Tipton Job title: Customer Manager Address: Western House 1 Holbrook Way Swindon SN1 1BD Phone: [REDACTED]	Beneficiary Company: First Greater Western Limited (“GWR”, “Great Western Railway”) Contact name: Robert Holder Job title: Network Access Manager Address: 1 Milford Street SN1 1HL Phone: [REDACTED] E-mail: [REDACTED]
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E-mail;

[REDACTED]

20th May 2024

1.7 Date of application to ORR:

1.8 Checklist of documents attached to the application form:

- Proposed new contract (S17 or S18) or supplemental agreement (S22 or S22A)
- Marked up Schedule 5 (where applicable)
- Marked up comparison to model contract (where applicable)
- All consultation correspondence
- Supporting documentation required for competing services (see section 6.2)
- Other supporting documents, side letters or collateral agreements (please list):

2. Licence and railway safety certificate

2.1 Please state whether:

- you intend to operate the services yourself; or
- have them operated on your behalf.
 - if so, please name the proposed operating company:

2.2 Does the proposed operator of the services:

- (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and**
- (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

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3. The proposed contract or amendment

3.1 Application overview: Please detail the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

<p>1: This application is being made now in response to the ORR's letter of 24th April. The application has not had time to be reviewed by Network Rail hence its Section 22a status. Neither has there so far been time for industry consultation. This is intended to be commenced imminently in parallel with Network Rail review;</p> <p>2: This application is one of two being made under the umbrella of the response to the ORR letter. This particular application covers train service developments sought for implementation in PCD 2025. The other covers train service developments sought for implementation in PCD 2024.</p>

3. The particulars of the train service developments and the rights sought to facilitate those changes are shown in section 4.1 of this form.

3.2 Safety risks: Please explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate).

None.

3.3 Contract duration: For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the [Railways \(Access, Management and Licensing\) Regulations 2016](#).

Not applicable.

3.4 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): Please explain any areas of the application which have **not** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

This application is being made now in response to the ORR's letter of 24th April. The application has not had time to be reviewed by Network Rail hence its Section 22a status.

3.5 Bespoke provisions (departures from ORR's model access contracts)

Does the proposed contract include any departures from ORR's model access contract:

Yes

No

If yes, please set out and explain any:

- areas where the drafting of the application changes ORR's published template access contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model access contracts, including the financial implications (e.g. establishment of an access charge supplement or rebate).

- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

3.6 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our [website](#) fully up to date? If not, please explain why not.

The website version at the time application includes all Approved applications save the 90-day GA rights for which an application for long term status was submitted informally as the draft 98th Supplemental Agreement under Section 22 on 18th May.

4. The impacts of the proposal

4.1 Benefits: please set out what specific benefits the proposal will achieve. Please describe the benefits to passengers and any impact on other operators, including freight operators.

This gives comfort to the train operator regarding the timetabling of services to meet market demand in accordance with the requirements of the PSO Rail Contract the operator has with the Secretary of State.

Charfield station is planned to be served by a call each hour in GWR's Bristol - Gloucester service. In the alternate half hour the Bristol - Gloucester service will call at Cam & Dursley leaving an hourly service there as it does now. In this way no effect on the timetable is felt. This level of provision has the blessing of WECA.

4.2 Capacity: How have you satisfied yourself that there is enough network capacity for the services in the proposal? Please include details on all relevant capacity considerations, including but not limited to track, platform availability, and power supply traction.

The proposed train services will undergo review by Network Rail regions including System Operator, the SOAR panel, the TPRAM process and validation for timetable production. Timetable exercises may be developed in advance of this.

The associated access rights sought here will be checked by regions and SOAR that they are consistent with the above and add no more risk to capacity availability than is necessary or sought.

4.3 Performance: What is the impact on network performance? Please outline your assurance process that shows that any performance risk is tolerable in comparison to the benefits of the application. Please explain any risk mitigations. Please attach any associated evidence to support your case.

A number of initiatives is ongoing to improve performance generally. The train services under development for which these rights are sought are compliant with Timetable Planning Rules and with the Engineering Access Statements and with their processes for development as per the Network Code. The TPRAM HAZID process will ensure that all parties are ready for implementation robustly and GWR has its own readiness programme for each timetable change.

Some of the developments are in direct response to improve performance through reduction of overcrowding delays. Others seek to provide a more frequent and evenly spaced service to spread load and facilitate improved contingency arrangement.

Robust resourcing of stock and crew is secured.

4.4 Maintenance and renewals: Are there any implications for the facility owner's maintenance and renewal activities?

NR has not had time to review, but it is thought by GWR that this will not affect maintenance and renewal needs.

5. The expression of access rights

5.1 Changes to rights: please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please attach a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

The footnote against these Carmarthen services in Table 2.1 will be removed to enable application to contract expiry.

Charfield will be added to table 4.1 in EF10 services. Firm right to call at Cam and at Charfield will be limited to one per hour and not in the same service.

5.2 Flexing rights: Please explain any limitations on the facility owner's flexing rights in the proposal and the rationale for such limitations.

None.

5.3 Specified equipment: Please explain any changes to specified equipment (rolling stock). Has the vehicle and route acceptance procedure in the Network Code (Part F) has been completed? Please explain whether you have, or will have, the rolling stock necessary to exercise the rights.

Current Specified Equipment is being used. No change to Timing Load access right is proposed and no Vehicle Change is necessary.

The changes use marginal time available in current traffic diagrams, and will not trigger more frequent rolling stock maintenance need or an increased pool of vehicles.

5.4 Contractual obligations: Are the proposed services necessary to fulfil obligations under a public service contract? For publicly contracted operators seeking additional access rights, we will expect to see evidence of funder support for the specific rights and of operators' intent and ability to operate the new services.

