

**Steve Jones**

Executive, Access and Licensing  
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Mike Pybus  
Customer Manager  
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George Stephenson House  
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Nigel Oatway  
Access Manager  
DB Cargo (UK) Ltd  
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London EC1V 7LW

Dear Mike and Nigel

**Amendment of a track access contract between Network Rail Infrastructure Limited (Network Rail) and DB Cargo Ltd: Twenty Fourth Supplemental Agreement.**

1. On 13 December 2019 the Office of Rail and Road (**ORR**) approved the twenty fourth 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 10 December 2019. This letter sets out the reasons for our decision.

**Background**

2. This supplemental contains five additional one hour window firm rights, five additional 24-hour window firm rights and one amendment to an existing one hour window firm right. These all relate to intermodal traffic to/from Seaforth (Liverpool) and Daventry to Mossend, covering Saturday and Sunday operations. There are also seven relinquished one hour window firm rights relate to petroleum and enterprise traffic.

**Consultation**

3. Industry consultation took place between 24 September 2019 and 24 October 2019. Transport Focus responded to say they supported the application. Merseytravel/Liverpool City Region advised that they were content with the proposals on the proviso that there would be no implications for the operation of local passenger services. Network Rail provided a response saying that the proposed train slots were already running in the WTT and had been for some time. Merseytravel confirmed they had no objections on 30 October 2019.

**ORR Review**

4. Our review of the application raised no operating issues and we are content with Network Rail's resolution of the consultation issues.

**ORR Decision**

5. 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. 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 DBC. I look forward to receiving the conformed copy.

Yours sincerely

**Steve Jones**