

Ryan Holt
Access Executive



24 January 2023

Sarah McCarthy
Customer Relationship Executive
Network Rail Infrastructure Ltd
1 Eversholt Street
London
NW1 2DN

John Carpenter
Policy and Performance Manager
Colas Rail Ltd
Mill Road
Rugby
CV21 1BE

Dear Sarah and John

Approval of the 9th Supplemental Agreement to the track access contract between Network Rail Infrastructure Limited and Colas Rail Limited dated 16 November 2022

1. We have today approved the above supplemental agreement submitted to us formally on 20 December 2022 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The reason for the delay in issuing our approval was due to some documents being omitted from the initial formal submission. This letter explains the reasons for our decision.

Purpose

2. The purpose of this agreement is to grant Colas Rail Limited rights necessary to operate services between the Lindsey Oil Refinery and Jarrow transporting petroleum products. It amends three of Colas Rail's existing one hour 'window' firm rights.

Industry consultation

3. Network Rail undertook the usual industry consultation. Comments were received from Nexus and CrossCountry regarding whether the rights window reflected the working timetable and whether the re-timing of a specific service had been relayed into ECML ESG timetable work, respectively. Both these issues were resolved by the parties. Northern Trains also added comments regarding service timings, Timetable Planning Rules and flexing of paths, which were resolved by Network Rail.

ORR Decision

Head Office: 25 Cabot Square, London E14 4QZT: 020 7282 2000 orr.gov.uk



4. Our review of the application raised no operational, performance or economic concerns. 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.
5. 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 of the track access agreement

6. 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.

Yours sincerely

Ryan Holt