



APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A FREIGHT TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT

ORR ensures that train operating companies have fair access to the rail network and that best use is made of capacity.

Use this form to apply to the Office of Rail and Road (ORR) for:

- Directions under section 17 of *The Railways Act 1993* (the Act) for a new track access contract. This is for companies who want to use Network Rail's network where the parties are not able (for whatever reason) to reach agreement.
- Approval for a new track access contract under section 18 of the Act. This is for use where terms have been agreed by the parties.
- Approval of a proposed amendment to an existing track access contract, agreed by both parties, under section 22 of the Act.
- Directions under section 22A of the Act for an amendment to an existing track access contract. This is for someone seeking an amendment to an existing track access contract to permit more extensive use of the railway facility if the parties are not able, for whatever reason, to reach agreement.

The form sets out ORR's standard information requirements for considering applications. Our <u>track access guidance</u> (and our <u>making an application</u> guidance in particular) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry code of practice for track access application consultations for more information.

Network Rail should normally take responsibility for the pre-application consultation, where the terms are agreed. Before a consultation is made, complete this form up to the end of section 8. You should fill in the rest of the form after the consultation and before applying to ORR.

If, in the case of section 17 and 22A applications, the beneficiary and Network Rail have been unable to agree terms, the beneficiary should:

- (a) ask Network Rail to conduct a pre-application consultation in line with the code of practice; or
- (b) conduct a pre-application consultation itself, in line with the code of practice; or
- (c) submit the application to ORR and ask ORR to conduct the consultation, in which case, please complete this form in full before submitting it to us.

We are happy to talk to you informally before you apply. Please contact us at Track.Access@orr.gov.uk. You should use our current model freight track access contract as your starting point. Please ensure that you are using the latest version of this form as published on our website. We may ask for applications which have not used the latest templates to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our website.

1. Application Summary 1.1 Facility owner: Network Rail Infrastructure Limited ("Network Rail") 1.2 Beneficiary Company: DB Cargo (UK) Ltd ("DB Cargo") 1.3 With which of the regions does this application interact? Region: Southern Eastern North West & Wales & Scotland's Central Railway Western \boxtimes П 1.4 Application under the Railways Act 1993 section: 17 18 22 22A 87A Supplemental Number: 11 December 2026 Current contract date: PCD 2026 Current contract expiry date: 1.5 Executive summary of the proposed contract or amendment: (Brief & High Level) The Rights Table in Schedule 5 of the Track Access Contract (Freight Services) dated 11 December 2016 between the Parties ("the Contract") shall be amended by updating Service Groups 4252 (flow 2), 4260 (flow 2), 4269 (flows 10 and 11), 4304 (flow 3, 5, 7 and 10) and 4306 (flow 2, 4 and 7) with the details listed in Annex 1 of the Supplemental Agreement to be consistent with the December 2023 timetable. Proposed commencement date: Date of ORR's approval PCD 2026 Expiry date: Date Approved at SOAR n/a If rights currently running as TOVRs when did n/a they commence? 1.6 Industry consultation: Who carried out the consultation? Consultation start date: Consultation end date: Not carried out 1.7 Applicant details Network Rail Infrastructure Limited ("Network DB Cargo (UK) Ltd ("DB Cargo") Rail") Contact individual: Quentin Hedderly Contact individual: Ian Bartlett Job title: Regulatory Specialist Telephone number: Job title: Customer Manager Telephone number: E-mail address: E-mail address: Address: Address: Lakeside Business Park Floor 3, Waterloo General Offices Doncaster London South Yorkshire **SE18SW** DN4 5PN

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1.8 Date of application to ORR:

