

**Margret Haswell**  
Executive, Access and Licensing



26 January 2023

Sarah Winnington  
Customer Manager  
Network Rail Infrastructure Ltd  
Floor 3L, The Quadrant  
Elder Gate  
Milton Keynes MK9 1EN

Tony Hewitson  
Head of Commercial Rail  
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 .**

1. On 26 January 2023 the Office of Rail and Road (**ORR**) approved the fourteenth 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 24 January 2023. This letter sets out the reasons for our decision.

**Background**

2. This SA converts one contingent right to a one-hour window firm right and amends the destination and contract miles of that right.

**ORR Review**

3. We received the informal submission from the parties on 3 January 2023. Network Rail has begun the process of turning applicable contingent rights, previously time limited by its East Coast Mainline (ECML) access policy, to firm rights on a case-by-case basis. Network Rail has supported DRS's request to convert this right, with some amendments. Network Rail has confirmed that the applicable rights fit into the current timetable framework on the ECML, as well as the future timetable framework developed under the ECML Event Steering Group (ESG) umbrella.
4. Due to pathing issues, it was agreed that the access right will terminate short of the service's final destination. The cargo can exceptionally be moved onwards using another existing firm access right for the last leg of the journey. This is reflected in the reduced contract mileage. A one-hour window has been agreed due to the nature of the traffic and other operational reasons.

**Consultation**

5. This agreement went out to consultation between 14 November 2022 and 14 December 2022. There are no outstanding unresolved issues.

## **ORR Decision**

6. 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.
7. 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**

8. 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**