

Louise Beilby
Senior Access Executive



30 August 2024

Ewelina Brandao
Customer Manager
Network Rail Infrastructure Ltd
2nd Floor, St Patrick's House
17 Penarth Road
Cardiff
CF10 5ZA

Chris Dellard
Head of Access Planning
Transport for Wales Rail Ltd
1st Floor, St Patrick's House
17 Penarth Road
Cardiff
CF10 5ZA

Dear Ewelina and Chris

Approval of the 34th 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 29 August 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 provide TfW with the rights necessary to operate one contingent weekday and Saturday service from Bidston to Wrexham Central, using an Empty Coaching Stock (ECS) move that has been converted to a passenger service.

It should be noted that this service was already running without the corresponding access right in TfW's TAC, until Network Rail submitted a General Approval (33rd SA) on 3 June 2024 to cover this. The provisions made by the 33rd SA expired on 29 August but TfW wishes to operate the passenger service until 7 September, after which it will revert to an ECS move. This 34th SA therefore puts the right in place for the period between its approval date and the end of the service's operation.



We note further that the signed formal submission was not submitted to us before the expiry date of the General Approval, and so there has again been a period of two days during which the service has been running without corresponding access rights.

Industry consultation

Network Rail undertook a shorter than usual industry consultation from 8 August to 22 August, due to the imminent General Approval expiry date. Comments in support were received from Great Western Railway and Transport Focus.

While we understand that the circumstances of this particular application meant that a full consultation could not be carried out, ORR expects that the minimum length of a consultation should be 28 days, as set out in our [industry code of practice for track access application consultations](#). You should ensure that future applications are planned so that there is sufficient time for a 28-day consultation and for ORR to process the application according to our usual timescales.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some drafting issues which were resolved when the agreement was formally submitted.

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

Louise Beilby