

Michael Albon
Executive, Access & Licensing
Telephone: 0207 282 3660
E-mail: michael.albon@orr.gsi.gov.uk



5 November 2018

Michelle Woolmore
Customer Manager
Network Rail Infrastructure Ltd
Baskerville House, Centenary Square
Broad St
Birmingham
B1 2ND

Rajveer Sandhu
Track Access Assistant
XC Trains Ltd
Cannon House
18 The Priory Queensway
Birmingham
B4 6BS

Dear Michelle and Rajveer

Approval of the 4th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and XC Trains Limited (jointly, “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally on 2 November 2018 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.

2. This agreement corrects historical errors in Schedule 5 of the parties' track access and streamlines quantum calls in routings to present a more accurate reflection of XC Trains' current position. There are generally no changes to quantum under this agreement.

3. Network Rail undertook the normal industry consultation ending on 5 September 2018 with no concerns raised.

4. Our review identified no issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993. We identified one part of the agreement where the drafting could be improved. The parties accepted this and amended the agreement accordingly for the formal submission.

5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent



with our section 4 duties, 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. 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 black ink, appearing to be 'Michael Albon', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael Albon