

Jonathan Rodgers

Senior Executive

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24 January 2025

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Dear Ewelina and Chris

Approval of the 29th supplemental agreement to the track access contract (TAC) 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 24 January 2025 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 TfW with the rights necessary to reflect how services on the route between Wrexham and Bidston have been operating since December 2023. Services have been running every forty-five minutes, rather than two trains per hour, as “all station” services, rather than a combination of “fast” and “very fast” services as originally planned. This necessitates the addition to the track access contract of nine weekday and ten Saturday access rights on a contingent basis.

Separately, the parties have formally agreed to temporarily relinquish unused access rights on this line.

Network Rail submitted a General Approval (30th Supplemental Agreement) on 30 October 2024 to ensure Table 2.2 of Schedule 5 of the contract contained the correct rights for the services that are being operated, and this is due to expire on 28 January

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2025. This application takes effect upon the date of ORR approval and keeps the rights in place until 6 August 2025, the contract's current expiry date.

Industry consultation

Network Rail undertook an initial industry consultation from 8 August to 22 August, and then a further one from 9 December to 6 January to reflect some amendments that were made to the initial proposal. Comments in support were received from Great Western Railway and Transport Focus. No other comments or queries were received.

ORR review

We had a number of queries about this application, which were as follows:

- There was a discrepancy in the number of Saturday rights requested;
- The drafting of the agreement did not clearly reflect the amendment required to the contract;
- The application did not explain why it had taken a significant amount of time to progress towards submission to ORR, given that the service pattern had been running since December 2023;
- The application did not explain the differences between this application and an earlier one, or the context of the temporary relinquishment of unused rights; and
- There was insufficient explanation about the use of timing loads in the agreement.

We discussed these matters with the parties and they provided clarifications and explanations. In light of those responses, our review of the application raised no operational, performance or economic concerns.

We noted that, although the 30th SA was submitted on 30 October 2024, this 29th SA did not progress promptly after that, with the start of the industry consultation being delayed until 9 December 2024. We did not receive the application until just over three weeks before the existing rights were due to expire, so our review time was significantly shorter than that which is set out in our guidance. We also noted that, despite our requirement that Network Rail send us a consolidated agreement within 28 days of any new amendment being made, this had not been done since October 2024.



It is disappointing that the issues faced on this 29th SA represent a continuation of the issues we raised with the parties in our [letter](#) on their December 2024 applications, where we wrote about the importance of application timeliness and accuracy, and the steps we expect them to take.

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

A solid black rectangular box redacting the signature of Jonathan Rodgers.

Jonathan Rodgers