

**Steve Jones**

Executive, Access and Licensing  
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8 April 2021

Jules Graham  
Customer Relationship Executive  
Network Rail Infrastructure Limited  
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1 Eversholt Street  
London NW1 2DN

Tony Hewitson  
Deputy Director Commercial &  
Planning  
Direct Rail Services Ltd  
Eterby Road  
Carlisle CA3 9NZ

Dear Jules and Tony

**Amendment of a track access contract between Network Rail Infrastructure Limited (Network Rail) and Direct Rail Services Ltd: Tenth Supplemental Agreement.**

1. On 8 April 2021 the Office of Rail and Road (**ORR**) approved the tenth 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 6 April 2021. This letter sets out the reasons for our decision.

**Background**

2. This SA adds 23 new one-hour firm right windows and 1 contingent right (6M38) up to SCD22 as per ECML access rights policy. It also deletes 7 access rights that are no longer required.
3. The SA is a mixture of intermodal traffic and nuclear services, the latter's routings should be redacted from the rights table for publication on ORR's website.

**Consultation**

4. This SA originally went out to consultation on 23 October 2020, closing on 24 November 2020. There was one consultation response from East West Rail. Network Rail replied stating that the 6 new one-hour rights being sought had all been running for a period of time without performance issues and the SA was to formalise these rights. East West Rail was satisfied with this and there are no outstanding unresolved issues with this SA.

**ORR Decision**

5. 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.
6. 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.
7. 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

*S Jones*

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