**Devon County Council response to
ORR Consultation on Schedule 4 and 8 possessions and performance regimes
November 2012.**

Compensation for charter operators

43. Do you agree that a separate charter operator payment rate should be calculated using the same methodology used to calculate the freight operator payment rate, but based on delays caused by charter operators to other train operators? If not, please tell us why?

We do not agree with this proposal, as the case for change does not appear to be sufficiently strong.

44. Do you agree with our proposal not to require Network Rail to provide incident caps to charter operators on the basis this currently results in a subsidy to charter operators? If not, please tell us why?

We do not agree with the proposal, as we are concerned that the removal of incident caps is likely to result in the risk of a detrimental effect on the ability of many charter services to continue. These are seen as a key contribution to the economy in the South-west of England.

45. Do you agree that incident caps are something that could be provided to charter operators by the private insurance market? If not, please tell us why?

We do not agree, as the report does not prove the case that this facility will either be provided by the private market, or that premiums will be affordable.

46. Are you content for us to set the Network Rail payment rate in the charter operator performance regime so it is the same as the Network Rail payment rate in the freight performance regime? If not, do you have any proposals on how we should update it including on the evidence we could use?

We do not agree with this proposal, as the case for change does not appear to be sufficiently strong.

47. Are you of the view that there are any other areas of the charter Schedule 8 performance regime that should be amended?

No.

Contact Details:
     Bruce Thompson
     Head of Transport Co-ordination Service
     Devon County Council
     Matford Offices, County Hall
     Exeter, EX2 4QD

     E: bruce.thompson@devon.gov.uk
     T: 01392 383244