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Proposed new contract or supplemental agreement		
Marked up Schedule 5 (where applicable)		
Marked up comparison to model contract (where applicable	9)	
All consultation correspondence		
 Supporting evidence such as performance improvement pla exercises. 	ans or modelling	
Other supporting documents, side letters or collateral agree	ements (please list):	
.10 Confidential redactions: If there is any information you lease list it here and provide full reasons for the redactions. For the redactions ocument (s) that we can publish.		
n/a		
2. Licence and railway safety certificate		
.1 Please state whether:		
you intend to operate the services yourself; or	\boxtimes	
have them operated on your behalf.		
o if so, please name the proposed		
operating company:		
2.2 Does the proposed operator of the services:		
(a) hold a valid train operating licence under	_	
section 8 of the Railways Act 1993 or an exemption under section 7, <u>and</u>		
(b) hold a valid safety certificate under the		
Railways and Other Guided Transport Systems (Safety) Regulations 2006.		
the answer to (a) <u>or</u> (b) is no, please state the point reached	in obtaining a licence, e	exemption and/or
afety certificate.		
. The proposed contract or amendment		

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Commercial Justification for Access Rights

This paper will outline a commercial justification for one-hour window rights on freight traffic hauled by DB Cargo UK Limited (DBC) via all key routes for TATA Steel traffic.

Customer and Market

Tata Steel is the largest steel company in the UK with more than 8000 employees. It provides a vital foundation for many of the country's key strategic supply chains, including the automotive and construction industries.

- £24m revenue to DBC utilising over 500 rail wagons
- · Sales of over 3 million tonnes and £2bn turnover
- · Supplies almost 50% of UK carmaker's steel requirement
- 8,000 UK employees
- · 60% of sales are domestic, looking to grow 40% export
- Revenue by sector:
- Automotive 35%
- Construction 30%
- Packaging 10%
- Other 25%

Over 98% of all steel produced in South Wales is transported by rail. Road transport is not viable due to the cost and significant volumes moved.

Customer and Business Development

Tata Steel has invested more than £1.9 billion in its UK business since 2007 to upgrade plant and technology. Investments are ongoing to improve manufacturing capability, enabling the production of advanced steels in various UK locations. Tata Steel is frequently a key driver for regional economic growth in the areas where it is based and a source of prosperity and opportunity for local communities.

It is also the only UK steel company with significant domestic R&D activity with a research facility in Warwick and another under development in Swansea. Tata Steel in the UK is committed to continuing its record of high-quality skills development.

LOCATIONAL DEVELOPMENT

South Wales - Port Talbot/Llanwern

Significant investment has been made at TATA Steel's largest steel producing site including:

- Installation of a new £25 million 'reversing rougher'
- Major upgrade of the Hot Strip Mill at Port Talbot enabling it to further improve the quality of its steel products

- multi-million pound project saw the installation of a transfer bar cooling system further improving quality
- £400k new technology investment to reduce consumption of imported natural gas
- £4 million investment at Shapfell with a new Kiln to producing lime for Port Talbot, allowing a sustainable supply

Trostre

- Trostre Works is located in Llanelli, Carmarthenshire and manufactures approximately 400,000 tonnes per annum of tin, chrome and 'polymer' coated steels for the packaging industries. All steel packaging material produced at Trostre is 100% recyclable.
- £6 million investment in the site's Continuous Annealing Process Line

Hartlepool

- Hartlepool 20" Pipe Mill is located in the Northeast of England with an annual production capacity to produce 220,000 tonnes of tube products for the construction, engineering, and energy infrastructure markets.
- £7 million investment in production line to cut CO2, improve capacity and reduce costs

Newport Docks

• The Department for Transport's UK Port Freight Annual Statistics for 2022 reveal that the Port of Newport is the largest UK steel port by a significant margin, having exported nearly 600,000 tonnes more steel than all the 14 other major steel-handling UK ports combined. In 2022 Newport's steel exports reached an impressive 955,000 tonnes. In addition to being the UK's number one steel port for exports, Newport is the leader in terms of total UK steel tonnage, handling a total of 1.4 million tonnes of iron and steel products in 2022, 24% of the UK's total iron and steel products.

