

Steve Jones

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



21 April 2021

Rob Williamson
Customer Relationship Executive
Network Rail Infrastructure Limited
By email:

Ian Kapur
Head of Capacity Planning
GB Railfreight Ltd
By email:

Dear Rob and Ian

Amendment of a track access contract between Network Rail Infrastructure Limited (Network Rail) and GB Railfreight Ltd: Nineteenth Supplemental Agreement.

1. On 21 April 2021 the Office of Rail and Road (**ORR**) approved the nineteenth Supplemental Agreement (**SA**) to the track access contract (**TAC**) between Network Rail Infrastructure Limited (**Network Rail**) and GB Railfreight Limited (**GBRF**) under section 22 of the Railways Act 1993 (**the Act**), submitted to us on 19 April. This letter sets out the reasons for our decision.

Background

2. This Supplemental Agreement makes alterations to GBRF's firm access rights associated with its Tarmac aggregates flows out of Rylstone, Arcow and Thrislington quarries to receiving terminals in Hul, Hunslet, Wellingborough and Scunthorpe. It will amend 17 firm access rights, add 8 new contingent access rights and delete 1 firm access right. The additional rights reflect increased demand for aggregates traffic from projects such as the Trans-Pennine Route Upgrade work.
3. The eight new contingent rights being sought are all with 60-minutes windows and the Rights Table shows that they are due to expire in SCD 2022 and therefore Network Rail Route Asset Manager's have not raised any issues with heavy axle weight traffic exceeding track capability.

Consultation

4. Industry consultation took place between 5 January 2021 and 5 February 2021. There were 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. Therefore, 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 GBRF. I look forward to receiving the conformed copy.

Yours sincerely

S Jones

Steve Jones