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13 May 2022

Claire Hickman
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Chris Dellard
Network Access Strategy Manager
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Dear Claire and Chris

Approval of the 6th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Transport for Wales Limited dated 7 February 2021

We have today approved the above supplemental agreement submitted to us formally on 13 May 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 extend the contingent rights held by Transport for Wales (TfW) for Service Group HL08 North Wales Interurban Summer and Winter, in line with the Castlefield Corridor Access Rights Policy. The rights are to commence on the Subsidiary Change Date 2022 and will expire on the Principal Change Date 2022 or earlier termination of Transport for Wales's track access contract.

Industry consultation

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



ORR review

Our review of the application raised no operational, performance or economic concerns. We requested a version of the supplemental agreement containing Table 2.2 in the Appendix as this was not present in the initial informal submission, and this was duly provided. There were no drafting issues when the agreement was formally submitted.

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

A handwritten signature in black ink that reads 'Ellie Mitchell'.

Ellie Mitchell