Middlesbrough Dawsons

- Dawsons operate a multimodal distribution hub in 70 acres of the River Tees frontage incorporating rail freight facilities, port operations, road transport & warehousing. Dawsons is a supply chain partner to TATA Steel. The company provides storage & distribution facilities for TATA Steel products bound for customers in the north of Britain.
- To meet TATA growing need, Dawsons invested 6.5 million in a new purpose-built automotive steel store. The store would be served by rail link- bringing TATA steel coil directly into the store by rail from Port Talbot in Wales.

Hardendale

The £4 million investment to reline Shapfell's Kiln 4 took ten months to complete and allowed it to start producing again after being mothballed since 2016. Over a 12-year period, Kiln 4 will produce nearly 1.5 million tonnes of calcium-rich lime products.

Immingham

- Immingham is used for short sea shipping exports. Customers are bound by the sailing times of the incoming and outgoing vessels.
- £27 million investment in 3 new cranes at the Immingham Bulk Terminal port facility.

Round Oak

- Investing £11 million in UK R&D, including the development of zero-carbon buildings which run off 100% sustainable energy.
- · Exporting almost £700 million worth of steel around the globe

Swindon

 Preymesser is a medium-sized business. Its size in comparison to the larger ports does not detract from the important part it plays in the supply chain.

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 Preymesser have developed from a one-man haulage company to an internationally active logistics company offering transports, warehouse storage, pressing plant supplies and of course some of its sites such as Swindon are rail connected.

DB Cargo Commitment

- Port Talbot 39 Drivers, 22 Ground staff and 8 Loaders that are active on TATA flows.
- Newport 48 Drivers, 20 Ground Staff and 15 Loaders that are active on the TATA Flows
- TATA Wagon Maintenance Team

Operations and Constraints

TATA Steel are contracted to present all trains one hour ahead of departure time to ensure no delays are incurred on the network for other users.

Train slots through Cardiff Central are constrained by available capacity meaning additional train slots at peak times are very limited.

TATA need to keep the trains running to avoid a backlog of product between Port Talbot & Llanwern (as well as other locations).

Steel production is fundamentally critical to the Welsh economy and rail freight is critically important to TATA Steel. Due to the volume of trains run from Port Talbot & Llanwern to Trostre, Shotton, Corby and Hartlepool and the infrastructure of storage, loading & staffing, any changes to existing train slots would have a detrimental impact on TATA Steels operations. This also applies to the supply of raw materials AV Dawsons (Tar) and Shap (Lime).

Train slots and timings to Newport and Birdport for TATA Steel exports are paramount as DB Cargo (UK) and its customers are bound by the sailing times of the incoming and outgoing vessels.

DB Cargo operational staff and many of the staff at our final destinations are rostered around current train slots and should this change dramatically would require a complete overhaul of the rosters which would potentially make some services uneconomical.

For DBC, the loss or change of these train slots would impact on every part of the supply chain resulting in huge adjustments required to ensure the plan was still operationally and financially viable, which could still result in the loss of jobs and customers; something DB Cargo works hard to protect.

SUMMARY

In summary, one hour 'window' rights are required to support this traffic due to the vital nature of the business for DB Cargo (UK) and its customers delivering to the wider UK and European supply chain. The local and wider economies are supported by this traffic and any amendments would have far reaching implications; any cessation would lead to a loss of jobs and a loss of crucial steel supplies across the UK.

Both TATA Steel and DB Cargo (UK) fully expect the demand for the throughput of steel to continue and increase, this goes for our customers locations also.

Safeguarding the capacity with these access rights will protect not just DB Cargo (UK) business, but also many other UK and worldwide businesses.

