

Claire Brooks
Access Executive



14th September 2023

Ewelina Brandao
Customer Manager – Wales and Borders
Network Rail Infrastructure Ltd
2nd Floor, St Patricks House
17 Penarth Road
Cardiff
CF10 5ZA

Chris Dellard
Head of Access Planning
Transport for Wales Rail Ltd
1st Floor, St Patricks House
17 Penarth Road
Cardiff
CF10 5ZA

Dear Ewelina and Chris,

Approval of the 15th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Transport for Wales Rail Limited dated 6 August 2020

We have today approved the above supplemental agreement submitted to us formally on 14th September 2023 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 correct historical anomalies that in most cases predate the Core Valley Line (CVL) divestment. The proposed access rights will align Table 2.1 of Schedule 5 of TFW's access agreement with the timetable that has been running for some time, as well aligning access rights on Network Rail's infrastructure with those on the CVL, following approval of the CVL 5th supplemental on 15 December 2022.

Currently the requested firm rights are operational on a contingent basis, having been put in place with a General Approval in the Transport for Wales 13th SA dated 15 June. The



rights will be made firm upon ORR approval and will expire on the Expiry Date or earlier termination of TfW's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. Comments in support were received from Transport Focus and Cross Country Trains. No objections were reported.

ORR review

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

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

Claire Brooks