Form F

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 track access guidance (and our making an application 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 7. 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

1.2 Beneficiary Company:

DB Cargo (UK) Ltd

1.3 With which of the regions does this application interact?

Region:	Southern	Eastern	North West & Central	Wales & Western	Scotland's Railway
	☒	☒	☒	☒	☒

1.4 Application under the Railways Act 1993 section:

17 ☐	18 ☐	22 ☐	22A ☒
		Supplemental Number:	117
		Current contract date:	PCD2016
		Current contract expiry date:	PCD2030

1.5 Executive summary of the proposed contract or amendment: (Brief & High Level)

This 117th Supplemental relates to established, regularly operating train slots offered by Network Rail, for which DB Cargo UK is seeking firm access rights to protect the reliability and integrity of its operations and to safeguard customer interests. The 117th Supplemental includes an amalgamation of 110th, 111th and 113th Supplementals, as well as additional train slots which have since been identified as require new or amended rights. The 117th Supplemental seeks to gain 109 1-hour access rights for the regularly operating services in the timetable, alongside 117 amendments to existing rights to reflect the current operations. There are also 54 existing rights to be relinquished.

The 110th-113th Supplemental applications were progressed in accordance with the approach communicated to industry and published on 12 May 2026.

After failing to progress at SoAR panel, DB Cargo UK is looking to progress the 117th Supplemental as a 22A application.

Support for this application by Network Rail was provided on the explicit basis that the ORR's decisions on any interacting S17 or S22A applications are consistent with the positions previously set out by Network Rail, including where Network Rail has formally provided a position of non-support in representations.

These regular running WTT train slots currently operate without firm rights and DB Cargo UK wish to highlight that the train slots should be protected with firm rights, in line with ORR guidance to ensure continued access to the rail network and best use is made of capacity.

Proposed commencement date:	MAY26WTT
Expiry date:	PCD2030
Date Approved at SOAR:	N/A
If rights currently running as TOVRs when did they commence?	N/A

1.6 Industry consultation:

Who carried out the consultation?			
Consultation start date:		Consultation end date:	
Not carried out ☒			

1.7 Applicant details

Facility Owner	Beneficiary
Company: Network Rail Infrastructure Limited Contact name: [redacted] Job title: Customer Manager Address: Network Rail Infrastructure Limited, Waterloo General Office, London, SE1 8SW Phone: [redacted] E-mail: [redacted]	Company: DB Cargo (UK) Limited Contact name: [redacted] Job title: Regulatory Specialist Address: DB Cargo (UK) Limited, Lakeside Business Park, Doncaster, South Yorkshire, DN4 5PN Phone: [redacted] E-mail: [redacted]

1.8 Date of application to ORR: **TBC**

1.9 Checklist of documents attached to the application form:

- Proposed new contract or supplemental agreement ☐
- Marked up Schedule 5 (where applicable) ☒
- Marked up comparison to model contract (where applicable) ☐
- All consultation correspondence ☐
- Supporting evidence such as performance improvement plans or modelling exercises. ☐
- Other supporting documents, side letters or collateral agreements (please list):

1.10 Confidential redactions: If there is any information you want us to exclude from publication please list it here and provide full reasons for the redactions. Please provide a redacted version of the document(s) that we can publish.

N/A

2. Licence and railway safety certificate

2.1 Please state whether:

- you intend to operate the services yourself; or ☒
- have them operated on your behalf. ☐
  - 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, ***and*** ☒

(b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006. ☒

If the answer to (a) ***or*** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

3. The proposed contract or amendment

3.1 Application overview: Please detail the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

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 several Service Groups with the details listed in Annex 1 of the Supplemental Agreement to be consistent with the May 2026 timetable.

This 117th Supplemental relates to established, regularly operating train slots offered by Network Rail, for which DB Cargo UK is seeking firm access rights to protect the reliability and integrity of its operations and to safeguard customer interests. The 117th Supplemental includes an amalgamation of 110th, 111th and 113th Supplementals, as well as additional train slots which have since been identified as requiring new or amended rights. The 117th Supplemental seeks to gain 109 1-hour access rights for the regularly operating services in the timetable, alongside 117 amendments to existing rights to reflect the current operations. There are also 54 existing rights to be relinquished. This 117th SA is seeking new full rights for these services from Date of Approval by ORR.

DB Cargo Commercial Justification for Firm and Amended Access Rights
In addition to new WTT services, this supplemental includes amendments to a selected range of existing access rights windows. These updates are necessary to align existing rights with the current train slots and ensure they continue to reflect requirements and the running patterns of services. This alignment is critical for efficient planning and long-term resource deployment.

Any deviation from the established or amended timings can have significant operational impacts. Many of the locations served are multi-user terminals and freight yards, where infrastructure is shared across multiple operators. Changes to train slots in such environments risks causing congestion, inefficient use of terminal space, and disruption across the wider rail network.

Several of the train slots align with strict off-loading windows dictated by environmental permits. Variations to these train slots could result in incomplete discharge of services, leading to revenue losses for both clients and DB Cargo UK. In such scenarios, returning loaded wagons triggers further costs through access charges and limits the ability to move additional volume. Furthermore, reduced terminal time increases safety risks for ground staff expected to load/unload under greater time pressure.

These train slots have specific driver resources allocated. Changes to the train slots could impact resource assumptions. This not only carries safety implications but also potentially generates additional costs due to unplanned crew resourcing and operational disruption. In some cases, extra driver turns may be required, compounding the financial and logistical challenges.

