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Senior Executive, Access & Licensing



23 June 2025

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Dear Devon and Chris

Approval of the 41st 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 June 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:

- Extend the expiry date of the track access contract from 1 August 2025 to 1 February 2028;
- Extend firm access rights in service group HL02 relating to specific Carmarthen services from 1 August 2025 to Principal Change Date (PCD) 2027. Network Rail agreed this extension on the basis that there could be no presumption of the continuation of these rights beyond PCD 2027; and
- Time limit some firm access rights in service group HL05, which had previously been sold by Network Rail (and subsequently approved by ORR) on the basis that there would be no presumption of the continuation of those additional rights beyond 1 August 2025.



Industry consultation

Network Rail undertook the usual industry consultation from April 2025 for a month. Cross Country said they had no objections and Transport Focus said they had no comment to make.

ORR review

Our review of the application raised no operational, performance or economic concerns. There was a minor drafting issue in the supplemental agreement. We queried this with Network Rail, and it was corrected in the formal submission.

The extension of the expiry date of the contract is in line with our guidance.

The Form P referenced some unused Wrexham – Bidston access rights in service group HL07 that are currently footnoted that they had been surrendered under part J of the Network Code until 25 October 2026 and said that these rights “will not be extended”. We queried this with Network Rail as the supplemental agreement did not amend HL07. Network Rail confirmed that their intention was to permanently remove these rights via Part J, separate to this application.

We also asked for clarification regarding other related rights in the contract that were time limited and needed to be amended. Network Rail clarified that these would be amended in a subsequent application (the 44th SA).

We noted Network Rail’s position on the continuation of the time-limited rights beyond PCD 2027 (in HL02) and beyond 1 August 2025 (in HL05) 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 those dates.

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

Jonathan Rodgers