

Margret Haswell

Executive, Access and Licensing

Email: track.access@orr.gov.uk

26 April 2023

Megan Holman
Customer Manager
Network Rail Infrastructure Ltd
4th 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: Sixty Second Supplemental Agreement.

1. Today the Office of Rail and Road (ORR) approved the Sixty Second 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 26 April 2023. This letter sets out the reasons for our decision.

Background

2. This SA is to add seven new one-hour window firm rights and amend seven one-hour window firm rights for steel traffic.
3. The parties have agreed to one-hour windows due to several operational restraints such as the sailing times of incoming and outgoing vessels to the UK ports, insufficient capacity at many locations to store steel if turnaround times for the onward supply chains are not met and critical timings of bringing together or detaching multiple services for several customers.

Consultation

4. The draft SA went out to consultation between 10 March 2023 and 10 April 2023. There are no outstanding or unresolved issues.

ORR Review

5. We received an informal submission from the parties on 11 April 2023. The Form F and additional commentary submitted by the parties set out the rationale for the change. We note that the train services are already running and the application is supported by Network Rail.
6. Our review of the application raised no operational, performance or economic concerns and we are content that it is consistent with current track access policy.

ORR Decision

7. 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.
8. 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

9. 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.

Public register and administration

1. 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



Margret Haswell