

**David Reed**  
Senior Executive, Access & Licensing

12 May 2025



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Dear Devon and Chris

**Approval of the 43rd supplemental agreement to the track access contract 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 12 May 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 the rights necessary to operate its timetable from the Subsidiary Change Date in May 2025. This includes:

- New firm and contingent rights for services to be introduced from May 2025;
- The extension of existing access rights with specified end dates being extended until 1 August 2025; and
- Firm and contingent access rights for services which are already running under short term rights granted by General Approval (42nd SA).

The application also merges the 'Summer' and 'Winter' tables in Tables 2.1 and 4.1 as part of ongoing work by Network Rail and TfW to simplify Schedule 5 of their track access contract.

Network Rail noted that it could only agree to the continuation of the existing time-limited access rights until the Principal Change Date (PCD) in December 2025 due to potentially



competing applications from other train operators, and that there could be no presumption of the continuation of these additional rights beyond PCD 2025.

### **Industry consultation**

Network Rail undertook the usual industry consultation in March and April 2025. CrossCountry, GWR, Northern and Transport Focus all responded to the consultation noting they had no issues to raise.

### **ORR review**

Our review of the application raised no operational, performance or economic concerns.

We spotted a number of drafting issues related to the merging of the summer and winter tables in Schedule 5. We raised these issues with the parties and they provided an updated draft supplemental agreement. This work has been carried out as a result of ongoing discussions between ORR and the parties regarding the late and poor quality delivery of TfW access application for December 2024, as highlighted in [our letter of 21 January 2025](#).

We noted Network Rail's position on the continuation of the time-limited rights beyond PCD 2025 due to competing aspirations from other train operators. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for the continuation of these rights beyond PCD 2025.

### **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  
**David Reed**