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28 January 2022

Laura Mason
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Network Rail Infrastructure Ltd
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Scott Turner
Track Access Specialist
XC Trains Limited Ltd
Cannon House
19 The Priory Queensway
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B4 6BS

Dear Laura and Scott

Approval of the 18th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and XC Trains Limited dated 8 August 2017

We have today approved the above supplemental agreement submitted to us formally on 27 January 2022 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 XC Trains Ltd with an extension of all its East Coast Main Line contingent rights that fall under the conditions of the ECML access rights policy (as set out in the Schedule 5 table). The rights are to commence on the Subsidiary Change Date 2022 and will operate up until the Subsidiary Change Date 2023.

Industry consultation

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

ORR review

Our review of the application raised no operational, performance or economic concerns.

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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 black ink, appearing to read 'R. Holt', with a long horizontal line extending to the right.

Ryan Holt