CORE ROUTES AND PRODUCTS

Origin	Destination	Product
Blyth	Port Talbot	Coal
Killoch	Port Talbot	Coal
Newport Docks	Port Talbot	Coal
Redcar	Port Talbot	Coke
Port Talbot	Newport Docks	Covered / Open Coil
Llanwern	Newport Docks	Covered / Open Coil
Llanwern	Birdport	Covered Coil
Port Talbot	Birdport	Covered Coil
Llanwern	Hull	Covered Coil
Port Talbot	Hull	Covered Coil
Port Talbot	Immingham	Covered Coil
Llanwern	Immingham	Covered Coil
Port Talbot	Llanwern	Covered Coil
Shotton	Llanwern	Covered Coil
Middlesbrough	Llanwern	Covered Coil
Newport	Llanwern	Covered Coil
Port Talbot	Middlesbrough	Covered Coil
Llanwern	Port Talbot	Covered Coil
Port Talbot	Round Oak	Covered Coil
Port Talbot	Shotton	Covered Coil
Llanwern	Swindon	Covered Coil
Llanwern	Wolverhampton	Covered Coil
Newport	Wolverhampton	Covered Coil
Port Talbot	Wolverhampton	Covered Coil
Redcar	Port Talbot	Iron Ore
Hardendale/Shap	Port Talbot	Lime

Llanwern	Cardiff Docks	Open Coil
Port Talbot	Corby	Open Coil
Hartlepool	Corby	Open Coil
Port Talbot	Hartlepool	Open Coil
Hartlepool	Middlesbrough	Open Coil
Port Talbot	Trostre	Open Coil
Newport	Trostre	Open Coil
Birdport	Llanwern	Open Coil
Trostre	Birdport	Palletised Coil
Trostre	Immingham	Palletised Coil
Trostre	Newport Docks	Palletised Coil
Hartlepool	Middlesbrough	Pipes
Hartlepool	Tees	Pipes
Trostre	Port Talbot	Scrap
Port Talbot	Birdport	Slab
Llanwern	Newport Docks	Slab
Port Talbot	Newport Docks	Slab
Port Talbot	Portbury	Slab
Llanwern	Portbury	Slab
Newport Docks	Port Talbot	Slab
Scunthorpe	Port Talbot	Slab
Port Talbot	Middlesbrough	Tar

3.2 Capacity considerations: Please detail the steps taken by the parties to satisfy themselves that there is sufficient network capacity for the services in the proposal. Include details on all relevant capacity considerations, including but not limited to track and power supply traction. Will the proposed Rights operate over an area subject to a **Declaration of Congested Infrastructure**, or will the capacity requirement result in a Declaration of Congested Infrastructure by Network Rail (under the Network Code)

n/a		

3.3 Safety risks: Please explain any important safety risks that have been identified arising from proposal and how these will be controlled (by reference to the facility owner's safety authorisation the train operator's safety certificate).	
n/a	
3.4 Contract duration: For new agreements or extensions to existing agreements, please p justification for the proposed duration and, if more than 5 years, with reference to the <u>Railways (Admanagement and Licensing) Regulations 2016</u> .	rovide ccess,
n/a	
3.5 Performance: Are there any implications for overall network performance? Please outline assurance process that shows that any performance risk is tolerable in comparison to the bene the application. Please explain any risk mitigations. Please attach any associated evidence to su your case.	efits of
n/a	
3.6 Maintenance and renewals: Are there any implications for the facility owner's maintenance renewal activities?	ce and
n/a	
3.7 Terms not agreed with the facility owner (for applications under sections 17 or 22A) Please explain any areas of the application which have <u>not</u> been agreed, the reasons for the fail agree and the reasons for seeking these provisions.	
All aspects of this application are not yet agreed with Network Rail. This application was d progress through NR internal consultation but insufficient time is available to complete this ahe the ORR deadline to receive applications of 20th May 2024.	
3.8 Bespoke provisions (departures from ORR's model access contracts)	
Does the proposed contract include any departures from ORR's model access contract:	
Yes □ No ⊠	
If yes, please set out and explain any:	
 areas where the drafting of the application changes ORR's published template access cont (as appropriate, cross-referencing to the answers below). Please also explain why t departures have been made. 	
n/a	
 instances where the proposal departs from the charging and/or performance regimes established ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's maccess contracts, including the financial implications (e.g. establishment of an access charge). 	nodel

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n/a		

 new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

n/a		
n/a		
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3.9 Consolidated contract

For amendments to existing contracts, is the version of the consolidated contract on our <u>website</u> fully up to date? If not, please explain why not.

