

**Steve Jones**

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20 August 2020

Rob Williamson  
Customer Relationship Executive  
Network Rail Infrastructure Limited  
By email:

Ian Kapur  
Head of Capacity Planning  
GB Railfreight Ltd  
By email:

Dear Rob and Ian

**Amendment of a track access contract between Network Rail Infrastructure Limited (Network Rail) and GB Railfreight Ltd: Twelfth Supplemental Agreement.**

1. On 20 August 2020 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 GB Railfreight Limited (**GBRF**) under section 22 of the Railways Act 1993 (**the Act**), submitted to us on 11 August. This letter sets out the reasons for our decision.

**Background**

2. This Supplemental Agreement contains two new firm rights for some short-distance ancillary flows between the Port of Southampton and Eastleigh. This will facilitate with general stock moves, as waggons cannot be stabled in Southampton. The application is also seeking three amendments to firm rights covering routings and days of operation.

**Consultation**

3. Industry consultation took place between 23 June 2020 and 23 July 2020. There are no unresolved issues with this SA.

**ORR Review**

4. ORR suggested some changes to the SA recitals concerning effective start date and deletion of “contingent rights”; NR re-submitted the agreement to reflect these. We also requested changes to Appendix A (Rights Table) to identify more clearly between new and amended firm rights and non-contractual changes which have now been made.

**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. Therefore, 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 GBRF. I look forward to receiving the conformed copy.

Yours sincerely

*S Jones*

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