

Steve Jones

Access and Licensing
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Nigel Oatway
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Dear Megan and Nigel

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

1. On 21 April 2021 the Office of Rail and Road (**ORR**) approved the thirty fourth 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 20 April 2021. This letter sets out the reasons for our decision.

Background

2. This SA acquires nine additional firm one-hour window rights from PCD2020 until PCD2026. It is also amending 14 existing one-hour and one 24-hour firm rights.
3. The services reflect DBC's contract with Puma Energy to distribute fuel between coastal ports and inland distribution centres which the application states as being vital to UK fuel supply.

Consultation

4. This SA originally went out to consultation on 17 February 2020, closing on 19 March 2021. Cross Country Trains had questions regarding impact upon its services at Nottingham and Birmingham of crew changes. Network Rail said the services had operated in the timetable for a number of years and there were no performance concerns. Consequently Cross Country offered their support on 6 April. There are no unresolved issues with this SA.

ORR Decision

5. 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.
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;
 - (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.
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 DBC. I look forward to receiving the conformed copy.

Yours sincerely

S Jones

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