

First directions email, sent to the Dispute Parties on 08 January 2026

Dear all,

Upon reading the papers and emails filed to date, and having regard to the circumstances surrounding the cancelation of the original hearing date fixed for this dispute, the Hearing Chair has issued the following direction:

1. XC Trains Limited (XC) shall send to Network Rail (NR) a copy of its email to the ADC Secretary timed at 12:21 on 7 January 2026 **as soon as reasonably possible** and in any event by **no later than 17:00 Monday 12 January 2026**;
2. XC shall include in its Sole Reference Document (SRD) a full explanation of the agreement it reached with NR concerning the building of the safe walking route in issue and shall append to its SRD copies of all correspondence, notes or other documents evidencing and concerning that agreement;
3. XC shall also state in its SRD whether it contends that, 'exceptional circumstances' (within the meaning of paragraph 5.3.1 of Part D of the Network Code) arise on the issue in question and, if so, it shall set out all facts and matters relied upon in support of that contention and shall append any relevant documents or materials to its SRD.

Please can a representative of each Party acknowledge receipt of this email? If you have any questions please do not hesitate to contact me; it now looks likely that I will also be working for a short period tomorrow morning until 10:00.

Kind regards,

Secretary
Access Disputes Committee

Second directions email, sent to the Dispute Parties on 19 January 2026

Dear All,

The Hearing Chair has read and considered the Sole Reference Document ("SRD") filed and served by XC Trains Limited ("XC") on Thursday 15th January 2026 and the appendices attached thereto. For clarification, two points arise and these 2nd Directions are issued for **compliance by XC by 5pm on Tuesday 20th January 2026**.

1. An email dated 8th January 2026 issued by the Secretary to the Parties set out the 1st Directions issued by the Hearing Chair. Paragraph 3 of those 1st Directions stated:

3. XC shall also state in its SRD whether it contends that, 'exceptional circumstances' (within the meaning of paragraph 5.3.1 of Part D of the Network Code) arise on the issue in question and, if so, it shall set out all facts and matters relied upon in support of that contention and shall append any relevant documents or materials to its SRD.

The SRD filed by XC on Thursday 15th January 2026 does not appear to comply with that Direction in express terms, although some implications might be construed from some of the submissions put forward. **For the**

avoidance of doubt, XC shall file and serve a Supplemental SRD by the deadline specified above setting out its position on this matter in clear terms; and

2. On Page 21 of the appendices to XC's SRD issued on Thursday 15th January 2026 there is reference to a meeting held on 24th October 2025 which records "*Discussions were ongoing to support the completion by Christmas 2025*" **In its Supplemental SRD, XC shall explain whether prior to this meeting there had been an agreement with Network Rail that the walkway would be completed by Christmas 2025 and, if so, if that agreement was recorded in any emails or notes. If there are such records, these shall be appended by XC to the Supplemental SRD.**

Please can a representative of each Party acknowledge receipt of this email? If you have any questions please do not hesitate to contact me.

Regards,

Secretariat
Access Disputes Committee

Third directions email, sent to the Dispute Parties on 23 January 2026

Dear All,

The Hearing Chair having read and considered the Sole Reference Documents ("SRDs") filed and served by XC Trains Limited ("XC") on Thursday 15th January 2026 and Network Rail ("NR") on Thursday 22nd January 2026 directs that:

1. XC shall as soon as possible, and in any event **by no later than 5pm Tuesday 27th January 2026**, file with the Secretary and serve on NR, a Reply to the NR SRD issued on 22nd January 2026, focussing on those issues where XC disagrees with assertions made by NR in its SRD.

2. The crux of the dispute now appears to be the construction of a driver walking route at Woodburn Junction and whether there was a clear and fixed agreement between XC and NR that it would be constructed, inspected and checked in time for it to be in use prior to the commencement of the Attercliffe Blockade, or whether this was merely aspirational and that there was always the possibility that the walking route might not be available for use until sometime during, or even after the end of the Attercliffe blockade. Precisely what was agreed or not are issues of fact. In the absence of written witness statements of fact given by those persons involved in the various meetings, conversations and exchanges of communications, both XC and NR shall ensure that those members of their respective staff directly involved in and with direct first hand knowledge of those meetings, conversations and exchanges of correspondence shall attend the Hearing in order to give evidence in person on matters where recollections may differ.

Please can a representative of each Party acknowledge receipt of this email? If you have any questions please do not hesitate to contact me.

Regards,

Secretariat
Access Disputes Committee