

Steve Jones

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

10 June 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: Thirty Fifth Supplemental Agreement.

1. On 10 June 2021 the Office of Rail and Road (**ORR**) approved the thirty fifth 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 8 June 2021. This letter sets out the reasons for our decision.

Background

2. This SA adds two additional twenty-four hour window firm rights, relinquishes six twenty-four hour firm rights, and amends nine existing one hour firm rights to update stanox details.
3. The access rights in the application cover traffic which now operates across two networks following the divestment of the Core Valley Lines (CVL) in Wales to Transport for Wales (TfW) in March 2020. This SA is being made in parallel with DBC's application to Amey Keolis Infrastructure Limited (AKIL - the infrastructure provider for CVL) for access rights onto the CVL network. ORR has not heard from AKIL regarding its position on the CVL rights and so we are approving this Network Rail application now to avoid further delay.
4. The services in this application have been validated against all other train services in the December 2020 timetable and run from Principal Change Date 2020 until Principal Change Date 2026.

Consultation

5. This SA originally went out to consultation on 16 October 2020, closing on 16 November 2020. Cross Country Trains and Transport for Wales Rail Services both raised concerns about possible conflicts with their services caused by this application. Following clarification by Network Rail, the consultees confirmed their support on 23 November 2020 and 4 January 2021 respectively. There are no other outstanding unresolved issues.

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.

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 DBC. I look forward to receiving the conformed copy.

Yours sincerely

S Jones

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