

Steve Jones

Executive, Access and Licensing
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10 June 2021

Megan Holman
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Network Rail Infrastructure Limited
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George Stephenson House
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Nigel Oatway
Access Manager
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Manor Lane
Hither Green
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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 Seventh Supplemental Agreement.

1. On 10 June 2021 the Office of Rail and Road (**ORR**) approved the thirty seventh 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 twelve additional one-hour window firm rights, amends eight existing one hour firm rights and relinquishes four one hour rights. The new services are to support transportation of aluminium from Germany to Widnes via the Channel Tunnel terminal at Dollands Moor.
3. The commencement date of this Thirty Seventh Supplemental Agreement is from Subsidiary Change Date 2021 until the Principal Change Date 2026.

Consultation

4. This agreement originally went out to consultation on 13 April 2021, closing on 14 May 2021. First Trenitalia West Coast Rail Limited and West Coast Partnership Development raised a concern about potential conflicts on the Birmingham to Wolverhampton corridor. These concerns were satisfactorily resolved as seen by an email of 25 May endorsing support for the application. There are no other outstanding unresolved issues.

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.

Conformed copy

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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