Up-to-date version is on the ORR website		

4. The expression of access rights

4.1 Changes to rights: please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please attach a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

Please see attached marked up **Schedule 5 table** indicating requested changes. These are summarised below:

New rights

		Origin	Destination
SG 4252			
6M85	SUN - Y	MARGAM T.C.	CARLISLE N.Y.
6V71	fo	HARDENDALE QUARRY	MARGAM T.C.
SG4260			
6V79	ТО	IMMINGHAM SORTING SIDINGS	MARGAM T.C.
6V40	то	TEES NY	MARGAM T.C.
SG 4269			
NOT USED 6B51	МО	LLANWERN EXCHANGE SDGS	SWINDON STORES
6B52	МО	SWINDON STORES	LLANWERN EXCHANGE SDGS
6E20	MO - Y	MARGAM T.C.	IMMINGHAM SORTING SIDINGS
6E20	MO - Y	LLANWERN EXCHANGE SDGS	IMMINGHAM SORTING SIDINGS
SG 4304			
6B02	FO	TROSTRE WORKS	MARGAM T.C.

6B01	SUN	MARGAM T.C.	TROSTRE WORKS
NOT USED 6F04	МО	MARGAM T.C.	NEWPORT DOCKS
6F04	MSX	MARGAM T.C.	NEWPORT DOCKS
6F05	SO	MARGAM T.C.	NEWPORT DOCKS
6B06	SX	NEWPORT DOCKS	MARGAM T.C.
6B06	so	NEWPORT DOCKS	MARGAM T.C.
6F07	FSX	MARGAM T.C.	NEWPORT DOCKS
6F07	FO	MARGAM T.C.	NEWPORT DOCKS
6F09	SX	NEWPORT DOCKS	MARGAM T.C.
6B01	SUN	MARGAM T.C.	NEWPORT DOCKS
6B01	MTTHO	MARGAM T.C.	NEWPORT DOCKS
6B01	WO	MARGAM T.C.	NEWPORT DOCKS
6B02	FO	MARGAM T.C.	NEWPORT DOCKS
6B10	SO	NEWPORT DOCKS	MARGAM T.C.
6H26	SX	LLANWERN EXCHANGE SDGS	MARGAM T.C.
6H29	SX	MARGAM T.C.	LLANWERN EXCH SDGS
6B58	MSX	LLANWERN EXCHANGE SDGS	MARGAM T.C.
6B58	so	LLANWERN EXCHANGE SDGS	MARGAM T.C.
6H30	SX	LLANWERN EXCHANGE SDGS	MARGAM T.C.

Amended rights

		Origin	Destination
SG 4252			
6M75	SUN SUN - Y	MARGAM T.C.	CARLISLE N.Y.
SG 4304	-		
6B11	SO SO - Y	NEWPORT DOCKS	MARGAM T.C.
6H28	SO SO - Y	LLANWERN EXCHANGE SDGS	MARGAM T.C.

6H27	SUN	MARGAM T.C.	LLANWERN EXCHANGE SDGS
SG 4306			
6M81	SO	MARGAM T.C.	ROUND OAK
6V07	SO	ROUND OAK	MARGAM T.C.
6E30	SUN	MARGAM T.C.	HARTLEPOOL BSC 20" MILL
6N52	ThO TThO	MIDDLESBROUGH DAWSON AYR- TON	TEES N.Y.

4.2 Firm rights: Do the Firm Rights in the proposal contract relate to service freight haulage contracts which you hold or will hold? If so, how? How does the duration of these haulage contracts compare with the duration of the proposed track access contract?

