

Ellie Mitchell
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7 September 2022

Laura Mason
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Network Rail Infrastructure Ltd
Baskerville House
Centenary Square
Broad St
Birmingham
B1 2ND

Scott Turner
Track Access Specialist
XC Trains Ltd
Cannon House
19 The Priory Queensway
Birmingham
B4 6BS

Dear Laura and Scott,

Approval of the 21st supplemental agreement to the track access contract between Network Rail Infrastructure Limited and CrossCountry Trains Limited dated 8 August 2017.

We have today approved the above supplemental agreement submitted to us formally on 6 September 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 reintroduce contingent rights for 2 weekday train slots that were removed in error during a previous supplemental (the 13th). The rights are to commence on 7 September 2022 and will expire on the Subsidiary Change Date 2023.

Industry consultation

Network Rail undertook the usual industry consultation and no objections were raised.



ORR review

Our review of the application raised no operational, performance or economic concerns. We identified a minor drafting issue and this was resolved when the agreement was formally submitted

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 that reads 'Ellie Mitchell'.

Ellie Mitchell