



APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A FREIGHT TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT

ORR ensures that train operating companies have fair access to the rail network and that best use is made of capacity.

Use this form to apply to the Office of Rail and Road (ORR) for:

- Directions under section 17 of *The Railways Act 1993* (the Act) for a new track access contract. This is for companies who want to use Network Rail's network where the parties are not able (for whatever reason) to reach agreement.
- Approval for a new track access contract under section 18 of the Act. This is for use where terms have been agreed by the parties.
- Approval of a proposed amendment to an existing track access contract, agreed by both parties, under section 22 of the Act.
- Directions under section 22A of the Act for an amendment to an existing track access contract. This is for someone seeking an amendment to an existing track access contract to permit more extensive use of the railway facility if the parties are not able, for whatever reason, to reach agreement.

The form sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) (and our [making an application](#) guidance in particular) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry [code of practice for track access application consultations](#) for more information.

Network Rail should normally take responsibility for the pre-application consultation, where the terms are agreed. Before a consultation is made, complete this form up to the end of section 8. You should fill in the rest of the form after the consultation and before applying to ORR.

If, in the case of section 17 and 22A applications, the beneficiary and Network Rail have been unable to agree terms, the beneficiary should:

- (a) ask Network Rail to conduct a pre-application consultation in line with the code of practice; or
- (b) conduct a pre-application consultation itself, in line with the code of practice; or
- (c) submit the application to ORR and ask ORR to conduct the consultation, in which case, please complete this form in full before submitting it to us.

We are happy to talk to you informally before you apply. Please contact us at Track.Access@orr.gov.uk. You should use our current [model freight track access contract](#) as your starting point. Please ensure that you are using the latest version of this form as published on our [website](#). We may ask for applications which have not used the latest templates to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

1. Application Summary

1.1 Facility owner:

Network Rail Infrastructure Limited ("Network Rail")

1.2 Beneficiary Company:

DB Cargo (UK) Ltd ("DB Cargo")

1.3 With which of the regions does this application interact?

Region:	Southern <input checked="" type="checkbox"/>	Eastern <input checked="" type="checkbox"/>	North West & Central <input checked="" type="checkbox"/>	Wales & Western <input type="checkbox"/>	Scotland's Railway <input type="checkbox"/>
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1.4 Application under the Railways Act 1993 section:

17	<input type="checkbox"/>	18	<input type="checkbox"/>	22	<input type="checkbox"/>	22A	<input checked="" type="checkbox"/>
				Supplemental Number:			
				Current contract date:			
				Current contract expiry date:			

1.5 Executive summary of the proposed contract or amendment: (Brief & High Level)

The Rights Table in Schedule 5 of the Track Access Contract (Freight Services) dated 11 December 2016 between the Parties ("the Contract") shall be amended by updating Service Groups 6101 (flows 1 and 2) and 6103 (flows 1 and 2) with the details listed in Annex 1 of the Supplemental Agreement to be consistent with the December 2023 timetable.

Proposed commencement date:	Date of ORR's approval
Expiry date:	PCD 2026
Date Approved at SOAR	n/a
If rights currently running as TOVRs when did they commence?	n/a

1.6 Industry consultation:

Who carried out the consultation?	
Consultation start date:	Consultation end date:
Not carried out <input checked="" type="checkbox"/>	

1.7 Applicant details

<p>Network Rail Infrastructure Limited ("Network Rail")</p> <p>Contact individual: Ian Bartlett Job title: Customer Manager Telephone number: [REDACTED] E-mail address: [REDACTED]</p> <p>Address: Floor 3, Waterloo General Offices London SE1 8SW</p>	<p>DB Cargo (UK) Ltd ("DB Cargo")</p> <p>Contact individual: Quentin Hedderly Job title: Regulatory Specialist Telephone number: [REDACTED] E-mail address: [REDACTED]</p> <p>Address: Lakeside Business Park Doncaster South Yorkshire DN4 5PN</p>
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1.8 Date of application to ORR:

20 May 2024

1.9 Checklist of documents attached to the application form:

- Proposed new contract or supplemental agreement
- Marked up Schedule 5 (where applicable)
- Marked up comparison to model contract (where applicable)
- All consultation correspondence
- Supporting evidence such as performance improvement plans or modelling exercises.
- Other supporting documents, side letters or collateral agreements (please list):

