

Ryan Holt
Access Executive

1 September 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 35th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and GB Railfreight Limited dated 11 December 2016

We have today approved the above supplemental agreement submitted to us formally on 31 August 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.

Purpose

The purpose of this agreement is to extend GB Railfreight's rights to operate Materials-by-Rail traffic in connection with the HS2 project. The 38 firm access rights will now expire PCD 2026, the end of the current track access contract, instead of in 2024. All access rights applied for have 60-minute windows.

Industry consultation

Network Rail undertook the usual industry consultation from 16 June to 20 July 2023. There were no issues or comments raised during the consultation.

ORR review

The Form F noted that all proposed rights should have 60-minute windows. GBRf confirmed that there was a carried over minor typing error in the Rights Table (with one



right having a 61 minute window) and this was corrected in the formal submission. We note there are no outstanding concerns or other issues raised by this application. These amendments extend the rights of services already running and needed for HS2 works.

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