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7 March 2025

Adebisi Akinyanju
Franchise & Access Manager
Network Rail Infrastructure Ltd
Southern Region
1 Puddle Dock, Blackfriars
London, EC4V 3DS

Dean Cowie
Track Access Manager
First MTR South Western Trains Limited
South Bank Central
30 Stamford Street
London SE1 9LQ

Dear Adebisi and Dean

Approval of the 37th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First MTR South Western Trains Limited (trading as South Western Railway, 'SWR') dated 9 April 2019

We have today approved the above supplemental agreement submitted to us formally on 7 March 2025 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 grant SWR the firm rights necessary to continue operation of an additional Portsmouth Harbour to Waterloo via Guildford/Woking service. This service has been operating under short term contingent rights since December 2024. The rights are to commence immediately and will expire on the termination of SWR's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. CrossCountry, Great Western Railway, London Travel Watch and Transport Focus each responded noting they had no objection to the proposals.

ORR review

Our review of the application raised no operational, performance or economic concerns. We note that while the need for this application was identified in December 2024, we only received the submission 10 working days before the expiry of the relevant General



Approval on 15 March 2025. It is important for submissions to be made to us in good time to allow for our review and approval.

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)).

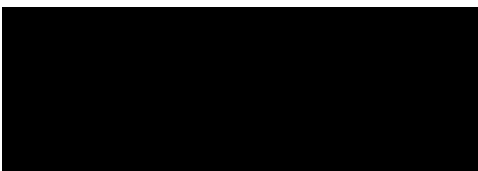
Conformed copy of the track access agreement

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



David Reed