1.10 Confidential redactions: If there is any information you want us to exclude from publication please list it here and provide full reasons for the redactions. Please provide a redacted version of the document(s) that we can publish.

n/a

2. Licence and railway safety certificate

2.1 Please state whether:

- you intend to operate the services yourself; or
- have them operated on your behalf.
- if so, please name the proposed operating company:

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2.2 Does the proposed operator of the services:

- (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and**
- (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

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3. The proposed contract or amendment

3.1 Application overview: Please detail the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

The following paper provides information to support the rights for:

Danone traffic

- 6O71 SUN Daventry – Dollands Moor Yard DBC
- 6B71 SX Wembley EFOC – Dollands Moor Sdgs
- 6M45 MTWO, SUN Dollands Moor Sdgs – Daventry

Novelis steel and aluminium traffic between Germany and Daventry/Widnes; also includes associated moves for fuelling as below:

Dollands Moor via Daventry to Widnes

- 6M10 MO Dollands Moor – Ditton Foundry Lane
- 6O26 FSX Ditton Foundry Lane – Dollands Moor
- 6M13 MSX Dollands Moor – Ditton Foundry Lane

STVA traffic

- 6X11 MO, TO, WThO, FO Toton – Dollands Moor
- 6X13 TThFO, SO Dollands Moor – Toton

DANONE COMMERCIAL JUSTIFICATION FOR ACCESS RIGHTS

DANONE'S TRAFFIC WITH DB CARGO

The Danone contract is jointly delivered by DB Cargo UK (DBC) and DB Cargo France (DBCFR), who operate the service in France.

Danone's traffic with DBC provides significant EBIT compared to the market average for DBC, therefore providing security in the current paths is critical to the bottom line for DBC.

CUSTOMER DEVELOPMENT AND INVESTMENT

Danone are seeking to increase their business, potentially up to twelve trains per week. As part of this, DBC will need to invest in resources particularly in training for drivers. This includes investing a significant amount of resource in:

- French language training
- Channel tunnel rules and regulations
- Channel tunnel route knowledge
- SNCF rules and regulations

Danone are also seeking to invest in more wagons to develop their supply chain in rail freight. 'Window' rights will provide certainty to both DBC and the customer that any investment needed going forward is going to be based on secure pathing.

Operational Constraints and Planning

The Danone traffic departs from Publier and Riom in France, reaching Calais, from where DBC operates the traffic through to Daventry. Danone's goods are then moved into Eddie Stobart's sidings where the pallets of water are unloaded.

The pallets are stored in Stobart's warehouse, until they are called off by end customers, such as Asda. The goods are then transported to national distribution centres, from where major supermarkets are serviced.

The traffic operates using Danone's wagons, restricted to 100km per hour through the Channel Tunnel. The use of the customer's wagons is critical to the commercial viability of delivering the service to Danone. This results in DBC and DBCFR being constrained with the traffic operating through the Channel Tunnel in fixed time slots. The trains operate through the tunnel between 22:00 and 07:00 CET, in an Off-Peak slot, in order to take advantage of the lowest tariff. 'Window' rights are required to ensure the traffic can operate as part of these fixed time slots.

The current paths can be resourced efficiently by both DBC and DBCFR. The current Train Slots allow efficient resource planning when combined with other international traffic and minimises light engine movements through the Channel Tunnel.

It is crucial that International freight services through the Channel Tunnel are planned efficiently and spread throughout the night to ensure all planned trains are accommodated between 22:00-07:00 CET. Efficient use must be made of the limited pool of locomotives and drivers capable of operating via the Channel Tunnel.

Any changes to the Train Plan would significantly impact both the upward supply chain from France and the downstream supply chain at Daventry. WH Malcolm operate a tight terminal plan at Daventry which aligns with constraints and capacity at Stobart's warehouse.

Due to capacity constraints, the traffic has a limited window at Daventry in which it can be discharged.

Summary

In summary, one hour 'window' rights are required to support this traffic due to constraints with other Infrastructure Managers and the wider dependencies of the supply chain. The current Train Plan is efficient but is determined by a significant number of constraints. A change to the current pathing would be detrimental to the efficient deployment of assets and would impact on the economic sustainability of this flow.

