

Margret Haswell

Executive, Access and Licensing

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11 April 2023

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Customer Manager
Network Rail Infrastructure Ltd
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George Stephenson House
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Quentin Hedderly
Network Capacity Advisor
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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: Sixty Fourth Supplemental Agreement.

1. Today the Office of Rail and Road (ORR) approved the Sixty Fourth 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 April 2023. This letter sets out the reasons for our decision.

Background

2. This SA is to add 25 new one-hour window firm rights and amend four one-hour window firm rights for existing aggregates traffic operating within Network Rail's Southern region. The SA also relinquishes two one-hour and two 24-hour window firm rights.

Consultation

3. The draft SA went out to consultation between 21 December 2022 and 27 January 2023. There are no outstanding or unresolved issues.

ORR Review

4. We received an informal submission from the parties on 10 March 2023. We note that seven of the new rights in the SA require RA10 capability which is only granted for the duration of the appropriate dispensation as issued by Network Rail – this is noted in the Special Terms column. Two of the amended one-hour window firm rights also require RA10 and have been granted this on the same terms.
5. We note that one-hour windows have been agreed for the 25 new firm rights due to operational and planning constraints faced by the customers such as inflexible offloading slots and the importance of ensuring these trains meet allocated departure times due to limited paths and capacity in the London area.

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