

**Jonathan Rodgers**  
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15 January 2020

Laura Hines-Randle  
Customer Manager  
Network Rail Infrastructure Ltd  
Baskerville House, Centenary Square  
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Birmingham  
B1 2ND

Rajveer Sandhu  
Track Access Assistant  
XC Trains Ltd  
Canon House  
18 The Priory Queensway  
Birmingham  
B4 6BS

Dear Laura and Rajveer

## **Approval of the 11th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and XC Trains Limited**

1. We have today approved the above supplemental agreement submitted to us formally on 9 January 2020 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The agreement makes the following changes:
  - One Plymouth to Birmingham New Street Service extended to Derby reflected in one additional winter Saturday right between Birmingham New Street and Derby.
  - One Southampton to York SX path extended to Newcastle, reflected through an additional right between York and Newcastle on a contingent basis only.
  - One York to Southampton SX path extended to start from Newcastle, reflected through an additional right between Newcastle and York on a contingent basis.
  - One additional Alnmouth call and one additional Berwick Upon Tweed call in the Newcastle to Edinburgh service, on a contingent basis.
3. The industry consultation was undertaken in the usual manner with supportive responses received from Transport Focus and Nexus. No concerns were raised.
4. Our review identified no issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993.

5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. 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 'Jonathan Rodgers', with a long horizontal flourish extending to the right.

**Jonathan Rodgers**