



Gerry Leighton
Office of Rail Regulation
1 Kemble Street
London
WC2B 4AN

Network Rail
Kings Place, 90 York Way
London, N1 9AG

Tel: 0203 356 9343
Email: sarah.mountford@networkrail.co.uk

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Dear Gerry

Network Rail's response to ORR's review of the General Approval (Stations) 2010 & General Approval (Depots) 2010

This letter sets out Network Rail's response to ORR's *'Review of the General Approval (Stations) 2010 & General Approval (Depots) 2010'*, published on 26 February 2013. We welcome the opportunity to comment. We can confirm that no part of our response is confidential and we are content for it to be published in full.

Network Rail agrees that the proposed changes to the General Approvals are non-contentious and welcomes the suggested improvements. Overall, we feel that the introduction of both General Approvals has streamlined the process for making contractual amendments.

In response to the specific questions in your letter:

General Approval (Stations) 2010

1. Network Rail agrees with the proposed changes as outlined in Annex B.
2. N/A
3. We have no particular comments to make in relation to the proposed changes.
4. We suggest that an additional change could be made to the "permitted modifications" in order to allow for the insertion of a facility charge payment in Annex 9 (Miscellaneous Provisions) of the National Station Access Conditions. This figure could be capped to the amount of £50,000 per annum. This modification could include a requirement to have RAB approval and that the facility charge has been calculated in accordance with ORR's *'Investment framework consolidated policy and guidelines'*.

On submission of the amendment under the General Approval, the relevant RAB approval notice could be included along with the facility charge calculation spreadsheet.



The supporting evidence would then be available for review in ORR's audit process if such an amendment was selected as part of the random sample. ORR's audit process would then identify any misuse of the provision.

The basis for this suggestion is that we understand that ORR is considering a slightly revised approach to RAB additions for CP5. Currently, RAB addition and the associated facility charge is agreed with ORR on an individual scheme basis. The revised approach, if implemented, is for the CP5 determination to include a baseline assumption for the level of enhancements and the associated facility charge income under the investment framework. A sample of schemes would be reviewed each year (as per the land disposal general consent audit) reducing the need for ORR to review each scheme on an individual basis. If such an approach were to be adopted for CP5, it would make sense to align facility charge contractual amendments with this process, making it a suitable additional "permitted modification".

We would be happy to discuss this suggestion in more detail.

5. N/A

General Approval (Depots) 2010

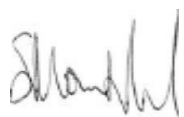
1. We agree with the proposed change as outlined in Annex C. We have no additional comments to make on this change.
2. Please see our comments at point 4 above in relation to facility charges. We suggest that a similar change could be made to the General Approval (Depots) 2010.
3. N/A

Template access agreements

We agree with the proposed changes to the template access agreements as outlined in Annex D. We have no additional comments.

We hope you find our comments useful.

Yours sincerely



Sarah Mountford
Senior Reform Specialist