

Steve Jones

Access and Licensing
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25 June 2021

Sarah Whitman
Customer Manager
Network Rail Infrastructure Limited
By email:

Chris Matthews
Track Access Manager
Freightliner Limited
By email:

Dear Sarah and Chris

Amendment of a track access contract between Network Rail Infrastructure Limited (Network Rail) and Freightliner Limited: Eighth Supplemental Agreement.

1. On 25 June 2021 the Office of Rail and Road (**ORR**) approved the Eighth Supplemental Agreement (**SA**) to the track access contract (**TAC**) between Network Rail Infrastructure Limited (**Network Rail**) and Freightliner Limited (**FLL**) under section 22 of the Railways Act 1993 (**the Act**), submitted to us on 21 June. This letter sets out the reasons for our decision.

Background

2. This Supplemental Agreement creates 12 new firm rights, amends 5 firm rights and surrenders 6 rights. These will update rights primarily to and from intermodal terminals at Bristol, Avonmouth, Wentloog and Barry docks in the south west and Wales with ports on the east and south coast.
3. All rights sought in the proposed supplemental agreement have WTT paths offered in the December 2020 working timetable and are to run to the end of the TAC.

Consultation

4. Industry consultation took place between 12 March 2021 and 12 April 2020. There were no unresolved issues with this SA. Cross Country Trains and Transport for London Rail raised questions at consultation stage and subsequently confirmed support for the application. Separately, two services (4L35 & 4O71) were removed from the application due to potential conflicts with the Elizabeth Line and also timetabling compliance issues in the Southampton area. They will both be looked at again and a decision made at a later date.

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 FLL. I look forward to receiving the conformed copy.

Yours sincerely

S Jones

Steve Jones