

Margret Haswell

Executive, Access and Licensing
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20 April 2023

Rhiannon Saegert
Customer Manager
Network Rail Infrastructure Limited
Waterloo General Office
London
SE1 8SW

Chris Matthews
Timetable Strategy & Rail
Industry Manager
Freightliner Ltd
6th Floor The Lewis Building
35 Bull Street
Birmingham B4 6EQ

Dear Rhiannon and Chris

Amendment of a track access contract between Network Rail Infrastructure Limited and Freightliner Limited: Thirteenth Supplemental Agreement.

1. Today the Office of Rail and Road (**ORR**) approved the thirteenth Supplemental Agreement (**SA**) to the track access contract (**TAC**) between Network Rail Infrastructure Limited (**Network Rail**) and Freightliner Limited (**Freightliner**) under section 22 of the Railways Act 1993 (**the Act**), submitted to us on 18 April 2023. This letter sets out the reasons for our decision.

Background

2. This SA adds three new one-hour window firm rights, amends two existing one-hour window firm rights and relinquishes one firm right. It updates existing rights between Felixstowe and Doncaster Europort, to reflect changes to traffic patterns due to a redirection of traffic to the intermodal terminal at Tinsley, which opened in early 2021.
3. The quantum of services is unchanged, with existing paths being extended to Tinsley and new rights reflecting splits to existing rights or new origin locations, to correspond with the Working Timetable.

Consultation

4. The draft SA went out to industry consultation between 23 August 2022 and 23 September 2022. There are no outstanding unresolved issues.

ORR Review

5. The Form F submitted by the parties set out the rationale for the changes, we note that the train services are already running and the application is supported by Network Rail. We are not aware of any reason not to approve these changes. Although the industry consultation was carried out some months ago, the parties did informally submit the application to us earlier this year and we agreed in principle to the application at that stage. It was signed shortly after and there was a pause before it was formally submitted to us.

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 Freightliner and me. I look forward to receiving the conformed copy.

Public register and administration

9. Copies of the approval notice and the agreement will be placed on ORR's public register ([Public register](#)) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A handwritten signature in black ink that reads 'M Haswell'.

Margret Haswell