



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:	☐				
Region:	Southern ☐	Eastern ☐	North West & Central ☐	Wales & Western ☐	Scotland's Railway ☐
Other Facility Owner:	☒	Please state:	Seilwaith Amey Cymru / Amey Infrastructure Wales Limited		

1.3 Application under the Railways Act 1993 section:

17 ☐	18 ☐	22 ☒	22A ☐
Supplemental Number:			11 th
Current contract date:			24 th December 2019
Current contract expiry date:			Principal Change Date 2029

1.4 Applicant status:

Public Service Operator ☒	Public service contract start date:	
	Public service contract end date:	
Open Access ☐		
Charter Operator ☐		

1.5 Executive summary of the proposed contract or amendment:

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

- Delete Schedule 5 Table 2.1 (Passenger Train Slots) and replace with a version containing the access rights required to facilitate the CVL Metro timetable, subject to required infrastructure enhancements to be delivered by the CVL Transformation Programme.

Proposed commencement date:	No earlier than Subsidiary Change Date (SCD) May 2025
End date:	Expiry Date of current TAC
Date approval or directions wanted by:	ASAP

1.6 Industry consultation:

Who carried out the consultation?	Amey infrastructure Wales Limited		
Consultation start date:	06 August 2024	Consultation end date:	06 September 2024
Not carried out ☐			

1.7 Applicant details

<u>Facility Owner</u>	<u>Beneficiary</u>
Company: Seilwaith Amey Cymru / Amey Infrastructure Wales Limited	Company: Transport for Wales Rail Ltd
Contact name: Gary Davies-Knight	Contact individual: Chris Dellard
Job title: Track Access Manager	Job title: Head of Access Planning
Address: Transport for Wales CV Infrastructure Depot, Ty Trafnidiaeth, Treforest Industrial Estate, Pontypridd, CF37 5UR	Address: 1 st Floor, St Patrick's House, 17 Penarth Road, Cardiff, CF10 5ZA
	Telephone number: 029 2072 0569

Telephone number: +44 (0)7873 619527
E-mail: gary.davies-knight@amey.co.uk

E-mail address: chris.dellard@tfwrail.wales

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.

N/A

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).

The CVL Network is being transformed to support new fleets and new timetables. TfWRL is required by TfW to deliver increased frequencies across the CVL, including 4 trains per hour (4tph) to the head of each Valley. This is referred to as the 'end-state' timetable, which is currently expected to be introduced no earlier than May 2025.

Because of the significant investment by Welsh Government in CVL Transformation and the new fleets, AIW and TfWRL propose to amend the track access contract to give TfWRL future dated access rights to support the end-state timetable. These access rights will be included in TfWRL's track access contract with AIW and will become active from May 2025 or when the Transformation works are complete (whichever is later).

Securing future dated access rights will give Welsh Government and TfW Authority assurance that the significant investment in Transformation will deliver the expected uplift in service frequency for the benefit of communities in the South Wales Valleys.

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 additional safety risks have been identified.

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](#).

N/A

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.

N/A

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.

N/A

- 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).

N/A

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

N/A

3.6 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our [website](https://www.orr.gov.uk) fully up to date? If not, please explain why not.

Yes

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

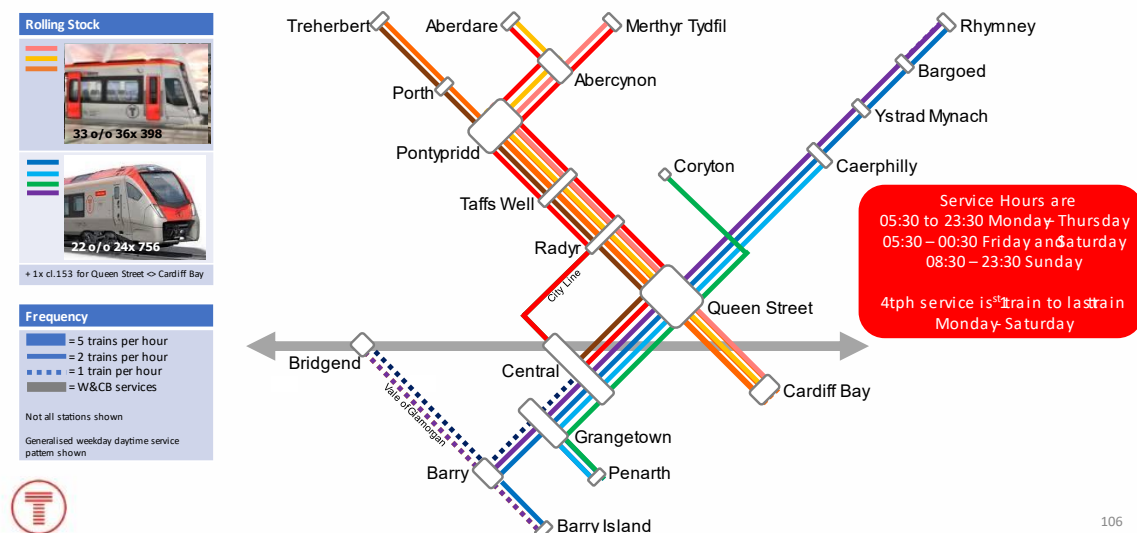
4.1 Benefits: please set out what specific benefits the proposal will achieve, including a justification for requiring the rights and their characteristics. Please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please also describe 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.

