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15 December 2022

Gary Davies-Knight Track Access Manager Seilwaith Amey Cymru / Amey Infrastructure Wales Limited Ty Trafnidiaeth Treforest Industrial Estate Pontypridd CF37 5UR	Chris Dellard Head of Access Planning Transport for Wales Rail Ltd 1st Floor, St Patrick's House 17 Penarth Road Cardiff CF10 5ZA
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Dear Gary and Chris

**Approval of the 5<sup>th</sup> Supplemental Agreement to the track access contract between Seilwaith Amey Cymru / Amey Infrastructure Wales Limited (AIW) and Transport for Wales Rail Limited (TfWRL) dated 24 December 2019**

We have today approved the above supplemental agreement submitted to us formally on 15 December 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 provide TfWRL with the rights necessary to introduce additional and extended services to and from Aberdare on weekdays and Saturdays, which was not possible before due to former freight access requirements. It also corrects some anomalies in Tables 2.1 and 2.2 following an access rights review. The rights are to commence on 1 January 2023 and will expire on the Expiry Date or earlier termination of TfWRL's track access contract.

**Industry consultation**

Network Rail undertook the usual industry consultation. No comments or queries were raised.

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## **ORR review**

We noted that the DB Cargo (DBC) rights which had previously prevented TfWRL from introducing these services were still in DBC's contract, and asked whether it was a certainty that it would not want to start using them again. AIW forwarded a Part J relinquishment that DBC had submitted to permanently give up these rights, which addressed our concerns satisfactorily. Our review of the application raised no other 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

A handwritten signature in blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

**Louise Beilby**