

Edd Marston
Access Executive



10 December 2024

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Dear Sophie and Lee,

Approval of the 35th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and XC Trains Limited (trading as CrossCountry) dated 8 August 2017.

We have today approved the above supplemental agreement submitted to us formally on 29 November 2024 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

This supplemental agreement (SA) has two purposes:

To provide contingent rights for two services, running between Cardiff Central and Bristol Temple Meads on Saturdays, and between Bristol Temple Meads and Cardiff Central on Sundays. These additional services are to balance a need for CrossCountry to reduce travel for its train staff, improve maintenance for its Class 170 units and provide a passenger benefit for customers who have attended evening events at Cardiff Principality Stadium. The new rights are to commence on the Principal Change Date (PCD) in December 2024 and will expire on the Subsidiary Change Date (SCD) in May 2025.

To update Table 2.1 of Schedule 5 by showing 'via Bristol Parkway' for path 2.3c in Service Group EH02. This is not a change but has been added to illustrate the



difference as the two new rights will avoid Bristol Parkway by running through the Filton avoider.

Industry consultation

Network Rail undertook the usual industry consultation between 18 September and 18 October 2024. Comments in support, were received from West Midlands Trains and Transport Focus.

ORR review

We asked whether Transport for Wales was consulted as it is the Station and Depot operator for Cardiff Central Station and Canton Depot respectively. Network Rail confirmed Transport for Wales was consulted on this application, and did not respond.

Post invitation to submit, the parties realised that this SA would overwrite the 36th SA (which extends ECML rights from SCD 25-PCD 25). As a result, submission of the 35th SA was delayed to allow the 36th SA to be approved. After ORR approved the 36th SA, the ECML footnote in this supplemental agreement was changed to PCD 25.

Our review of the application raised no other operational, performance or economic concerns. We identified some minor drafting issues and these were resolved prior to the agreement's formal submission.

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

Edd Marston