

Caroline Webber

Executive, Access and Licensing
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9 July 2018

Mike Pybus
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Network Rail Infrastructure Limited
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Nigel Oatway
Access Manager
DB Cargo (UK) Limited
Ground Floor, McBeath House
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Dear Mike and Nigel,

DB Cargo (UK) Limited: Twelfth Supplemental Agreement

1. On 9 July 2018 the Office of Rail and Road (**ORR**) approved the 12th Supplemental Agreement (**SA**) to the track access contract (**TAC**) between Network Rail Infrastructure Limited (**Network Rail**) and DB Cargo (UK) Ltd (**DBC**) under section 22 of the Railways Act 1993 (**the Act**). The agreement was formally submitted to us on 27 March 2018. This letter sets out the reasons for our decision.

Background

2. The purpose of the SA is to make amendments to the Rights Table in Schedule 5 of the TAC dated 11 December 2016, to add an additional nine one-hour 'Window' Firm Rights relating to waste/refuse traffic from Knowsley Freight Terminal to Teesside.
3. The opportunity was also utilised to amend Schedule 8 references to "Delay Attribution Guide" to "Delay Attribution Principles and Rules".

Consultation

4. In line with the Industry Code of Practice for Track Access Application Consultations, Network Rail conducted a consultation of potentially affected operators and other interested parties between 26 October 2017 and 23 November 2017.
5. On 15 November 2017 Virgin West Coast (VWC) raised a query relating to the traction type used by CB Cargo (UK) Ltd for the trains associated with the 12th SA. This was satisfactorily resolved on 21st December 2017.
6. There were no unresolved issues declared.

ORR review

7. ORR received an informal submission from the parties on 5 March 2018.
8. The amendments to Schedule 5 Rights Table contain nine one-hour 'Window' Firm Rights which will expire on the last day of the working timetable before the Subsidiary Change Date 2019.
9. The amendments to Schedule 8 update reference to "Delay Attribution Guide" to "Delay Attribution Principles and Rules", to reflect the name change.



ORR decision

10. This application is under section 22 of the Act and therefore is agreed between the parties, who are prepared to enter into the agreement as submitted. Therefore we are content to approve this agreement.
11. 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.
12. 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 DB Cargo (UK) Ltd. I look forward to receiving the conformed copy.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Caroline Webber', written in a cursive style.

Caroline Webber