

Steve Jones

Access and Licensing
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12 May 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: Eighteenth Supplemental Agreement.

1. On 11 May 2021 the Office of Rail and Road (**ORR**) approved the Eighteenth 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**), as submitted to us on 11 May. This letter sets out the reasons for our decision.

Background

2. This Supplemental Agreement adds five new firm rights with 60 minute windows for traffic between the Port of Southampton and the East Midlands Gateway Intermodal terminal (via Oxford and the West Midlands), including locomotive movements to/from Eastleigh. These new firm rights are possible following enhancements of the route from the Port of Southampton to the West Coast Main Line via Oxford.
3. This application was submitted to Network Rail's Sale of Access Rights (SoAR) Panel on 27th November 2020 and all rights were approved, with no issues from individual Network Rail Routes or SoAR Panel.

Consultation

4. Consultation took place between 21 December 2020 and 18 January 2021. We note that this appears to be shorter than the one month mandated by the legislation, but we understand no new representations were received after this time. We recommend that a full calendar month is allowed for changes to track access contracts.
5. DfT made an enquiry as to whether the associated train slots were compliant with the May 2019 Timetable. It wanted to make sure the slots were still compliant a few months after they were initially put into the timetable. GBRf responded that all the train slots were compliantly entered into the working timetable during early 2019, and were also compliantly planned in the May 2019 timetable and all subsequent timetables right through to the present day. DfT subsequently offered their support for the application on 19th April. There are now no unresolved issues in this application.



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.

Conformed copy

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 GBRF. I look forward to receiving the conformed copy.

Yours sincerely

S Jones

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