

Louise Beilby
Senior Access Executive



10 December 2025

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Paul Howden
Planning Manager
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Dear Katy and Paul

Approval of the 44th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and XC Trains Limited (trading as CrossCountry) dated 8 August 2017

We have today approved the above supplemental agreement submitted to us formally on 9 December 2025 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 grant CrossCountry further rights necessary to operate its proposed December 2025 timetable, following the direction by ORR of another application for the same timetable period (38th supplemental agreement). This grants rights for services that have been identified as being in the timetable, but which have not been requested in any other application and are therefore not currently in CrossCountry's track access contract. The rights are to commence **on a contingent basis only** on the Principal Change Date (PCD) in December 2025 and will expire on the Subsidiary Change Date (SCD) in May 2026.

Industry consultation

Network Rail undertook the usual industry consultation for four weeks from 17 October 2025. Comments stating no objection were received from Northern Trains, Chiltern Trains, Great Western Railway, and Transport Focus.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some drafting issues with the supplemental agreement which we asked to be corrected prior to issuing our approval.



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



Louise Beilby