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16 December 2021

Claire Hickman
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Chris Dellard
Network Access Strategy Manager
Transport for Wales Ltd
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Dear Claire and Chris

Approval of the 5th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Transport for Wales Limited dated 7 February 2021

We have today approved the above supplemental agreement submitted to us formally on 15 December 2021 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 to allow Transport for Wales (TfW) to operate its December 2021 timetable. The additional services on the Ebbw Vale line form part of TfW's contractual obligations to their specifier. The new services will provide an hourly passenger rail link between Cross Keys and Newport.

The rights are to commence upon ORR approval (originally intended to commence on the Principle Change Date 2021) and will expire on the Expiry Date or earlier termination of TfW's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. Cross Country Trains raised a query in relation to the proposed services' interactions with its own, which TfW answered satisfactorily. No other comments or queries were received.

ORR review

Our review of the application identified a number of operational queries, including the correction of timing loads in section 4.5 of Schedule 5 and a request for further performance modelling information. Network Rail has answered these queries to our satisfaction and we identified no other issues with the application.

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)).

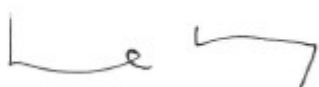
Conformed copy of the track access agreement

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 black ink, appearing to read 'Louise', followed by a stylized flourish.

Louise Beilby