



Gordon Herbert
Senior Manager, Freight Track Access
Office of Rail & Road
25 Cabot Square
London
E14 4QZ

Mike Pybus
Access Rights Manager
Network Rail Infrastructure Ltd
4th Floor
George Stephenson House
York
YO1 6JT

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Dear Gordon

Representations to the ORR: Proposed 27th Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and DB Cargo (UK) Limited

I refer to Steve Jones' email on 29th July 2020, where the ORR invited Network Rail Infrastructure Limited make further written representations in respect of the 27th Supplemental Agreement application made by DB Cargo (UK) Limited ("DB Cargo") under Section 22A of the Railways Act 1993 (the Act). Our representations to the Office of Rail and Road (ORR) follow herewith.

East Coast Mainline (ECML) Event Steering Group (ESG)

Phase 2 of the ECML ESG developed three concept timetables for London to Doncaster that offered different solutions to address trade-offs between capacity, capability, connectivity, and journey times.

The chosen timetable option ("PRA Option 2") for further development in Phase 3 can provide:

- 8 tph LDHS paths between London and Doncaster
- an hourly freight path between Huntingdon and Peterborough, though tonnages for 60 mph Class 6 trains cannot satisfy the specification from the Freight Operating Companies
- an hourly freight path between Doncaster (excl.) and Hare Park Junction

This chosen timetable structure requires further review and development because of the following issues:

- the East Midlands Rail service from Nottingham to Norwich cannot be accommodated unless there is a reduction in the number of LDHS paths, or a review of LDHS calling patterns
- the calling pattern specified by LNER, requires overtaking of Open Access LDHS services en-route between Peterborough and Doncaster, which are deemed unpalatable to the ESG

Phase 2 of the ESG also concluded that:

- 7 tph LDHS between Northallerton and Newcastle could not be accommodated alongside an hourly freight path, and recommended the Train Service Specification is amended to become 6 tph LDHS
- 4 tph LDHS between Newcastle and Edinburgh can be accommodated alongside East Coast Trains Ltd, local services and an hourly freight path. However, this could cause journey time penalties for LDHS between circa 5 to 10 minutes.

The completion of ECML ESG Phase 2 has provided some improvement in confidence to sell some Firm Rights on a case-by-case basis.

The constraints on the ECML concerning this application are:

ECML section	Capacity issue
Kings Cross (remodeled layout)	Capacity concern is not about freight paths, but capacity for platforming passenger services. This is still work in progress and could fundamentally affect the ECML LDHS service structure.
Huntingdon to Peterborough	3-track and 2-track sections Cancellation of Huntingdon to Woodwalton 4-tracking has cost the opportunity for 1 Up LDHS path that could overtake a freight path had the project been delivered.
Peterborough to Doncaster	Trade-off required between quantum of LDHS paths per hour and calling patterns to serve Peterborough, Grantham, Newark Northgate, Retford and Doncaster. Without this trade-off agreed, Network Rail cannot accommodate East Midlands Rail's Nottingham to Norwich service (which has Firm Rights) and a sub-optimal timetable is developed with LDHS services overtaken <i>en route</i> .
Doncaster station limits	Additional crossing movements at-grade because of additional passenger and freight schedules. Presentation of north-south LDHS schedules are subject to final construction of ECML timetable between London and Marshgate Junction.
Doncaster (excl.) to Leeds	2-track railway, flat junctions; speed mix of LDHS, local and freight services.
Doncaster to York	Only W10/W12 route; limited routing options for W12 through York, leading to crossing moves at Colton North Jn and Skelton Bridge Jn.

DB Cargo 27th Supplemental

London Gateway <> Wakefield Europort

There is improved confidence in accommodating a path between Doncaster and Wakefield Europort, and also between Finsbury Park and Doncaster (assuming via the GN/GE route). This is because the chosen ECML off-peak timetable pattern has identified a standard freight path between Finsbury Park and Peterborough.

However, Network Rail Eastern Region uphold position on selling Contingent Rights to 4E08 and 4L08 (London Gateway <> Wakefield Europort), in line with the current ECML Policy and because of uncertainty in the final timetable within Doncaster station limits.

The ECML ESG will incorporate 4E08 and 4L08 into the detailed timetable development in Phase 3. When the ECML timetable becomes more mature around the Doncaster area, Eastern Region will grant Firm Rights to DB Cargo.

The proposal for 24 hour 'window' Rights is sensible because the associated paths have not yet been assessed beyond the core ECML geography, for example between London Gateway and Finsbury Park.

Felixstowe South <> Wakefield Europort

Eastern Region can sell Firm Rights to 4D10 [MO] Belmont Down Yard to Wakefield Europort. A 24 hour 'window' Right offers Network Rail opportunity to retime the service earlier, in order to provide the optimum fit with the start of the morning peak, especially on the Doncaster to Leeds route.

Eastern Region can sell Firm Rights to 4E45 [FSX] and [FO] Felixstowe South to Wakefield Europort, because this path passes through Doncaster before the start of the morning peak.

This service is routed via the GN/GE, therefore has minimal impact on the ECML between Peterborough and Doncaster.

Eastern Region can sell Firm Rights to 4L45 [MSX] Wakefield Europort – Felixstowe South, on the basis that this replaces a path that has its associated Right relinquished from the Firm Rights table as part of this 27th Supplemental.

There is improved confidence in accommodating a path between Doncaster and Wakefield Europort. This service is routed via the GN/GE, therefore has minimal impact on the ECML between Peterborough and Doncaster.

However, Eastern Region uphold position on selling Contingent Rights to 4L45 [MO], in line with the current ECML Policy, because of uncertainty in the final timetable within Doncaster station limits.

The ECML ESG will incorporate 4L45 [MO] into the detailed timetable development in Phase 3, ideally in the same path as [MSX]. When the ECML timetable becomes more mature around the Doncaster area, Eastern Region will grant Firm Rights to DB Cargo for 4L45 [MO].

Yours sincerely



Mike Pybus

Access Rights Manager
Network Rail

CC:

Andy Saunders, Network Rail
Rachel Gilliland, Network Rail
Georgina Collinge, Network Rail