

6 June 2018

Jane Kerr  
Planning & Access Manager  
Infrastructure Systems & Performance  
Translink Group  
22 Great Victoria Street  
Belfast  
BT2 7LX

Dear Jane,

**Northern Ireland Railways Company Limited (NIR): Network Statement 2019**

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

We have reviewed your published Network Statement 2019, dated 30 March 2018, having already commented in detail on the provisional version you sent to us on 21 December 2017. I should point out that, despite our input, ORR's roles under regulation 32(1), 32(2) and 34(1) means that we cannot endorse or approve the publication.

Thank you for your constructive engagement again this year. We note that although you have addressed some of our comments, there are still some key areas where we consider that your published version lacks sufficient information to be fully compliant with the Regulations. For example:

- *Charging* (section 6 of the network statement) - the requirement to include details of charging principles and tariffs is required under regulation 13(4)(c);
- *Service facilities* (section 3.6 of the network statement) - details on charges for the use of service facilities, as required under regulation 13(4)(d);
- *Previous utilisation of capacity* - as required under regulation 13(4)(j)(xi). This is missing from the network statement;
- *Model framework agreement* - as required under regulation 13(4)(o). This is also missing from the network statement; and
- *Publication in two European languages* - required under regulation 13(8).

The obligations imposed by the Regulations are legal requirements, not regulatory burdens imposed by ORR, and NIR would need to resource additional activity to develop the network statement into full compliance. We are taking 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 further changes to your 2019 network statement.



However, we need to be clear to what extent you will update your next network statement to meet the requirements of the Regulations. To help with this, please provide us, by 31 July 2018, a list of the sections you will update.

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

Yours sincerely,

A handwritten signature in blue ink that reads 'Les Waters'.

**Les Waters**