

**Louise Beilby**  
Access Executive  
Telephone: 0207 282 2076  
E-mail: louise.beilby@orr.gov.uk



6 March 2020

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

Joanna Davey  
Head of Track Access &  
Possession Strategy  
XC Trains Limited  
Cannon House  
18 The Priory  
Queensway  
Birmingham  
B4 6BS

Dear Laura and Joanna

**Approval of the 12th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and XC Trains Limited dated 8 August 2017**

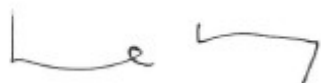
1. We have today approved the above supplemental agreement submitted to us formally on 24 February 2020 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains our decision.
2. The agreement extends XC Trains' current track access contract, which was due to expire on the Principal Change Date 2020, for a further two years to the Principal Change Date 2022.
3. Network Rail undertook the usual industry consultation. There were objections from only one interested party, Greater Western Railways, who stated they had had a similar proposal rejected recently due to competition from Open Access operators. They also had concerns about the interface with their own services at Abbotswood Junction.
4. Network Rail addressed these concerns to GWR's satisfaction, and they withdrew their objections. There are no outstanding unresolved issues.
5. Our review of the application raised no operational, performance or economic concerns. We requested one minor amendment with regard to the definition of the Effective Date of the agreement, and this was included when the agreement was formally submitted.

6. 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)).

7. 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.

8. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport. 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. I am also copying this letter without enclosures to Peter Craig at Network Rail.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Louise', with a stylized flourish at the end.

**Louise Beilby**