

## Margret Haswell

Executive, Access and Licensing  
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6 July 2022

Megan Holman  
Customer Manager  
Network Rail Infrastructure Ltd  
4<sup>th</sup> Floor  
George Stephenson House  
York YO1 6JT

Quentin Hedderly  
Network Capacity Advisor  
DB Cargo (UK) Ltd  
Lakeside Business Park  
Doncaster  
South Yorkshire DN4 5PN

Dear Megan and Quentin,

### **Amendment of a track access contract between Network Rail Infrastructure Limited and DB Cargo (UK) Limited: Fifty Third Supplemental Agreement.**

1. On 6 July 2022 the Office of Rail and Road (ORR) approved the Fifty Third Supplemental Agreement (SA) to the track access contract (TAC) between Network Rail Infrastructure Limited (Network Rail) and DB Cargo (UK) Limited (DBC) under section 22 of the Railways Act 1993 (the Act), submitted to us on 6 July 2022. This letter sets out the reasons for our decision.

#### **Background**

2. This SA is to make the following changes:
  - 9 additional one-hour window firm rights
  - 5 additional two-hour window firm rights
  - 9 additional one-hour contingent rights (agreed in line with Network Rail's ECML policy)
  - 13 amended one-hour window firm rights
  - 4 relinquished one-hour firm rights.

#### **Consultation**

3. The draft SA went out to consultation between 6 April 2022 and 5 May 2022. There are no outstanding or unresolved issues.

#### **ORR Review**

4. We received an informal submission from the parties on 14 June 2022. There are 14 new firm rights. We note that one-hour windows were agreed by the parties for 9 of these to maintain robust base plans and meet timings for the onward supply chain. Other changes reflect adjustments to traffic flows.
5. We also note that one-hour windows have been agreed for the 9 new contingent rights, although contingent rights are normally quantum. We noted the parties' explanation that one-hour windows were agreed in line with the ECML Policy to support the traffic contained in this SA by maintaining a robust base plan and terminal

plans. This would also prevent future timetable changes diverging excessively from the current Working TimeTable pathways.

### **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 DBC. I look forward to receiving the conformed copy.

Yours sincerely



**Margret Haswell**