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Dear Devon and Chris

Approval of the 59th 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 6 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 extend all access rights in TfW's contract, that are currently time limited to expire at the Principal Change Date (PCD) in December 2025, until the Subsidiary Change Date (SCD) in May 2026. ORR's approval of the application ensures that TfW has the rights necessary to operate its services in the December timetable. The extensions are in the following service groups in Schedule 5 of the contract:

Table 2.1: Passenger Train Slots

- Service Group HL05 (Valley Lines and Cardiff Local Services)

Table 2.2: Additional Passenger Train Slots

- Service Group HL02 (West Wales)
- Service Group HL03 (Cardiff to Gloucestershire and Ebbw Vale)
- Service Group HL04 (Birmingham to Shrewsbury and beyond)
- Service Group HL06 (Marches Mainline)



- Service Group HL07 (North Wales Branches)
- Service Group HL08 (North Wales Interurban)

The application also contains all the amendments recently approved in the 47th, 50th, 55th and 63rd SAs.

Apart from the extensions in the HL05 service group (which are supported by Network Rail on a firm basis), the extensions are supported on a contingent basis. 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.

Industry consultation

TfW undertook the usual industry consultation between 17 October and 14 November 2025. Supportive responses were received from Transport Focus and West Midlands Trains.

ORR review

Our review of the application raised no operational, performance or economic concerns. We did consider that some calling patterns in the contract could be clearer and are discussing this with the parties separately with a view to amendments being made in a future application. We also advised the parties to amend the timing of the effective date of the SA in order to ensure that it did not overwrite the changes made by other TfW applications.

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.

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