

Jonathan Rodgers
Senior Executive, Access & Licensing



9 July 2025

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Dear Devon and Chris

Approval of the 44th 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 9 July 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 time limited contingent access rights between Wrexham Central and Wrexham, that were added to the contract by the 45th Supplemental Agreement, from 13 July 2025 until Principal Change Date (PCD) 2025;
- Restrict the operation of a return trip from Wrexham Central to Wrexham General when a rail head treatment train is in operation;
- Extend the validity of calls at certain stations in service group HL08 until PCD 2025; and
- Extend the time limit of various firm and contingent access rights for various service groups, 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 PCD 2025 (or PCD 2027 for the firm rights in service group HL02).

Industry consultation

Network Rail undertook the usual industry consultation from 14 May 2025 for a month. No concerns were raised.

ORR review

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

We noted Network Rail's position on the continuation of the time-limited rights beyond PCD 2027 (in HL02) and beyond PCD 2025 in other service groups 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