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30 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 5th 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 30 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 amends XC Trains Limited’s access rights to reflect changes in its services for the December 2018 timetable. The majority of the amendments are extensions to existing services. The parties are also seeking to extend the duration of a single York to Newcastle in both directions as a contingent right only.
3. Network Rail undertook the normal industry consultation with responses received from East Midlands Trains (EMT), DB Cargo and Transport Focus. EMT requested for the timings of the amended services that would be operating in the Leeds area. Network Rail responded with the relevant information and EMT confirmed no objections. DB Cargo asked for pathing details on the proposed new services. Network Rail provided this and subsequently received no objections from DB Cargo. Transport Focus queried details of the adjustment in services. Network Rail explained their rationale for this and following this, received support for the application.
4. 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

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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)).

5. 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.

6. 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', written over a horizontal line.

**Michael Albon**