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To colleagues on the attached distribution list by e-mail

Dear Colleague

Freight Facility (Ports and Terminals) General Approval 2009 – 2009 No.8

1. I am writing to inform you that we have, today, issued a new general approval. This continues to provide our prior approval of new Facility Access Agreements (FAA), and the amendment of existing ones, for access to networks within or adjoining a port or railway terminal. The general approval commences on 1 January 2010, on expiry of the current general approval (2009 No. 7), and expires on 31 December 2010. A copy of the new general approval is issued with this letter.

The current general approval

2. On 17 August 2009¹, after industry consultation, we issued our first general approval for access to ports and terminals. The general approval was time-limited and will expire on 31 December 2009. In paragraph 3 of our explanatory note to that general approval we explained that we had included an expiry date in order to allow us to undertake work to establish a long-term policy on access exemptions in the port and terminal freight facility markets. We said that we expected to complete that work before the expiry date but, if it became clear that this was not possible, then we would issue a new general approval under the same terms with a new expiry date, as appropriate. As we have been unable to complete the development of our policy we have, today, issued a new general approval under those terms.

The new general approval

3. Given that we have already consulted on the terms of the current general approval and that the new general approval provides a similar prior approval, we have decided not to undertake any consultation on it. As mentioned, the new general approval will provide

¹ <http://www.rail-reg.gov.uk/server/show/nav.2006>



additional time during 2010 for FAAs to be entered into at ports and terminals. Whilst ORR retains the right to revoke the new general approval at any time, which we may decide to do on completion of our work to establish and publish our long-term access exemptions policy at these facilities, we will first consult you on any such proposal.

New FAAs

4. To date, we have not received any new FAAs entered into under the current general approval. ORR actively encourages all access parties to take steps to ensure that their access arrangements are approved by ORR where that requirement is necessary for them to be valid in law.
5. Going forward, it is worth mentioning that the parties to generally approved FAAs submitted to ORR will need to identify in any covering correspondence which general approval has been used. This will depend on the date the contract is entered into.
6. This letter and the new general approval and explanatory note have been sent by e-mail to colleagues on the attached distribution list. We will publish these documents on our web-site later today.

Yours sincerely

A handwritten signature in black ink that reads 'Brian Kogan'. The signature is written in a cursive, flowing style.

Brian Kogan

Freight facility (Ports and Terminals) General Approval

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