

**Steve Jones**

Executive, Access and Licensing  
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9 February 2021

Megan Holman  
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Network Rail Infrastructure Limited  
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Nigel Oatway  
Access Manager  
DB Cargo (UK) Ltd  
McBeath House  
310 Goswell Rd  
London EC1V 7LW

Dear Megan and Nigel

**Amendment of a track access contract between Network Rail Infrastructure Limited (Network Rail) and DB Cargo Ltd: Thirty Second Supplemental Agreement.**

1. On 9 February 2021 the Office of Rail and Road (**ORR**) approved the thirty second 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 28 January 2021. This letter sets out the reasons for our decision.

**Background**

2. The SA seeks to acquire five additional one-hour 'window' firm rights, and one additional four-hour 'window' firm right. It also seeks to protect the current freight capacity that DB Cargo have secured in the current working timetable.
3. The services are for short distance moves of aggregates in the West London area and to Newhaven, East Sussex.
4. The trains in this proposal have been validated against all other train services in the December 2020 Working Timetable.

**Consultation**

5. This SA originally went out to industry consultation on 16 November 2020, closing on 16 December. There are no unresolved issues with this SA.

**ORR Decision**

6. This application is under section 22 of the Act and therefore is agreed between the parties and there are no outstanding issues. Therefore, we are content to approve this agreement.
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 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.
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.

Yours sincerely

*S Jones*

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