It is therefore vital to protect departure, arrival, and key C stop locations within the WTT. Without firm access rights—both for the new services and the amended windows—DB Cargo UK and its customers face the continued risk of timetable flexing beyond a defined window or non-accommodation. This uncertainty undermines customer confidence and could result in modal shift to road. Such a shift would not only be commercially detrimental to DB Cargo UK, but would negatively impact the environment by increasing carbon emissions and road congestion, conflicting with national policy objectives including the rail freight growth target.

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)

The train services included in the Supplemental reflect current commercial contracts. The Rights Table will reflect DB Cargo's current operations, providing clarity to train planners, projects and strategic planning. It will provide assurance of a stable train plan for the foreseeable future.

3.3 Safety risks: Please explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate).

These trains are in the current timetable so will have been included in any TCRAG forums for May 2026.

3.4 Contract duration: For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the Railways (Access, Management and Licensing) Regulations 2016.

N/A

3.5 Performance: Are there any implications for overall network performance? Please outline your assurance process that shows that any performance risk is tolerable in comparison to the benefits of the application. Please explain any risk mitigations. Please attach any associated evidence to support your case.

Performance Criteria

The primary metric for assessing performance is FOC on third party delay minutes as this is the best indicator of performance impact. This approach has been agreed with each Route and Region and is defined as follows:

- A train causing over 500 minutes of third delay over the past 13 periods will be deemed to have failed the performance criteria and merit further investigation and queries to the operator. The issue and operator response will be included below.
- However, if the 500+ mins FOC on third party delay was due to a single significant incident, and no further issues have arisen in the past three months, then the train will have met the performance criteria and no further action is required.
- NB: If a train has run less than 50 times in the 13 periods being assessed, the process described above will still apply, but the initial assessment will be based on 250 delay minutes.

DB Cargo continues to work collaboratively with Network Rail on performance initiatives to drive further performance gains, incentivised through our contracts with customers and the regulatory regimes, including Schedule 8.

3.6 Maintenance and renewals: Are there any implications for the facility owner's maintenance and renewal activities?

None

3.7 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): Please explain any areas of the application which have ***not*** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

Eastern contingent rights, general NR unable to agree firm rights due to interactions with open access operators.

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 contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model access contracts, including the financial implications (e.g. establishment of an access charge supplement or rebate).

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

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

N/A

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.

A marked-up Rights Table is provided showing the Firm Access Rights that are sought.

4.2 Firm rights: Do the Firm Rights in the proposed 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 multi-year contracts for all traffic included in this supplemental agreement.

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)..

No Contingent Rights are sought.

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

The one-hour windows requested for the new Firm Rights are in line with the ORR directions letter of 29th February 2016. This ensures a stable train plan from one timetable to the next, although allowing both DB Cargo and third parties to efficiently manage and optimise access to the network.

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.

N/A

5. Incentives

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

DB Cargo continues to work collaboratively with Network Rail on performance initiatives to drive further performance gains in line with our performance improvement plan. DB Cargo is working with Network Rail on development of ETCS in freight locomotives with the aim of increasing capacity and performance.

5.2 Facility owner performance: please describe any planned projects associated with the operation of the proposed services aimed at improving the facility owner's own performance.

DB Cargo and Network Rail continue to work collaboratively on performance initiatives to drive further performance gains. Regulatory regimes, including Schedule 8, provide further incentives on both parties to improve performance.

5.3 Restrictions of use: set out and explain the reasons for any changes from the Restrictions of Use regime in the model freight track access contract (Schedule 4)

There are no changes to the Restriction of Use regime.

6. Enhancement

6.1 Enhancement details: Please provide details of any relevant enhancement schemes. Where the proposal delivers part of, or the associated services are subject to, a network enhancement, please summarise the outputs and timescales of the scheme and explain the extent to which the Part G Network Change procedure has been completed.

No network enhancements are associated with this application, nor are any of the proposed services subject to network enhancements.

6.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with the investment framework, and summarise the level and duration of payments, and the assumed rate of return.

Not applicable to this application.

7. Associated access contracts

7.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other previous, current or forthcoming applications to ORR (e.g. in respect of track access, station or light maintenance depot access contracts). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide details.

The 114th Supplemental is currently in progress as an S22 application. This is an amalgamation of 94th, 98th, 99th, 103rd, 104th, 106th, 108th and 109th Supplementals, containing rights which Network Rail could support as they did not interact with any current Open Access Operator applications. The 115th Supplemental, which contains the rights which Network Rail felt they could not support due to their interaction with these applications, has previously been submitted to the ORR as an S22A.

7.2 Unregulated access: please comment on whether any contracts are being negotiated for access to a facility adjoining Network Rail's network (e.g. to a freight light maintenance depot), including where ORR's approval is not required. For more information, see The Railways (Class and Miscellaneous Exemptions) Order 1994. (This is relevant in the context of clause 6.4 of the model contract.)

N/A

8. Pre-application consultation

8.1 The consultation:

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

N/A

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 28 days, 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.

8.2 Resolved issues: please explain any issues raised by consultees which have been resolved.

N/A

8.3 Unresolved issues: Please explain any issues raised by consultees which have ***not*** 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

9 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.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed [redacted] Date…03/09/2026…
Name (in caps) [redacted] Job title Regulatory Specialist
For (company) DB Cargo (UK) Limited……

For section 18/22 applications, please provide a letter of support from the beneficiary or ask them to sign here:
Signed …….. Date……
Name (in caps) …… Job title ……
For (company) ……

10. Submission

10.1 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).

10.2 Where to send it:

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