Novelis Commercial Justification for Access Rights

CUSTOMER AND MARKET

Novelis are a subsidiary company of Hindalco Industries Limited, global pioneers in the aluminium, copper and metals industry. They have an outstanding portfolio of well-established customers such as Coca-Cola, Ford, Jaguar and Samsung, which they supply to ensure their customers keep their production lines flowing.

Environmentally, Novelis are unmatched within the industry. They are the leading buyer and recycler of used beverage cans globally; recycling more than 82 billion cans annually. Novelis use materials which are the most sustainable and re-usable, meaning the cycle of re-using recycled material is endless, creating less waste and less environmental damage.

The requirement for Novelis to continue production is vital for their consumers but also for the environment, and we, as part of their logistics cycle, would need to ensure we retain the paths within the UK which are used for delivering the products and continue to support end customer requirements.

CUSTOMER AND BUSINESS DEVELOPMENT

DB Cargo has an excellent and long-standing relationship with Novelis. We deliver up to 6 trains per week on a rolling-contract. There are positive discussions ongoing to further develop our rail freight offering and grow the number of services we operate today.

When services are cancelled by DBC UK or Network Rail, Novelis' end customers will fail to meet critical timelines. This will have a negative effect on the reputation of both our companies as well as a financial impact.

Our wagon maintenance team have endeavoured to find ways to keep the FIA wagon fleet in traffic with high availability to maintain a robust service. This is part of the reason we have been able to deliver an exacting specification.

Our Planning Team in conjunction with Novelis ensure all services run as efficiently as possible.

LOCATIONAL DEVELOPMENT***Daventry***

There have been some changes within the WH Malcolm terminal at Daventry. They have taken over the warehousing facilities to oversee the Novelis trains arriving and departing. WH Malcolm understand that this is a long-term, important flow and they have assumed responsibility for the warehousing.

SUMMARY

In summary, DBC, WH Malcolm and Novelis have invested and demonstrate our commitment to rail freight logistics. One hour 'window' rights are required to support this traffic due to constraints with other Infrastructure Managers and the wider dependencies of the supply chain. The current Train Plan is efficient but is determined by a significant number of constraints. A change to the current pathing would be detrimental to the efficient deployment of assets and would impact on the economic sustainability of this flow.

STVA Commercial Justification for Access Rights**Customer and Market**

STVA Group has been operating since 1950. With 70 years of experience, STVA, now part of the Groupe CAT, is a leading player in the automotive finished vehicles international logistics market. STVA and its 2,500 employees across more than 30 sites, design and supply industrial or customized logistics services at all levels of the supply chain.

The UK has the highest productivity of major European car producers, a world-leading motorsport sector, and a huge range of specialist engineering consultancies, putting it at the cutting edge of the automotive industry. Once the largest exporter of cars in the world, automobile brands originating in the UK still hold prestige around the world, even if many are currently owned by foreign companies. Due to the 'JIT' (just-in-time) nature of the sector, DBC UK often has to quickly adapt its base plan to support the fluid requirements of the OEM's, notably for new vehicle registrations and

plant shutdowns. Therefore, it's vital DBC UK retains capacity, so that we can continue to support end customer requirements.

CUSTOMER AND BUSINESS DEVELOPMENT

DBC UK has an excellent and long-standing relationship with STVA UK Limited, operating 4 core services. In January 2022, we introduced a new International service through the Channel Tunnel connecting the European Automotive market to the UK. We have commitment for this service until at least 2027, with the initial contract term being six years. It is crucial that this service runs as per the plan, as any disruptions could have a significant impact on the European connections to Valenciennes (France) and Kolin (Czech Republic). When services are cancelled by DBC UK or Network Rail, STVA UK Limited's end customers will fail to meet critical timelines. This will have a negative effect on the reputation of both our companies as well as the commercial impact. Should we not meet the strict deadlines, the service could ultimately be cancelled ending numerous years of cross-industry work.

Investment

DB Cargo UK recently invested over £2.5m pounds to facilitate the new Toyota service, creating an automotive compound within a previously disused piece of land within Toton. STVA have invested over £3m in modifying their TALT 8000 wagons to make them suitable for this new automotive traffic (the first through the Channel Tunnel in over 15 years).

Options are also being reviewed to modify DBC UK wagons in order to further support our Jaguar Land Rover traffic. The estimated re-instatement cost per wagon is over £30,000.

LOCATIONAL DEVELOPMENT

Operations and Constraints

DBC has invested significantly in its Toton site, with provision of a secure compound and modifications to safely load and unload vehicles.

