

**Margret Child**

Executive, Access and Licensing  
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1 November 2017

Georgina Collinge  
Customer Manager – Freight  
Network Rail Infrastructure Limited  
4<sup>th</sup> Floor  
George Stephenson House  
York  
YO1 6JT

Lindsay Durham  
Head of Rail Strategy  
Freightliner Limited  
3<sup>rd</sup> Floor  
90 Whitfield Street  
Fitzrovia  
London. W1T 4EZ

Dear Georgina and Lindsay

**Freightliner Limited: Second Supplemental Agreement**

1. On 1 November 2017 the Office of Rail and Road (**ORR**) approved the 2nd Supplemental Agreement (**SA**) to the track access contract (**TAC**) between Network Rail Infrastructure Limited (**Network Rail**) and Freightliner Limited (**Freightliner**) under section 22 of the Railways Act 1993 (**the Act**). The SA was formally submitted to us on 30 October 2017. This letter sets out the reasons for our decision.

**Background**

2. The purpose of the SA is to make changes to the Schedule 5 rights table of the TAC to reflect the end of services to the Port of Tilbury and an increase of services to London Gateway and Teesport.

**Consultation**

3. In line with the Industry Code of Practice for Track Access Application Consultations<sup>1</sup>, Network Rail conducted a consultation of potentially affected operators and other interested parties. This ran from 26 July 2017 to 24 August 2017. No objections to the proposed changes were declared.

**ORR Review**

4. We received an informal submission from Network Rail on 5 September 2017. We note that one hour windows have been requested as the parties said it was required due to the need to maintain reliable terminal arrival and departure times.

**ORR Decision**

5. 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.
6. 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;

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<sup>1</sup> [http://orr.gov.uk/\\_data/assets/pdf\\_file/0006/17592/code-of-practice-for-track-access-application-consultations.pdf](http://orr.gov.uk/_data/assets/pdf_file/0006/17592/code-of-practice-for-track-access-application-consultations.pdf)

- ii. to promote improvements in railway service performance;
  - 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.
7. 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 Freightliner. I look forward to receiving the conformed copy.
8. In accordance with section 72 of the Act, we will place a copy of the 2nd SA on our public register.

Yours sincerely

A handwritten signature in cursive script that reads "MChild".

**Margret Child**