

Jonathan Rodgers
Senior Executive



28 November 2023

Ewelina Brandao
Customer Manager – Wales and Borders
Network Rail Infrastructure Limited
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Chris Dellard
Head of Access Planning
Transport for Wales Rail LTD
1st Floor, St Patricks House
17 Penarth Road
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Dear Ewelina and Chris

Approval of the 17th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Transport for Wales Rail LTD (TfWRL) dated 6 August 2020

We have today approved the above supplemental agreement submitted to us formally on 14 November 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 add one contingent access right to the parties' track access contract for a Sunday only Holyhead to Chester service from the December 2023 timetable until the June 2024 timetable. This addition is to provide an improved service for passengers following amendments to Avanti West Coast services which had left a gap in the timetable. Avanti West Coast were due to resolve this issue in June 2024 but this has now changed and TfWRL will be submitting a further application to extend this access right.

This service has already started running without the appropriate access right in place. This should not have happened and, following a number of discussions with Network Rail and TfWRL, we have been provided with an explanation for this mistake and details about what processes the parties have put in place to ensure this does not happen again.

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Industry consultation

Network Rail undertook the usual industry consultation. No concerns were raised.

ORR review

Our review of the application raised no operational or performance concerns. Services starting without access rights and without the appropriate regulatory processes being followed is a serious matter. We are satisfied with the processes put in place to prevent this happened again. Any reoccurrence will be taken very seriously.

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, appearing to be 'Jonathan Rodgers', written in a cursive style.

Jonathan Rodgers