SUMMARY

In summary, one hour 'window' rights are required to support this traffic due to constraints with other Infrastructure Managers and the wider dependencies of the supply chain. The current Train Plan whilst efficient, is determined by a significant number of constraints. A change to the current pathing would be detrimental to the efficient deployment of assets and would impact on the economic sustainability of this flow. Furthermore, the investment DBC UK and STVA have made, demonstrate our commitment to rail freight logistics and the value placed on our automotive network.

3.2 Capacity considerations: Please detail the steps taken by the parties to satisfy themselves that there is sufficient network capacity for the services in the proposal. Include details on all relevant capacity considerations, including but not limited to track and power supply traction. Will the proposed Rights operate over an area subject to a **Declaration of Congested Infrastructure**, or will the capacity requirement result in a Declaration of Congested Infrastructure by Network Rail (under the Network Code)

n/a

3.3 Safety risks: Please explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate).

n/a

3.4 Contract duration: For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the [Railways \(Access, Management and Licensing\) Regulations 2016](#).

n/a

3.5 Performance: Are there any implications for overall network performance? Please outline your assurance process that shows that any performance risk is tolerable in comparison to the benefits of the application. Please explain any risk mitigations. Please attach any associated evidence to support your case.

n/a

3.6 Maintenance and renewals: Are there any implications for the facility owner's maintenance and renewal activities?

n/a

3.7 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): Please explain any areas of the application which have **not** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

All aspects of this application are not yet agreed with Network Rail. This application was due to progress through NR internal consultation but insufficient time is available to complete this ahead of the ORR deadline to receive applications of 20th May 2024.

3.8 Bespoke provisions (departures from ORR's model access contracts)

Does the proposed contract include any departures from ORR's model access contract:

Yes

No

If yes, please set out and explain any:

- areas where the drafting of the application changes ORR's published template access contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

n/a

- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model access contracts, including the financial implications (e.g. establishment of an access charge supplement or rebate).

n/a

- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

n/a

3.9 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our [website](#) fully up to date? If not, please explain why not.

Up-to-date version is on ORR site

4. The expression of access rights

4.1 Changes to rights: please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please attach a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

Please see attached marked up Schedule 5 table indicating requested changes. These are summarised below:

New rights

		Origin	Destination
SG 6103			
6M10	MO - Y	DOLLANDS MOOR SDGS	DITTON FOUNDRY LN (AHC-EWS)
6O26	FSX - Y	DITTON FOUNDRY LN (AHC-EWS)	DOLLANDS MOOR SDGS

Amended rights

		Origin	Destination
SG 6103			
6M13	MSX - Y	DOLLANDS MOOR SDGS	DITTON FOUNDRY LN (AHC-EWS)
6M13	MSX - Y	DOLLANDS MOOR SDGS	DITTON FOUNDRY LN (AHC-EWS)
6M45	MTWO	DOLLANDS MOOR SDGS	DAVENTRY IRFT
6M45	SUN - Y	DOLLANDS MOOR SDGS	DAVENTRY IRFT
6M45	SUN - Y	DOLLANDS MOOR SDGS	DAVENTRY IRFT
6B71	SX - Y	WEMBLEY EFOC	DOLLANDS MOOR SDGS
6O71	SUN - Y	DAVENTRY IRFT	DOLLANDS MOOR SDGS
6O71	SUN - Y	DAVENTRY IRFT	DOLLANDS MOOR SDGS
6O71	SUN - Y	DAVENTRY IRFT	DOLLANDS MOOR SDGS

SG 6101			
6X13	TThFO	DOLLANDS MOOR SDGS	TOTON NORTH YARD
6X13	SO	DOLLANDS MOOR SDGS	TOTON NORTH YARD
6X11	MO	TOTON NORTH YARD	DOLLANDS MOOR SDGS
6X11	TO	TOTON NORTH YARD	DOLLANDS MOOR SDGS
6X11	WThFO	TOTON NORTH YARD	DOLLANDS MOOR SDGS
6X11	FO	TOTON NORTH YARD	DOLLANDS MOOR SDGS

4.2 Firm rights: Do the Firm Rights in the proposal contract relate to service freight haulage contracts which you hold or will hold? If so, how? How does the duration of these haulage contracts compare with the duration of the proposed track access contract?

