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11 December 2020

Claire Hickman  
Customer Support Manager  
Network Rail Infrastructure Ltd  
2<sup>nd</sup> Floor, St Patrick's House  
17 Penarth Road  
Cardiff  
CF10 5ZA

Chris Dellard  
Network Access Strategy Manager  
Keolis Amey Operations/Gweithrediadau  
Keolis Amey Limited  
1<sup>st</sup> Floor, St Patrick's House  
17 Penarth Road  
Cardiff  
CF10 5ZA

Dear Claire and Chris

**Approval of the First Supplemental Agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Keolis Amey Operations/Gweithrediadau Keolis Amey Limited (TfW) dated 6 August 2020**

We have today approved the above supplemental agreement submitted to us formally on 11 December 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 additional services in its proposed December 2020 timetable. The rights are to commence on the Principal Change Date 2020 and will expire on the Subsidiary Change Date 2021. Most of the rights are part of changes required to services through the Castlefield Corridor, to ensure they align with the rights sought by another operator, and also to improve the December 2020 timetable. Furthermore, there are additional rights sought for an additional Sunday morning service between Cardiff Central and Swansea and an additional Saturday afternoon service between Cardiff Central and Ebbw Vale Town.

**Industry consultation**

Network Rail undertook the usual industry consultation, between 16 September and 17 October 2020, and no concerns were raised.

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## **ORR review**

The application submitted to us was incomplete and was not clear on a number of matters. We asked for some further clarification and for the Form P to be updated and resubmitted. We were satisfied with the further detail that was submitted. Our review of the application raised no operational, performance or economic concerns.

The quality of the informal submission was poor and incomplete, meaning that we could not easily understand or check the changes being sought. We expect the parties to take greater care when preparing and drafting future applications to ensure they are accurate, proportionately detailed, clear to understand, consistent and legally robust.

## **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 Department for Transport and Network Rail's Regulatory Reform Team. Copies of the approval notice and the agreement will be placed on ORR's public register 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 read 'Jonathan Rodgers', written over a light blue horizontal line.

**Jonathan Rodgers**