

Ryan Holt
Access Executive



29 March 2023

Sarah McCarthy
Customer Relationship Executive
Network Rail Infrastructure Ltd
Waterloo General Office
London
SE1 8SW

Ian Kapur
Head of Strategic Access Planning
GB Railfreight Ltd
3rd Floor
55 Old Broad Street
London
EC2M 1RX

Dear Sarah and Ian

Approval of the 22nd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and GB Railfreight Limited dated 27 March 2023

We have today approved the above supplemental agreement submitted to us formally on 27 March 2023 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision. The rights will last until 31 March 2024.

Purpose

The purpose of this agreement is to grant GB Railfreight 34 new firm rights and four amended firm rights (all with 60-minute windows) for Materials-by-Rail aggregates traffic, in connection with the HS2 project. The new services each have validated WTT paths in the current (December 2022) timetable and so capacity exists for these services.

Industry consultation

Network Rail undertook the usual industry consultation from 13 January 2023 to 13 February 2023. Two issues were raised by Northern Railway. The first queried whether services had valid paths in the December 2022 timetable. The other was around performance risks due to infrastructure issues. Network Rail confirmed that the trains have been running for multiple years and the performance impacts are understood. Northern was satisfied with these responses and had no further issues.

ORR review

Head Office: 25 Cabot Square, London E14 4QZT: 020 7282 2000 orr.gov.uk



Following ORR's review of the informal submission, we suggested a number of amendments to the documents provided. These were subsequently made by the parties and included in the formal submission dated 27 March 2023. Our review of the application raised no other operational, performance or economic concerns.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; in particular, those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

Conformed copy of the track access agreement

Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. Please send the conformed copy to me at ORR.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Holt', with a long horizontal line extending to the right.

Ryan Holt