

**Margret Haswell**

Executive, Access and Licensing  
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22 December 2021

Megan Holman  
Customer Manager  
Network Rail Infrastructure Limited  
4<sup>th</sup> Floor  
George Stephenson House  
York YO1 6JT

Nigel Oatway  
Regulatory Specialist  
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: Forty Sixth Supplemental Agreement.**

1. On 22 December 2021 the Office of Rail and Road (**ORR**) approved the forty sixth 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 21 December 2021. This letter sets out the reasons for our decision.

**Background**

2. This SA seeks to add 35 new one hour window Firm Rights, seven new 24 hour window Firm Rights, 12 new one hour window Contingent Rights, one new 24 hour Contingent Right, amend 8 existing one hour Firm Rights and relinquish nine one hour Rights.
3. The new rights are mainly in relation to the transport of aggregates for quarries in the Peak District. The services already exist in the working timetable and are not new to rail traffic. We note that two of these contingent rights have Heavy Axle Weight restrictions and subsequently RA10 has only been granted provided Network Rail has issued a valid dispensation authorising RA10 capability over the routes concerned.

**Consultation**

4. This agreement went out to consultation between 20 October 2021 and 22 November 2021. There are no 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

A handwritten signature in purple ink that reads "M Haswell". The signature is written in a cursive, flowing style.

**Margret Haswell**