

Margret Child

Executive, Access and Licensing
Tel: 020 7282 2056
Email: margret.child@orr.gsi.gov.uk

9 October 2017

Mike Pybus
Customer Manager – DB Cargo
Network Rail Infrastructure Limited
4th Floor
George Stephenson House
York
YO1 6JT

Nigel Oatway
Access Manager
DB Cargo (UK) Limited
Ground Floor, McBeath House
310 Goswell Road
London
EC1V 7LW

Dear Mike and Nigel

DB Cargo (UK) Limited: Tenth Supplemental Agreement

1. On 9 October 2017 the Office of Rail and Road (**ORR**) approved the 10th 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**). The SA was formally submitted to us on 4 October 2017. This letter sets out the reasons for our decision.

Background

2. The purpose of the SA is to make changes to the Schedule 5 rights table of the TAC to update Service Group 3030 by adding 56 firm rights, with one hour windows, relating to biomass traffic between Immingham, Hull and Drax Power Station.

Consultation

3. In line with the Industry Code of Practice for Track Access Application Consultations¹, Network Rail conducted a consultation of potentially affected operators and other interested parties. This ran from 16 June 2017 to 14 July 2017. No objections to the proposed changes were declared.

ORR Review

4. We received an informal submission from Network Rail on 14 August 2017. We noted a minor drafting error in one right which has been corrected in the formal submission.
5. We note that one hour windows have been requested as the parties said it was required due to the need to maintain reliable terminal arrival and departure times. The rights are to support the industry led project to improve the train plan between Port of Immingham and Drax Power Station by speeding up train services and increasing efficiency.

ORR Decision

6. This application is under section 22 of the Act and therefore is agreed between the parties, who are prepared to enter into the agreement as submitted.

¹ http://orr.gov.uk/data/assets/pdf_file/0006/17592/code-of-practice-for-track-access-application-consultations.pdf

7. 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 improvements in railway service performance;
 - 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.
8. 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.
9. In accordance with section 72 of the Act, we will place a copy of the 10th SA on our public register.

Yours sincerely

A handwritten signature in cursive script that reads "MChild".

Margret Child