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Chris Dellard
Network Access Strategy Manager
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Dear Ian and Chris

Approval of the 82nd and 83rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Arriva Train Wales Limited (ATW), (jointly, “the parties”)

1. We have today approved the two above supplemental agreements submitted to us formally on 18 August 2017 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of two draft agreements for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The 82nd and 83rd supplemental agreements amend table 2.1 Schedule 5 of the parties' track access agreement to reflect changes to the West Wales timetable, the Cardiff Valleys timetable and the conversion of some empty stock movements to passenger trains. A number of these rights were granted under the General Approval (81st supplemental agreement) in May this year and are now being converted to firm rights. This was in response to changes made to the Fishguard to Rosslare passenger ferry service, where ATW has a Franchise Agreement to provide train services to connect with the twice-daily ferry sailings at Fishguard Harbour. There are also some minor retimings to other West Wales' services and changes to the Cardiff Valleys' services to provide additional capacity on key trains in the morning peaks.
3. Network Rail undertook the usual industry consultation ending on 19 July 2017 and received no responses for both applications.

4. Our review of the agreements identified no issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993.

5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and Peter Craig at Network Rail. 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

A handwritten signature in black ink, appearing to read 'Michael Albon', is written over a horizontal line. The signature is fluid and cursive.

Michael Albon