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Alice Jones.  
PA to Director of Legal Services,  
Office of Rail Regulation,  
One Kemble Street,  
London,  
WC2B 4AN.

23<sup>rd</sup> August 2011

Dear Alice,

**GB Railfreight Ltd. response to the consultation on consolidation and revision of freight general approvals:**

GB Railfreight (GBRf) welcomes this consultation on freight general approvals, especially changes that make any approval a faster process than at present.

The current processes for updating the Rights Table in Schedule 5 of a Track Access Contract can be cumbersome and take many months to approve, depending on the amount of comments received during consultation. Proposals for a speedier process, even if just for a small number of Level 2 Rights or for amending minor details of Level 1 Rights, are supported by GB Railfreight.

**GBRf concerns with new general approval provisions:**

1. GBRf is wary of whether or not Network Rail would be able to meet its new obligations, in a timely manner, by being satisfactorily staffed to process the number of approvals that it would receive. GBRf believes that ORR needs to be certain that Network Rail could process new approvals in as fast a time as possible to benefit Freight Operating Companies and the end customer.
2. GBRf is of the opinion that any newly proposed supplemental agreements, as described in the consultation document, need to continue to go out for external consultation so that other potentially affected parties' views can be taken into account when making a decision on the application. The difference would then be that Network Rail, rather than the ORR, would give final approval when agreements are reached. It also ought to be the case that response timescales, between all parties, are tightened up to give a speedier all round approval process.
3. Although GBRf has no issues with extending Train Operator Variation Request "spot bid rights" from 6 months to 12 months, it also requires Network Rail not to use this agreed extra time for being less efficient in processing rights applications.
4. If Network Rail were to grant rights in error, what would be the laid down process for the decision to be quickly reversed, without ORR involvement?

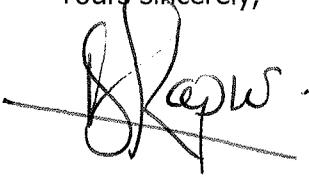
Level 2 Rights:

With regard to the detail in Appendix B, and specifically new general approval provisions for Level 2 Rights (not part of Y path), GB Railfreight is in agreement with what is proposed.

Where the Part J transfer of rights process can still be frustrated and blurred, as in many cases, is where Level 2 rights with Y paths are involved. Although these will still require consultation and ORR approval, GB Railfreight would like to know whether or not ORR is seeking to simplify this particular approval process.

Please ring me if you require any more information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'I. Kapur', with a horizontal line drawn through it.

**Ian Kapur.**  
**National Access Manager.**