

Steve Jones

Executive, Access and Licensing
Email: steve.jones@orr.gov.uk



23 March 2021

Megan Holman
General Management Graduate
Network Rail Infrastructure Limited
Floor 4B
George Stephenson House
York YO1 6JT

Nigel Oatway
Access Manager
DB Cargo (UK) Ltd
Manor Lane
Hither Green
London SE12 0UA

Dear Megan and Nigel

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

1. On 23 March 2021 the Office of Rail and Road (**ORR**) approved the forty 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 19 March 2021. This letter sets out the reasons for our decision.

Background

2. The SA amends three 24 hour 'window' Contingent Rights to support DBC's London Gateway to Trafford Park intermodal traffic.
3. The rights are subject to the proviso that Network Rail can accommodate the associated services in any relevant Working Timetable on the Castlefield Corridor. The commencement date of the proposed SA will be from the Subsidiary Change Date 2021 until the Subsidiary Change Date May 2022. The services have operated in the timetable for a number of years and already hold Contingent Rights. They are being extended in line with the Castlefield Corridor policy.
4. At Network Rail's November's Sale of Access Rights Panel, the Panel provided its approval to extend DBC's current relevant Contingent Rights on the Castlefield Corridor to Subsidiary Change Date May 2022, in line with an updated Castlefield Corridor Policy Paper.

Consultation

5. This SA originally went out to consultation on 23 December 2020, closing on 25 January 2021. 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. 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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