A key TfW commitment for CVL Transformation is the delivery of a 4 trains per hour (tph) service to the 'Heads of the Valleys'. This commitment has become the defining factor of the 'end-state' timetable, although there are several other deliverables:

- An additional 2tph between Cardiff and Caerphilly
- 6tph to and from Cardiff Bay (with the chosen solution to operate these through to Treherbert, Aberdare and Merthyr Tydfil at 2tph each)
- A total of 18tph in each direction through Queen Street
- Faster journeys, enabled by the operation of electric traction: cl.398 Tram-train on the 'Taff' Valleys and the cl.756 Flirt on the Rhymney Valley

A diagrammatic representation of these services is shown below:

CVL/Metro Transformation End State Phase 5: Monday – Saturday 4tph service



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The end state timetable will make use of Sectional Running Times specifically developed for the new fleets, to benefit from their superior performance characteristics compared to legacy rolling stock.

Other features of the end-state timetable include:

- Journey times: improved end-to-end journey times on all routes
- Extended turnaround times, building resiliency to minor network fluctuations (minimum 5 minutes; maximum 20 minutes).
- Dwell times: These will be a minimum of 35 seconds.
- Traincrew changeovers at Taff's Well: this will be a new location for traincrew changes, located close to the new Taff's Well Light Maintenance Depot.
- New SRTs to align with the acceleration and deceleration times of the new electric fleets.
- No stopping required for transition between train/tram and tram/train modes to and from the Cardiff Bay line (which will be designated as non-mainline).

TfWRL's end-state timetable will be resourced with:

Resources required

33 out of 36 cl.398

21 out of 24 cl.756

350 Drivers
267 Conductors

These are all on target to be available by the end of 2025.

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 introduction of the end-state timetable on the CVL Network will be the culmination of an £800m investment in upgraded infrastructure and new trains, including new double track sections, additional platforms, new signalling and new OLE.

- Timetable running performance modelling demonstrates potential for >95% OT3 and OT1 performance under normal service conditions.
- Modelling has been produced based on multiple battery life stages (including end of life), demonstrating no major deficit created by battery lifespan.
- Multiple high-impact service disruptions modelled with no service plan intervention, demonstrating timetable recovery within acceptable timeframes. These timescales will, in practice, be further reduced by service management and incident mitigation plans.
- Scenarios were modelled for all-day impact on performance, all maintain >90% OT3 performance without service management. Each scenario is averaged over 280 simulations.
- Performance modelling highlighted areas for higher levels of monitoring to prevent delays building on branches, informing effective service management by a new and bespoke facility to manage the CVL services - the CVL Integrated Control Centre (CVLICC).
- Rhymney line and the 'Taff' line (Queen Street to Pontypridd) are shown to have minimal performance impact on each other, isolating delays by route. This is in spite of overlap at Cardiff Queen Street.

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

N/A

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 new fleets will be added to the contract as Specified Equipment in due course, following completion of Vehicle Change processes.

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.

N/A

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.

N/A

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.

No

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:

N/A

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.

- Co-location in the new Integrated Control Centre (CVLICC) at Taff's Well will improve communication and deliver benefits in response to incidents
- Rescoped roles and responsibilities within the CVLICC organisation, which will be fully integrated rather than a co-located control centre, removing duplication of work and improving workflows. CVLICC resource plan takes into account increase in service and workload.
- Service management aimed at ensuring single line sections are accessed on time, enabling smooth running of all services
- Development of joint service recovery plans for use during perturbation
- Implementation of new stock, crew and planning systems, maximising changes in technology to aid service management
- Redefining processes and procedures to account for new trains and infrastructure (eg Defective On-Train Equipment (DOTE), cut and run, ill passenger)

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.

- The CVL Network itself is being transformed to support a high frequency Metro style operation. Infrastructure improvements are being made to signalling and track and station design specifically to increase available capacity and reduce bottlenecks. This includes the replacement of all but one level crossing with alternative crossing means, to reduce safety risks and the risk of delay
- Co-location in the new Integrated Control Centre (CVLICC) at Taff's Well will improve communication and deliver benefits in response to incidents
- Rescoped roles and responsibilities within the CVLICC organisation, which will be fully integrated rather than a co-located control centre, removing duplication of work and improving workflows. CVLICC resource plan takes into account increase in service and workload.
- Service management aimed at ensuring single line sections are accessed on time, enabling smooth running of all services
- Development of joint service recovery plans for use during perturbation
- Use of Dynamic Route Setting (DRS) to reduce likelihood of – and delays arising from - signaller error
- Use of Digital Conflict Resolution (DCR) to manage regulation of services at key junctions and make it easier for TfWRL to make instant train running and timetable adjustments
- Close partnership with Network Rail, managing cross-boundary services
- Perturbation plans reflective of significant increase in train service
- Ongoing workshops exploring opportunities to improve response to incidents, in anticipation of timetable uplift
- Development of good working relationships between TfWRL and AIW operations teams
- Creation of a golden asset list, including access points to speed up response to incidents (joint TfW-AIW initiative)
- Aspiration by AIW to increase MoM coverage to 24/7, to permit more effective incident response, particularly for start of day activities
- Review of on call structure for efficient and effective use of resources

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

Yes

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.

N/A

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).

N/A

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.

N/A

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.

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.

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.

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.

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.

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

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.

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

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):