These are required to be developed under the terms of the DfT PSO contract with implementation subject to instruction by the Secretary of State.

5.5 Public funding: Other than the DfT, Welsh Government or Transport Scotland, are the proposed services subject to financial support from central or local government including PTEs. If so, please give details.

No.

5.6 Long Term Planning Process: Is the Long Term Planning Process (or similar devolved authority or regional service delivery project) relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

GWR participates fully in all strategic studies and Event Steering Groups. There is nothing in this application that is inconsistent with their development or output.

6. Competing passenger services:

We would expect to apply the 'not primarily abstractive' test to:

- (i) a new open access service which would compete with franchised services and so impact on the public sector funder's budget;
- (ii) a new franchised service which would compete with an existing franchised service, where we would expect to focus the test on areas where the competing franchised

- services are operated on behalf of different funders or where for some other reason there are particular concerns over the impact on a funder's budget; and
- (iii) a new service, which might be open access or franchised, which would compete with an existing open access service and which, if it caused the existing open access operator to withdraw from the market, could reduce overall competition on the network.

6.1 Please state if your application is for a competing passenger service, and if so please describe the nature of the competition:

This application is not for a competing passenger service. It is made to help convey existing custom more robustly or to increase existing demand through encouraging modal shift from road or air, or through generation of totally new journeys through their increased ease.

6.2 For competing services, please also confirm that you have attached as part of your submission to ORR the following:

- Business plan, including details of:
 - forecasts of passenger traffic and revenues, including forecast methodology;
 - pricing strategies;
 - ticketing arrangements;
 - rolling stock specifications (e.g. load factor, number of seats, wagon configuration);
 - marketing strategy;
 - estimated elasticities of the services (e.g. price elasticity, elasticity with respect to quality characteristics of the services).
- Demand forecasting (including associated spreadsheet models) demonstrating modelled generation : abstraction ratio.
- Indicative timetables, including associated .spg files

7. Incentives

7.1 Train operator performance: please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving operator performance.

General industry leading readiness management. Thorough performance management. Train planning management anchored on robustness, including the vetting of sectional running time values. Specific action plans for specific services. Support for enhanced planned access to Network Rail for Network remedy items and ongoing renewals and maintenance. Proactive and thorough scrutiny of plans for Old Oak Common station and its construction and of every other renewals project. Close management of planning for contingency. GWR is performance led. If performance is poor customers don't come back and if they watch the television when performance is poor they don't consider coming in the first place. We need custom to survive and prosper.

7.2 Facility owner performance: please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving the facility owner's performance.

Operation Brunel. Significant initiative and control in leading planning end state, stage state and construction robust effects on the timetable and on train service delivery.

7.3 Monitoring of services: Will all proposed services be monitored for performance throughout their journey? If not, please explain.

Yes.

7.4 Performance regime changes (for applications under sections 17 or 22A only): where applicable, please provide justification for any changes to Schedule 8 of the track access contract in the proposal. If necessary, please provide any relevant information in support of the changes proposed.

None.

8. Enhancement

8.1 Enhancement details: where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework).

None.

8.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with the [investment framework](#), and summarise the level and duration of payments, and the assumed rate of return.

None.

9. Other

9.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide evidence that this process has been completed.

1: The 98th Supplemental Agreement was submitted informally on 18th May;
2: a 99th Supplemental Agreement is under development to extend dates of validity of eleven services currently experiencing poor performance to provide sufficient time for review; to extend dates of validity of Carmarthen - Swansea elements of services up to potential increase in congestion at Carmarthen; and to extend dates of validity for the Axminster service now that another operator has given up its right;
3: A Supplemental Agreement is under development to adjust existing right to reduce to intermediate point where this is current timetable use. This Supplemental Agreement is likely to contain any correction of manifest error in the current track access contract; and
4: This (202nd) application is one of two being made under the umbrella of the response to the ORR letter of 24th April. This particular application covers train service developments sought for implementation in PCD 2025. The other covers train service developments sought for implementation in PCD 2024; and
5: The response to the ORR's letter strictly concerns services traversing the pinch points identified in the letter (in this case, Gloucester) and there may be further applications in due course for the three timetable periods mentioned in the letter concerning services not traversing these areas.

9.2 Side letters and collateral agreements: please confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it.

This is complete and will be updated as Network Rail review and industry consultation develops.

9.3 Confidential redactions: please list any information that you have redacted from any documentation sent to consultees. If there has been no pre-application consultation, please list any information you want us to exclude from publication. Please provide full reasons for any redactions.

None.

10. Pre-application consultation

10.1 The consultation:

If consultation has not been carried out, explain why not. If it has, please list the consultees.

Consultation is to commence imminently. This application is made before full review in response to the needs of the ORR letter of 24th April.

Who conducted the consultation?

Network Rail will consult.

List all consultees who responded and include their responses and any associated documentation or correspondence between the parties.

10.2 Resolved issues: please explain any issues raised by consultees which have been resolved.

10.3 Unresolved issues: Please explain any issues raised by consultees which have **not** been satisfactorily resolved and why you think these issues should not stop ORR approving the application.

10.4 Subsequent Changes: Have any changes been made to the proposal following consultation?

11. Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.

For agreed applications under section 18 or 22, Network Rail should complete the information below. For disputed applications under section 17 or 22A, the beneficiary should complete it.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed [REDACTED] Date ...20th May 2024.....

Name (in caps) ROBERT HOLDER Job title NETWORK ACCESS MANAGER

For (company) ...First Greater Western Limited.

12. Submission

12.1 What to send: please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, **in plain Microsoft Word or Open Document Text format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

12.2 Where to send it:

Email: track.access@orr.gov.uk