

**Margret Haswell**

Executive, Access and Licensing

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6 July 2023

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Customer Manager  
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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: Fifty Eighth Supplemental Agreement.**

1. Today the Office of Rail and Road (ORR) approved the Fifty Eighth 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 29 June 2023. This letter sets out the reasons for our decision.

**Background**

1. This SA is to make the following changes:
  - 21 new one-hour window firm rights until the end of the contract, 3 of which have 90-minute arrival windows.
  - 13 new one-hour window firm rights, with duration limited until October 2024.
  - 2 new 24-hour window firm rights.
  - 5 amended one hour window firm rights.
  - 2 relinquished one hour window firm rights.
2. The 34 new firm rights are for multiple customers moving multiple commodities: building material/concrete, scrap metal, waste and automobiles. One-hour windows have been agreed by Network Rail for the new rights and the reasons provided by the parties are operational and commercial such as inflexible loadings slots and pathing difficulties around London and the volatility of the scrap metals market meaning late services could have a significant financial impact on customers.
3. 13 of the new one-hour window rights are time limited to October 2024 due to their interaction with the Great Eastern Mainline (GEML). At the time this application was proceeding through the system there was uncertainty over a recast of the GEML timetable and Network Rail agreed to sell the rights to DBC only until October 2024 when the recast was due to take effect. Special wording was agreed for the rights table in the TAC.
4. Since the application was consulted, that position has moved on. The GEML Event Steering Group has now been closed and Network Rail no longer requires the 13

rights to be time limited. DBC and its customers wish to secure the rights contained within this SA now, but will undertake a further industry consultation on a fresh SA with a view to remove the constraints.

5. The draft SA went out to industry consultation between 2 May 2023 and 2 June 2023. There are no outstanding or unresolved issues. We received an informal submission from the parties on 5 June 2023. The Form F and additional commentary 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..

### **ORR Review**

6. We have considered the parties' application. We are content that it is consistent with track access policy and see no reason not to approve these amendments. We will consider the refreshed SA when it is submitted in due course.

### **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**

10. 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**