

Margret Child

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OFFICE OF RAIL AND ROAD

6 February 2018

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Nigel Oatway
Access Manager
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Dear Mike and Nigel

DB Cargo (UK) Limited: Fifteenth Supplemental Agreement

1. On 6 February 2018 the Office of Rail and Road (**ORR**) approved the 15th 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**). The agreement was formally submitted to us on 5 February 2018. This letter sets out the reasons for our decision.

Background

2. The purpose of the SA is to make changes to Schedule 5 of the TAC to amend three existing one hour windows for aggregate flows between Steetley and Cottam Power Station.

Consultation

3. In line with the Industry Code of Practice for Track Access Application Consultations¹, Network Rail conducted a consultation of potentially affected operators and other interested parties. This ran from 26 October to 23 November 2017. There were no unresolved issues declared.

ORR review

4. We received an informal submission from the parties on 4 January 2018.
5. The amendments update three existing firm rights with one hour windows to match the working timetable. The parties explained that one hour windows were still appropriate for the amended rights in this instance as they are needed for efficient resource planning and to reduce the need for terminal retimings that can impact on performance and thereby on other services using the network.

ORR decision

6. 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.

¹ http://orr.gov.uk/data/assets/pdf_file/0006/17592/code-of-practice-for-track-access-application-consultations.pdf



7. 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 improvements in railway service performance;
 - (iii) 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;
 - (iv) to promote efficiency and economy on the part of the persons providing railway services; and
 - (v) to enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.
8. 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.
9. In accordance with section 72 of the Act, we will place a copy of the 15th SA on our public register.

Yours sincerely



Margret Child