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Senior Executive, Access & Licensing



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Dear Devon and Chris

Approval of the 47th 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 (SA) submitted to us formally on 25 November 2025 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft SA for our consideration. This letter explains the reasons for our decision.

Purpose

The purpose of this SA is to make some amendments to the parties' contract to match the services required for the Principal Change Date in December 2025 (PCD 2025). This involves some additional rights, some reductions and some amended footnotes in Schedule 5 of the contract across Cardiff, Penarth, Shrewsbury, Bridgend, Gloucester and other areas. The changes were in table 2.1, in service groups HL04, HL05, and table 2.2, in service groups HL02, HL03, HL06 & HL07. The exact detail is set out in the SA and the application Form P. The effective date of all of these amendments is PCD 2025.

It was intended that this SA would extend contingent rights put in place via the 53rd and 49th SAs (both General Approvals). However, these changes were subsequently split out of this application and placed into the 62nd SA. This was necessary due to Network Rail realising there were errors in this application which would not be corrected in time for one of the General Approval's rights to be extended.



Some of the rights in this application are contingent and will expire at the Subsidiary Change Date in May 2026 (SCD 2026). Network Rail was only willing to support them on a temporary, contingent basis due to potential interactions with other interacting aspirations and also considered that there should be no presumption of the continuation of these additional rights beyond SCD 2026.

Network Rail told us after the informal submission of this application that some of its PCD 2025 applications, including this one, contained surplus access rights that needed to be removed. It submitted a corrected application on 16 October 2025. A further correction was necessary and we received this on 6 November 2025

Industry consultation

Network Rail undertook the usual industry consultation between 21 August and 18 September 2025. Supportive responses were received from CrossCountry and Great Western Railway.

ORR review

Our review of the application raised no operational, performance or economic concerns. We noted Network Rail's position that the continuity of some of these rights after SCD 2026 should not be assumed. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for the continuation of the relevant rights beyond SCD 2026. We would encourage Network Rail to work with operators to provide longer term certainty in future timetables.

The application was quite involved but the information provided was very comprehensive and clear. There were a number of errors identified after the initial submission but Network Rail was proactive in bringing these to our attention, seeking to resolve them promptly and keeping track of the various corrections needed.

Some elements of this application will overwrite some missing access rights which were recently added to the contract via a General Approval. This will be corrected in the 59th SA, which we are currently reviewing.

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

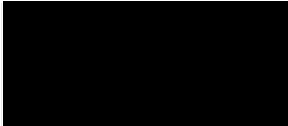
Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. Please send the conformed copy to me at ORR.



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