

Les Waters
Senior Manager, Licensing
Email: les.waters@orr.gov.uk



31 March 2020

Jane Kerr
Planning & Access Manager
Infrastructure Systems & Performance
25 Duncrue Street
Belfast
BT3 9AR

Dear Jane,

Northern Ireland Railways Company Limited (NIR): Network Statement 2021

I am writing to conclude ORR's review of NIR's 2021 network statement, as required of us under *The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016* (the Regulations).

We commented on your November 2019 provisional version on 11 December 2019, and discussed subsequently some of the key points at your offices at the beginning of February 2020.

Overall, we consider the 2021 network statement to be a good step forward for NIR. It includes clearer information and we are satisfied that Section 6 (*Charges*) is on a firmer footing. In particular, your **Minimum Access Charge tariff** of £0.006 per tonne-kilometre – calculated originally using the CATRIN model – is still borne out through your cost calculations. There remains, however, the query as to whether this charge should be index-linked.

We also note the improvement in section 3.6, relating to **Service Facility Descriptions**, and that the reader can now access information about your light maintenance depots through an indirect hyperlink. There are no third party service facilities on your network.

Article 3.3 of Regulation (EU) 2016/545 requires the publication of a **Framework Capacity Statement**, but we note that one is not included. If you consider that you are not required to produce such a statement owing to the length of your access contracts not exceeding one timetable period, please can you make this clear in subsequent versions.

We are continuing to take a pragmatic and proportionate approach to our controlling role and we are not aware of any competitive situation in Northern Ireland to indicate that we should direct you to make changes to your 2021 published network statement.

I am attaching a Word copy of your published network statement that includes some detailed points we have marked for you to take into account when preparing the 2022 version.

Finally, noting that the **RailNet Europe common template** changed at the end of 2019¹, we anticipate your provisional 2022 version will follow that format.

I am copying this letter to John Glass and Ciaran Moore. In line with our commitment to transparency, we will place a copy of this letter on our website.

Yours sincerely,

Les Waters

¹ See http://rne.eu/wp-content/uploads/RNE_NS_Common_Structure_TT_2022.pdf