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1 February 2021

Nicholas Rowe  
Programme Manager  
Amey Keolis Infrastructure/  
Seilwaith Amey Keolis Limited  
Transport for Wales  
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Chris Dellard  
Network Access Strategy Manager  
Keolis Amey Operations Gweithrediadau  
Keolis Amey Limited  
Floor 1, St Patrick's House  
27 Penarth Road  
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Dear Nicholas and Chris

**Approval of the Second supplemental agreement to the track access contract between Amey Keolis Infrastructure / Seilwaith Amey Keolis Limited (CVL IM) and Keolis Amey Operations / Gweithrediadau Keolis Amey Limited (TfW)**

We have today approved the above supplemental agreement submitted to us formally on 28 January 2021 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 amend the parties' track access contract to reflect developments since the original contract was entered into on 24 December 2019, when for a number of reasons certain rights were time limited and set out in a separate table in Schedule 5 of the contract. These matters have now been resolved, the time limited table has now been deleted and all current access rights are set out in one table.

This agreement will also address some anomalies and adds Class 769 rolling stock to the specified equipment section. The changes are effective from the date of our approval and will expire on the Expiry Date track of the contract, which is currently the Principal Change Date 2024.



## **Industry consultation**

The CVL IM undertook the usual industry consultation. Two supportive responses, from Great Western Railway and Transport Focus, were received. No concerns were raised.

## **ORR review**

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were resolved when the agreement was formally submitted.

## **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, CVL IM 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 Department for Transport and Network Rail's Regulatory Reform Team. Copies of the approval notice and the agreement will be placed on ORR's public register 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 'Jonathan Rodgers', written in a cursive style.

**Jonathan Rodgers**