DB Cargo holds freight haulage contracts for traffic moving in the Train Slots for which it is seeking Firm Rights. The contract extends beyond DB Cargo's existing Track Access contract (expiry PCD 2026).

4.3 Contingent Rights: Please set out the extent to which you expect to use the Contingent Rights in the application. In particular, please state whether the proposed rights are seasonal (eg 3 months each year) or occasional (eg MO, SX, etc)..

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4.4 Window size: Please set out the reasons for the origin and destination window sizes used in the Rights Table in Schedule 5.

Please see the Commercial Justifications set out in 3.1 above

4.5 Long Term Planning Process: Is the Long Term Planning Process (or similar devolved authority or regional service delivery project) relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

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n/a		
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6. Incentives

6.1 Train operator performance: please describe any planned projects associated with the operation of the proposed services aimed at improving your performance.

n/a		

n/a	
	tions of use: set out and explain the reasons for any changes from the Restrictions of Use model freight track access contract (Schedule 4)
n/a	
7. Enhan	cement
oroposa l de summarise	ement details: Please provide details of any relevant enhancement schemes. Where the elivers part of, or the associated services are subject to, a network enhancement, please the outputs and timescales of the scheme and explain the extent to which the Part G Network performs been completed.
n/a	
enhanceme payments, a	cement charges: please confirm that the arrangements for the funding of any networks are consistent with the investment framework, and summarise the level and duration and the assumed rate of return.
n/a	
. A	iated access contracts
3.1 Associa with, or related access or parallel of consistent of	ated applications to ORR: please state whether this application is being made in paral ates to, any other previous, current or forthcoming applications to ORR (e.g. in respect s, station or light maintenance depot access contracts). Where the application is being may with any other application from the same operator, please ensure the applications a with one another. Where the application relies on another operator relinquishing accesse provide details.
24 April 2	cation is made under Section 22a of the Railway Act in accordance with the ORR's letter 2024 advising on the process for managing competing and/or complex track access until the Dec 2025 timetable change.
Other sup the followi	plementary applications are being made as part of this process by DB Cargo and including:
72a, 73a,	79a, 81a, 83a, 84a, 85a, 86a, 87a, 88a, 91a, 92a
	lated access: please comment on whether any contracts are being negotiated for acce adjoining Network Rail's network (e.g. to a freight light maintenance depot), including whe

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9. Pre-application consultation

9.1 The consultation:

If consultation has not been carried out, explain why not.

This application is made under Section 22a of the Railway Act in accordance with the ORR's letter of 24 April 2024 advising on the process for managing competing and/or complex track access applications until the Dec 2025 timetable change.

If a consultation has been carried out please:

- state who conducted the consultation;
- list all train operators and any other parties that were consulted, stating which parties responded and attach their responses and any associated documentation to this form; and
- state the period allowed for the consultation. If this was less than one calendar month, please explain the reasons for this.
- . If the consultation was concluded some time ago, please explain why you consider it is still valid.
- have there been any material changes since consultation that could affect the validity of the responses received?
- please list any information that you have redacted from any documentation sent to consultees and the reasons for the redactions.

n/a
9.2 Resolved issues: please explain any issues raised by consultees which have been resolved.
n/a
9.3 Unresolved issues: Please explain any issues raised by consultees which have <u>not</u> been satisfactorily resolved and why you think these issues should not stop ORR approving the application. Include details of steps taken to resolve the dispute such as meetings or counter offers and provide copies of correspondence where available.
n/a

10 Certification

Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution.

In the case of agreed applications under section 18 or 22, the facility owner should fill in the information in the box below. For disputed applications under section 17 or 22A, the applicant should fill in the required information.

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I certify that the information provided in this form is	true and complete to the best of my knowledge
Signed	
For section 18/22 applications, please provide a let here:	tter of support from the beneficiary or ask them to sign

11. Submission

11.1 What to send: please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, in plain Microsoft Word or Open Document Text format (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

11,2 Where to send it:

Freight Track Access Manager Email: track.access@orr.gov.uk