

Margret Haswell

Executive, Access and Licensing
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21 July 2022

Sarah Winnington
Customer Manager
Network Rail Infrastructure Ltd
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Tony Hewitson
Head of Operations, Commercial
& Planning
Direct Rail Services Limited
Kingmoor Depot, Etterby Road
Carlisle CA3 9NZ

Dear Sarah and Tony,

Amendment of a track access contract between Network Rail Infrastructure Limited and Direct Rail Services Limited: Twelfth Supplemental Agreement.

1. On 21 July 2022 the Office of Rail and Road (**ORR**) approved the twelfth Supplemental Agreement (**SA**) to the track access contract (**TAC**) between Network Rail Infrastructure Limited (**Network Rail**) and Direct Rail Services Limited (**DRS**) under section 22 of the Railways Act 1993 (**the Act**), submitted to us on 20 July 2022. This letter sets out the reasons for our decision.

Background

2. This SA amends 35 existing one hour window Firm Rights.
3. The changes are to a mix of characteristics including timing loads, origin, destination, intermediate points, arrival and departure windows.
4. The Anglo-Scottish intermodal services traction has changed from double headed class 86's to single Class 88's which has resulted in the timing load updates.

ORR Review

5. We received the informal submission from the parties on 17 May 2022.
6. At the time of consultation of this SA, Tilbury 2 terminal had not yet opened and consequently the following services are shown in Schedule 5 to terminate at Purfleet Deepwater: Service Code 52662790 4L48(SUN), 4L48(SX), 4M77 (MSX), 4M77(SO).
7. The terminal has since opened and these services now run to Tilbury rather than terminate at Purfleet Deepwater. The parties have chosen to proceed with the SA as it was consulted in order to avoid a delay to the other amendments contained within the 12th SA. We expect a further SA in due course to reflect these operational changes.

Consultation

8. This agreement went out to consultation between 17 March 2022 and 19 April 2022. There are no outstanding unresolved issues.

ORR Decision

9. This application is under section 22 of the Act and therefore is agreed between the parties and there are no outstanding issues. We are content to approve this agreement.
10. In making this decision, we are satisfied that this decision reflects our duties under section 4 of the Act, in particular:
 - (i) to protect the interests of users of railway assets;
 - (ii) to promote the use of railway network in Great Britain for the carriage of passengers and goods and the development of that railway network, to the greatest extent ...economically practicable;
 - (iii) to promote efficiency and economy on the part of the persons providing railway services; and
 - (iv) to enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.

Conformed copy

11. Under clause 18.2.4 of the TAC, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and DRS. I look forward to receiving the conformed copy.

Yours sincerely



Margret Haswell