DB Cargo holds freight haulage contracts for traffic moving in the Train Slots for which it is seeking Firm Rights. Whilst two of the contracts do not extend beyond DB Cargo's existing Track Access contract (expiry PCD 2026), DB Cargo will enter into discussions with regard to new contracts prior to expiry of the existing terms.

4.3 Contingent Rights: Please set out the extent to which you expect to use the Contingent Rights in the application. In particular, please state whether the proposed rights are seasonal (eg 3 months each year) or occasional (eg MO, SX, etc)..

n/a

4.4 Window size: Please set out the reasons for the origin and destination window sizes used in the Rights Table in Schedule 5.

Please see the Commercial Justifications set out in 3.1 above

4.5 Long Term Planning Process: Is the Long Term Planning Process (or similar devolved authority or regional service delivery project) relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

n/a

6. Incentives

6.1 Train operator performance: please describe any planned projects associated with the operation of the proposed services aimed at improving your performance.

n/a

6.2 Facility owner performance: please describe any planned projects associated with the operation of the proposed services aimed at improving the facility owner's own performance.

n/a

6.3 Restrictions of use: set out and explain the reasons for any changes from the Restrictions of Use regime in the model freight track access contract (Schedule 4)

n/a

7. Enhancement

7.1 Enhancement details: Please provide details of any relevant enhancement schemes. Where the proposal delivers part of, or the associated services are subject to, a network enhancement, please summarise the outputs and timescales of the scheme and explain the extent to which the Part G Network Change procedure has been completed.

n/a

7.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with the [investment framework](#), and summarise the level and duration of payments, and the assumed rate of return.

n/a

8. Associated access contracts

8.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other previous, current or forthcoming applications to ORR (e.g. in respect of track access, station or light maintenance depot access contracts). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide details.

This application is made under Section 22a of the Railway Act in accordance with the ORR's letter of 24 April 2024 advising on the process for managing competing and/or complex track access applications until the Dec 2025 timetable change.

Other applications are being made as part of this process by DB Cargo and including the following:

72a, 76a, 73a, 79a, 81a

8.2 Unregulated access: please comment on whether any contracts are being negotiated for access to a facility adjoining Network Rail's network (e.g. to a freight light maintenance depot), including where ORR's approval is not required. For more information, see [The Railways \(Class and Miscellaneous Exemptions\) Order 1994](#). (This is relevant in the context of clause 6.4 of the model contract.)

n/a

9. Pre-application consultation

9.1 The consultation:

If consultation has not been carried out, explain why not.

This application is made under Section 22a of the Railway Act in accordance with the ORR's letter of 24 April 2024 advising on the process for managing competing and/or complex track access applications until the Dec 2025 timetable change.

If a consultation has been carried out please:

- state who conducted the consultation;
- list all train operators and any other parties that were consulted, stating which parties responded and attach their responses and any associated documentation to this form; and
- state the period allowed for the consultation. If this was less than one calendar month, please explain the reasons for this.
- If the consultation was concluded some time ago, please explain why you consider it is still valid.
- have there been any material changes since consultation that could affect the validity of the responses received?
- please list any information that you have redacted from any documentation sent to consultees and the reasons for the redactions.

n/a

9.2 Resolved issues: please explain any issues raised by consultees which have been resolved.

n/a

9.3 Unresolved issues: Please explain any issues raised by consultees which have ***not*** been satisfactorily resolved and why you think these issues should not stop ORR approving the application. Include details of steps taken to resolve the dispute such as meetings or counter offers and provide copies of correspondence where available.

n/a

10 Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.

In the case of agreed applications under section 18 or 22, the facility owner should fill in the information in the box below. For disputed applications under section 17 or 22A, the applicant should fill in the required information.

I certify that the information provided in this form is true and complete to the best of my knowledge



Signed Date 15 May 2024
Name (in caps) ANDREA ROSSI Job title CHIEF EXECUTIVE OFFICER
For (company) DB CARGO (UK) LIMITED

For section 18/22 applications, please provide a letter of support from the beneficiary or ask them to sign here:

Signed Date.....
Name (in caps) Job title
For (company)

Empty box for providing a letter of support.

11. Submission

11.1 What to send: please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, **in plain Microsoft Word or Open Document Text format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

11.2 Where to send it:

Freight Track Access Manager Email: track.access@orr.gov.uk