

APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A PASSENGER TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT

Use this form to apply to the Office of Rail and Road (ORR) for a passenger track access contract, or an amendment to an existing contract by a supplemental agreement, under sections 17-22A or the Railways Act 1993.

It sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry [code of practice for track access application consultations](#) for more information.

This form should be completed up to section 9 and sent to consultees along with a copy of the proposed contract or supplemental agreement. Sections 9 and 10 should be filled in after the consultation and before applying to ORR.

We are happy to talk to you informally before you apply. Please contact us [here](#). You can download a copy of this form, and of our model track access contract, from our [website](#). Please ensure that you are using the latest version of this form as published on our website. We may ask for applications which have not used the latest version to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

1. Application Summary

1.1 Beneficiary company name:

Transport for Wales Rail Ltd

1.2 Facility owner details:

Network Rail:	<input type="checkbox"/>				
Region:	Southern <input type="checkbox"/>	Eastern <input type="checkbox"/>	North West & Central <input type="checkbox"/>	Wales & Western <input type="checkbox"/>	Scotland's Railway <input type="checkbox"/>
Other Facility Owner:	<input checked="" type="checkbox"/>	Please state:	Seilwaith Amey Cymru / Amey Infrastructure Wales Limited		

1.3 Application under the Railways Act 1993 section:

17 <input type="checkbox"/>	18 <input type="checkbox"/>	22 <input checked="" type="checkbox"/>	22A <input type="checkbox"/>
Supplemental Number:			4
Current contract date:			24 th December 2019
Current contract expiry date:			Principal Change Date 2024

1.4 Applicant status:

Public Service Operator <input checked="" type="checkbox"/>	Public service contract start date:	
	Public service contract end date:	
Open Access <input type="checkbox"/>		
Charter Operator <input type="checkbox"/>		

1.5 Executive summary of the proposed contract or amendment:

This proposed supplemental makes two amendments to the track access contract between Seilwaith Amey Cymru / Amey Infrastructure Wales Limited (AIW) and Transport for Wales Rail Ltd (TfWRL) these are set out below:

- 1 Change of the Timing Load specified in Table 2.1 of Schedule 5 from class 142 to class 150.
- 2 Amendments to paragraph 1 of Schedule 1 relating to the contact particulars of AIW.

Proposed commencement date:	From the date of the ORR approval of this Supplemental
End date:	Principal Change Date in the year 2024
Date approval or directions wanted by:	1st September 2022

1.6 Industry consultation:

Who carried out the consultation?	Amey infrastructure Wales Limited		
Consultation start date:	[TBA]	Consultation end date:	[TBA]
Not carried out <input type="checkbox"/>			

1.7 Applicant details

Facility Owner Company: Seilwaith Amey Cymru / Amey Infrastructure Wales Limited Contact name: Gary Davies-Knight Job title: Track Access Manager Address: Transport for Wales CV Infrastructure Depot Ty Trafnidiaeth Treforest Industrial Estate Pontypridd CF37 5UR	Beneficiary Company: Transport for Wales Rail Ltd Contact name: Chris Dellard Job title: Head of Access Planning Address: Llys Cadwyn Pontypridd CF37 4TH Phone: +44 (0)7920 495448 E-mail: chris.dellard@tfwrail.wales
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Phone: +44 (0)7873 619527
E-mail: gary.davies-knight@amey.co.uk

1.7 Date of application to ORR:

TBC

2. Licence and railway safety certificate

2.1 Please state whether:

- you intend to operate the services yourself; or
- have them operated on your behalf.
 - if so, please name the proposed operating company:

2.2 Does the proposed operator of the services:

- (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and**
- (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

3. The proposed contract or amendment

3.1 Application overview: Please detail the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

This proposed supplemental makes two amendments to the track access contract between Seilwaith Amey Cymru / Amey Infrastructure Wales Limited (AIW) and Transport for Wales Rail Ltd (TfWRL) these are set out below:

- 1 Change of the Timing Load specified in Table 2.1 of Schedule 5 from class 142 to class 150. This is because the class 142 units are no longer operated by TfWRL
- 2 Removal of the class 142 and 143 units from the Specified Equipment in paragraph 5.1(a) of Schedule 5
- 3 Amendments to paragraph 1 of Schedule 1 relating to the contact particulars of AIW. This is because the company name for the CVL IM is incorrect

3.2 Safety risks: Please explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate).

No safety risk

3.3 Contract duration: For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the [Railways \(Access, Management and Licensing\) Regulations 2016](#).

Not applicable

3.4 Terms not agreed with the facility owner (for applications under sections 17 or 22A only):

Please explain any areas of the application which have **not** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

None

3.5 Departures from ORR's model access contracts

Does the proposed contract include any departures from ORR's model access contract:

Yes

No

If yes, please set out and explain any:

- areas where the drafting of the application changes ORR's published template access contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

Not applicable

- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model access contracts, including the financial implications (e.g. establishment of an access charge supplement or rebate).

Not applicable

- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

Not applicable

3.6 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our [website](#) fully up to date? If not, please explain why not.

Yes

4. The expression of access rights and the use of capacity

4.1 Benefits: please set out what specific benefits the proposal will achieve, including a justification for requiring the rights and their characteristics. Please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please also describe any significant changes in the pattern of services, their benefits to passengers and any impact on other operators, including freight operators. Please provide a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

The proposed changes in table 2.1 of Schedule 5 relate to the fact that the class 142 fleet are no longer operated by TfWRL. The Timing Load has been amended to reflect that most services will be operated by a Class 150 unit.

