

Margret Haswell

Executive, Access and Licensing

Email: track.access@orr.gov.uk



31 October 2023

Jules Graham
Customer Relationship Executive
Network Rail Infrastructure Ltd
3rd Floor
Waterloo General Offices
London SE1 8SW

Quentin Hedderly
Network Capacity Advisor
DB Cargo (UK) Ltd
Lakeside Business Park
Doncaster
South Yorkshire DN4 5PN

Dear Jules and Quentin,

Amendment of a track access contract between Network Rail Infrastructure Limited and DB Cargo (UK) Limited: Sixty Eighth Supplemental Agreement.

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

Background

2. This SA is to make the following changes:
 - 12 new one-hour window firm rights.
 - 3 new 24-hour window firm rights.
 - 39 amended one hour window firm rights.
 - 15 relinquished one-hour window firm rights.
3. The new firm rights within this supplemental are for steel traffic moves in South Wales. One-hour windows have been agreed by Network Rail for 12 of the new rights and the reasons provided by the parties are operational and commercial. The parties mentioned constraints such as inflexible slots due to infrastructure of storage, loading and staffing requirements as well as the security required to correspond with the timings of incoming and outgoing vessels at ports.
4. The amendments to 39 existing rights include changes to departure and arrival times, standardising the naming of origin and destination points, and updating timing loads and contract miles to reflect current operations.
5. The draft SA went out to industry consultation between 6 June 2023 and 6 July 2023. There are no outstanding or unresolved issues. We received an informal submission from the parties on 2 August 2023. The Form F and additional commentary set out the rationale for the changes. We note that the train services are already running and the application is supported by Network and the established processes have been followed.

ORR Review

6. We identified some minor typographical errors and asked clarificatory questions regarding changes to the Rights Table which were satisfactorily resolved. Network Rail and DBC provided reassurance that performance improvement initiatives in place at the South Wales terminals, particularly Margam TC, are in place with weekly meetings that proactively identify and seek to address local issues.
7. We have considered the application and are content that it is consistent with track access policy and see no reason not to approve these amendments.

ORR Decision

8. 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.
9. 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

10. 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 decision letter, 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 ([Track access decisions | Office of Rail and Road \(orr.gov.uk\)](#)).

Yours sincerely

Margret Haswell