

Steve Jones

Executive, Access and Licensing
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25 June 2021

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George Stephenson House
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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: Forty Fourth Supplemental Agreement.

1. On 25 June 2021 the Office of Rail and Road (**ORR**) approved the forty 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 18 June 2021. This letter sets out the reasons for our decision.

Background

2. This SA adds seven additional one-hour 'window' firm rights, amends nine existing one hour firm rights and relinquishes eight one hour rights. These services are mainly for the transport of steel from the port of Boston to the West Midlands, Swindon and Totton, Hampshire.
3. The commencement date of this forty fourth Supplemental Agreement is from Subsidiary Change Date 2021 until the end of the TAC.

Consultation

4. This agreement originally went out to consultation on 23 April 2021, closing on 24 May 2021. The Department for Transport queried whether the requested changes were compliant with the May 2022 East Coast Mainline and Midland Mainline timetables. These concerns were satisfactorily resolved as seen by an email of 27 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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