In addition, paragraph 5.1 relating to the Specified Equipment in Schedule 5 is proposed to be amended to remove the 142 and 143 Classes, which no longer operate,

4.2 Adequacy: How have you satisfied yourself that there is enough network capacity for the services in the proposal? Are there any implications for overall network performance and the facility owner's maintenance and renewal activities?

The change of Timing Load from Class 142 to Class 150 does not impact on capacity as the Class 150 is capable of meeting the Timing Load of a Class 142

4.3 Flexing rights: Please explain any limitations on the facility owner's flexing rights in the proposal and the rationale for such limitations.

Not applicable

4.4 Specified equipment: Please explain any changes to specified equipment (rolling stock). Has the vehicle and route acceptance procedure in the Network Code (Part F) has been completed? Please explain whether you have, or will have, the rolling stock necessary to exercise the rights.

The proposal is to remove rolling stock that no longer operates

4.5 Contractual obligations: Are the proposed services necessary to fulfil obligations under a public service contract? For publicly contracted operators seeking additional access rights, we will expect to see evidence of funder support for the specific rights and of operators' intent and ability to operate the new services.

Not applicable

4.6 Public funding: Other than the DfT, Welsh Government or Transport Scotland, are the proposed services subject to financial support from central or local government including PTEs. If so, please give details.

Not applicable

4.7 Long Term Planning Process: Is the Long Term Planning Process relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

Not applicable

5. Competing passenger services:

We would expect to apply the 'not primarily abstractive' test to:

- (i) a new open access service which would compete with franchised services and so impact on the public sector funder's budget;
- (ii) a new franchised service which would compete with an existing franchised service, where we would expect to focus the test on areas where the competing franchised services are operated on behalf of different funders or where for some other reason there are particular concerns over the impact on a funder's budget; and
- (iii) a new service, which might be open access or franchised, which would compete with an existing open access service and which, if it caused the existing open access operator to withdraw from the market, could reduce overall competition on the network.

5.1 Please state if your application is for a competing passenger service, and if so please describe the nature of the competition:

Not applicable

5.2 For competing services, please also confirm that you have attached as part of your submission to ORR the following:

- Business plan, including details of:
 - forecasts of passenger traffic and revenues, including forecast methodology;
 - pricing strategies;
 - ticketing arrangements;
 - rolling stock specifications (e.g. load factor, number of seats, wagon configuration);
 - marketing strategy;
 - estimated elasticities of the services (e.g. price elasticity, elasticity with respect to quality characteristics of the services).
- Demand forecasting (including associated spreadsheet models) demonstrating modelled generation : abstraction ratio.
- Indicative timetables, including associated .spg files

6. Incentives

6.1 Train operator performance: please describe any planned projects associated with the operation of the proposed services aimed at improving your performance.

Not applicable

6.2 Facility owner performance: please describe any planned projects associated with the operation of the proposed services aimed at improving the facility owner's own performance.

Not applicable

6.3 Monitoring of services: Will all proposed services be monitored for performance throughout their journey? If not, please explain.

Not applicable

6.4 Performance regime changes (for applications under sections 17 or 22A only): where applicable, please provide justification for any changes to Schedule 8 of the track access contract in the proposal. If necessary, please provide any relevant information in support of the changes proposed.

No changes

7. Enhancement

7.1 Enhancement details: where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework).

Not applicable

7.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with the [investment framework](#), and summarise the level and duration of payments, and the assumed rate of return.

Not applicable

8. Other

8.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide evidence that this process has been completed.

None

8.2 Side letters and collateral agreements: please confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it.

None

8.3 Confidential redactions: please list any information that you have redacted from any documentation sent to consultees. If there has been no pre-application consultation, please list any information you want us to exclude from publication. Please provide full reasons for any redactions.

None

9. Pre-application consultation

9.1 The consultation:

If consultation has not been carried out, explain why not. If it has, please list the consultees.

[Consultees list here]

Who conducted the consultation?

Seilwaith Amey Cymru / Amey Infrastructure Wales Limited

List all consultees who responded and include their responses and any associated documentation or correspondence between the parties.

TBA

9.2 Resolved issues: please explain any issues raised by consultees which have been resolved.

TBA

9.3 Unresolved issues: Please explain any issues raised by consultees which have ***not*** been satisfactorily resolved and why you think these issues should not stop ORR approving the application.

TBA

9.4 Have any changes been made to the proposal following consultation?

TBA

10. Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.

For agreed applications under section 18 or 22, Network Rail should complete the information below. For disputed applications under section 17 or 22A, the beneficiary should complete it.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed Date

Name (in caps) Job title

For (company)

11. Submission

11.1 What to send: please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, **in plain Microsoft Word or Open Document Text format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

11.2 Where to send it:

Email: track.access@orr.gov.uk

Annex: Checklist of documents attached to the application form:

- Proposed new contract or supplemental agreement
- **Marked up Schedule 5 (where applicable)**
- Marked up comparison to model contract (where applicable)
- Consultation responses
- Replies to consultation responses
- Supporting documentation required for competing services (see section 5.2)
- Other supporting documents, side letters or collateral agreements (please list):
