

Claire Brooks
Track Executive



5 October 2023

Sophie Grieves
Customer Manager
Network Rail Infrastructure Ltd
Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Josh Watkins
Senior Timetable Program and
Development Manager
XC Trains Ltd
Cannon House
18 The Priory Queensway
Birmingham
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Dear Sophie and Josh

Approval of the 26th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and XC Trains Ltd Limited dated 4 October 2023

We have today approved the above supplemental agreement submitted to us formally on 4 October 2023 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 provide XC Trains with the rights necessary to extend its TAC for 1 year from December 2023 to December 2024 to fulfil its contractual obligations. No additional rights have been added, and unused rights will be removed to reflect the December 2023 TT offering.

There is no proposed increase to services or further impact to network capacity. The application marks a reduction in previous rights granted. XC Trains will continue to run Class 220 / Class 221s / Class 170s rolling stock on the services proposed. Class 43 HSTs (including all formation variants) will be withdrawn from XC Trains services from October 2023 and will formally be withdrawn from access rights at PCD 2023.

Industry consultation

Head Office: 25 Cabot Square, London E14 4QZT: 020 7282 2000 orr.gov.uk



Network Rail undertook the usual industry consultation. No concerns or objections were raised.

ORR review

Our review of the application raised some operational and performance concerns, relating to rolling stock and calling points. These were explained and communicated to all parties and the issues have been addressed to our satisfaction.

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

Claire Brooks