

Les Waters
Senior Manager, Licensing
Railway Markets and Economics
Email les.waters@orr.gov.uk

24 May 2019

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

Dear Jane,

Northern Ireland Railways Company Limited (NIR): Network Statement 2020

I am writing to conclude ORR's review of NIR's 2020 network statement, as required of us under *The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016* (the Regulations).

Thank you for engaging so positively again. We discussed at the end of January your provisional 2020 document and the areas where we saw the network statement needing further attention. After we sent to you our written comments on the draft, our teams met in Belfast again to understand better the building blocks behind track access charging. We understand that you may need to seek input from the Department for Infrastructure to help further with this.

We note that the 2020 network statement shows progress on the 2019 edition. As well as making many detailed textual changes, a template track access agreement is available to download for the first time, as is a French language version of the network statement.

Beyond the aforementioned charging information – which we understand should be clear in time for your 2021 publication – there remain some areas in the network statement where the text still needs amending to remove some ambiguity over compliance with the Regulations: e.g. sections 4.4.1 (*Coordination Process*) asks for the conditions relating to previous levels of utilisation of capacity to be taken into account. These conditions need to be stated even if they are minimal, and 4.4.2 (*Track Access Dispute Resolution Process*) says that you will make all efforts to “reach a decision within 10 working days of receipt of the dispute”, but the Regulations state that a decision must be reached no later than 10 days after the final submission of all relevant information.

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 2020 published network statement.

I am attaching a table of detailed comments that you may use to focus your attention when you begin work on the 2021 version. We can refer to the table when we review the provisional copy.

Finally, I should mention that Implementing Regulation 2017/2177 (“the IR”), relating to access to service facilities, will apply from 1 June 2019. As a result, we are planning to update our Access & Management guidance to reflect the changes brought by the IR. Note that in accordance with Article 4, you will be required to provide information relating to service facilities on your network. We will therefore need to look for this information in your 2021 network statement.

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

Yours sincerely,

