

David Reed
Senior Executive, Access & Licensing



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Dear Ewelina and Chris

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

We have today approved the above supplemental agreement submitted to us formally on 15 March 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 TfW the rights necessary to operate its proposed June 2024 timetable. TfW's plans for the June 2024 timetable include:

- A restructuring of the timetable with new start/end locations in preparation for the introduction of new Class 756 and Class 398 rolling stock;
- One additional Barry to Bridgend service on Saturdays; and
- Additional Valley Lines and Cardiff local services, which will operate more frequently and later into the evening.



The rights are to commence on the Subsidiary Change Date on 4 June 2024 and will expire on the Expiry Date, 1 August 2025, or earlier termination of TfW's track access contract.

Network Rail noted that it could only agree to the requested additional access rights on the Valley Lines and Cardiff Local services (service group HL05) until the expiry date of the contract in August 2025 due to competing aspirations around Cardiff Central area from the December 2025 timetable change, and that there could be no presumption of the continuation of these additional rights beyond the expiry of the contract.

Industry consultation

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

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 on the Valley Lines and Cardiff Local services beyond the expiry of the contract 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 additional service group HL05 rights beyond the expiry of the contract on 1 August 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 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