

**Margret Haswell**

Executive, Access and Licensing  
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26 April 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: Forty Third Supplemental Agreement.**

1. On 26 April 2022 the Office of Rail and Road (ORR) approved the Forty 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 20 April 2022. This letter sets out the reasons for our decision.

**Background**

2. This SA is to amend 3 existing one-hour firm rights and add 9 additional rights to Service Group 1219.
3. 8 of the new rights contained within this SA operate between Newhaven Marine Aggregates Terminal DBC (Newhaven Marine AT) and Acton Terminal Complex (Acton T.C.). The other new right operates between Newhaven Marine AT and Neasden Engineers sidings.
4. We note from the Special Terms column that 9 of the rights contained within this SA are Heavy Axle Weight (HAW) restricted and have been listed as RA10, on condition that Network Rail has issued a valid dispensation authorising RA10 capability over that route.

**Consultation**

5. The draft SA went out to consultation between 7 January 2022 and 11 February 2022. There are no outstanding or unresolved issues.

**ORR Review**

6. We received an informal submission from Network Rail on 16 February 2022. We note that one-hour windows were agreed by the parties to reflect the traffic already in the current working timetable.

7. Action T.C. is a busy terminal and new services could have performance implications. DBC updated us on the dynamic nature of the traffic flows there and the parties provided performance data for April 2021 – March 2022. We also received the terms of reference and current action tracker for the Acton Performance Improvement Group, along with commentary from DBC on the actions already taken and consequent performance improvements. We note these developments, and we are satisfied with the information supplied.

### **ORR Decision**

8. 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.
9. 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**

10. 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**