

Claire Brooks
Access Executive



9 December 2024

Ewelina Brandao
Customer Manager
Network Rail Infrastructure Ltd
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Cardiff, CF10 5ZA

Chris Dellard
Head of Access Planning
Transport for Wales Rail Ltd
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Cardiff, CF10 5ZA

Dear Ewelina and Chris,

Approval of the 38th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Transport for Wales Rail Limited (trading as Transport for Wales) dated 6 August 2020

We have today approved the above supplemental agreement submitted to us formally on 6 December 2024 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 Transport for Wales contingent rights until the Subsidiary Change Date (SCD) in May 2025 for the following additional services:

9. Cardiff East Boundary to Penarth – one additional access right (Monday – Thursday)
10. Penarth to Cardiff East Boundary – four additional access rights (Monday – Thursday)
11. Barry Island to Cardiff East Boundary – two additional access rights (Sunday)
12. Cardiff East Boundary to Barry Island – two additional access rights (Sunday)
13. Cardiff Central – Cardiff East Boundary – five additional access rights (Monday – Thursday)



14. Cardiff East Boundary to Cardiff Central – five additional access rights (Monday – Thursday)

Network Rail noted that it could only agree to the requested additional access rights on the until SCD 2025 due to potentially competing applications from other train operators, and that there could be no presumption of the continuation of these additional rights beyond SCD 2025.

Industry consultation

Network Rail undertook the usual industry consultation. Comments were received from Great Western Railway and CrossCountry which had no objections and Transport Focus which was happy to accept.

ORR review

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

We noted Network Rail's position on the continuation of additional rights beyond SCD 2025 due to competing aspirations from other train operators. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for these additional rights beyond SCD 2025.

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

C Brooks

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