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Access Executive
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5 October 2021

Paula Parker
Customer Manager
Network Rail Infrastructure Ltd
Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Scott Turner
Track Access Specialist
Cross Country Trains Limited
Cannon House
18 The Priory Queensway
Birmingham
B4 6BS

Dear Paula and Scott

Approval of the 15th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Cross Country Trains Limited dated 8 August 2017

We have today approved the above supplemental agreement submitted to us formally on 5 October 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 extend the current track access contract from the Principal Change Date 2021 in line with the recent contract extension, and to extend current ECML rights in line with Network Rail's recent decision to allow extensions up to the Subsidiary Change Date 2022, when these rights will expire.

Industry consultation

Network Rail undertook the usual industry consultation. No comments or queries were received.



ORR review

We have reviewed this application from an operational point of view and had several queries relating to both the content and the drafting of the supplemental agreement. Network Rail have answered these queries to our satisfaction and included the drafting amendments that we suggested.

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, Network Rail 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 the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Louise Beilby'.

Louise Beilby