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Neil Leedham
Executive, Track Access
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16 June 2008

Dear Neil

**APPEAL UNDER REGULATION 29 OF THE RAILWAYS INFRASTRUCTURE
(ACCESS AND MANAGEMENT) REGULATIONS 2005 – RAIL FREIGHT
CHARGING SYSTEM AND LEVEL OF ACCESS CHARGES FOR THE HIGH
SPEED 1 RAILWAY**

I am in receipt of your letter dated 13th May 2008 which sought a representation from Network Rail (CTRL) Ltd with regard to an appeal by English Welsh & Scottish Railway Limited (EWS) to the Office of Rail Regulation (ORR) under Regulation 29 of the Railways Infrastructure (Access and Management) Regulations 2005 (the 2005 Regulations).

Network Rail (CTRL) Ltd acts on behalf of CTRL (UK) Ltd and Union Railways (North) Ltd as infrastructure manager and allocation and charging body pursuant to Parts 4 and 5 and Schedules 3 and 4 of the 2005 Regulations and responds in that capacity.

We understand that CTRL (UK) Ltd and Union Railways (North) Ltd (collectively known as 'High Speed 1') are working closely with the Department for Transport towards the latter's establishment of a charging framework as set out in Regulation 12(4) of the 2005 Regulations. The first consultation was issued in October 2007 and a joint HS1/DfT programme exists that will set out key dates and milestones. NR (CTRL) Ltd have input to the consultation process on the application of the charging framework as proposed.

It appears to us that the EWS appeal relates to the high level aspects of the charging framework which it is for the Secretary of State to establish under Regulation 12(4), and that our role is primarily applicable at the level to which

we have input in the consultation. We therefore do not have any representations to make in relation to the high level aspects of the charging framework, as appealed by EWS, other than those already made in the context of the Department's and HS1s joint consultation. When the charging framework is determined, we recognise our role in relation to the charging rules and the updating of the Network Statement accordingly to replace version 1 published in November 2006.

Yours sincerely

Anthony Barnes
Business Manager, NR (CTRL)