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Network Rail Final Representations for the proposed 84th Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and DB Cargo (UK) Limited dated 11 December 2016.

This letter provides information that could be used as a final representation from Network Rail for the 84th Supplemental Agreement (SA) submitted under Section 22A of the Railways Act 1993 for the Track Access Application between Network Rail and DB Cargo (UK) Limited (DB Cargo) dated 11 December 2016.

This representation builds upon the representations submitted by Network Rail for this application on the 28 June 2024.

The purpose of this final representation is to provide ORR with Network Rail's final position on this application (and the specific access rights within it) and will do so by providing facts, data and evidence to support our position.

Network Rail can confirm that based on the facts, data and evidence outlined in this representation, it is **supportive of this application**, subject to any comments, suggested amendments or specific issues highlighted in this representation.

This application is flagged as interacting at Oxford; this was because the Rights including Morris Cowley MAT operate in the Oxford area. However, they do not pass through Oxford Station itself. Therefore, it is not seeking capacity at any of the nine locations referred to in ORR's letter dated 24 April 2024. Annex A, shows a list of all the interacting applications and which of the nine locations they interact at. However, there are other locations where this application does interact with other unsupported applications.

Where there are a number of applications seeking capacity at the locations referred to in this letter, and as detailed in Annex A, the basis of our support of applications either in total, or in part (as can be determined by reading the relevant representations), may have a connection to our position on all other applications at that location. You may wish to wait for final representations on related applications and the information provided therein prior to making your decision.

Background of the Application and Network Rail Representations

In line with ORR's letter of 24 April 2024 to the industry on 'Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes', DB Cargo submitted this application to the ORR on 20 May 2024 as a S22A application in line with ORR's deadline.

As requested by ORR, Network Rail submitted a High-Level Plan in June 2024, and a further detailed plan was published on Network Rail's website in August 2024 (and updated in January 2025). Network Rail made its initial representations on this application on 28 June 2024 where an initial view of the application was provided. There were no significant issues highlighted to ORR at that time.

Summary of Access Rights sought in this application

In their application and as a high-level summary DB Cargo is seeking:-

- 2 Firm Access Rights with 1 hour windows to commence on approval until PCD 2026. These trains are currently running under Contingent Rights dated until the end date of the December 2024 timetable and were granted these Contingent Rights in the DB Cargo 100th SA General Approval, but are expected to continue under an interim approach until the end of the May 2025 timetable.
- 6 amendments to existing Firm Access Rights (with 1 hour windows).
- 1 relinquishment of an existing Firm Right.

DB Cargo (UK) Limited submitted an earlier application to Network Rail, for similar access Rights to those contained within this S22A SA. That application was DB Cargo (UK) Limited's 84th S22 SA and was developed in collaboration with DB Cargo prior to ORRs launch of the 'Competing and/or complex track access applications for December 2024, May 2025 and December 2025 timetable changes'. As a result, the original application was withdrawn and replaced with this current application.

Full details of all Rights sought by this application are contained in the Schedule 5 Rights Table submitted with the S22A. These Rights all relate to Automotive traffic on the Halewood/ Morris Cowley – Southampton corridor. Details of the exact services can be found in Annexes B, C and D.

Without reference to those rights sought where we have detailed a rejection, removal, or where we understand rights are being relinquished, we would note the following of the remaining contents of this application:

- Four prospective rights do cross into the geography of Western Route but are not at the specific Oxford and Gloucester geographies identified in ORR's initial call for applications at complex and potentially interacting locations. These four Rights are in the Oxford area but do not pass through Oxford station.

Rights supported

Where Network Rail is supportive of firm rights with one-hour arrival/departure windows; this is on the basis of the service being included in the May 2025 Timetable in an area where we have concluded our considerations of any other applications submitted in response to ORR's letter of 24 April (if they exist) and with characteristics and timings consistent with the application (including where the right for a path extends to an outlying geography).

Where a right sought does not interact with the ECML and seeks to operate on a geography where we are still to finalise our view on any notable volumes of complex and potentially interacting rights, key considerations may remain to be concluded and we are unable to provide a definitive view at this time - unless there is a clear reason for doing so which we have set out (such as the local geography being freight only infrastructure).

We have worked with all freight operators to understand and challenge the rights being sought in their applications and confirm the ongoing need.

Where we are supporting rights relating to existing traffic in this and other applications we would observe that if rights were not awarded by ORR, the paths would have to be removed from forthcoming timetables. Not only would outcome be inconsistent with the regulatory targets to support freight growth, it is likely that the business would not disappear and it could be reasonably expected that the freight operators would re-bid using the provisions in the model freight contract and the Network Code. In such instances freight operators are likely to require access to otherwise constrained capacity and the likely consequence would likely need to be considered by ORR if looking at any further or future interacting aspirations.

Rights not supported

Although it doesn't apply to any rights in this application, Network Rail cannot currently provide support to rights where they are new services, which have been bid into the December 2025 timetable at D-40 and have not been included in previous timetables, or where we have identified issues within the ECML December 2025 advance work, or where a service has been bid and/or requested with significantly different characteristics to the rights application.

We are also unable to support rights where an operator has removed a service through Capacity Management Review Group (CMRG), has agreed to remove the right from their application in conversation with Network Rail and/or the path has not been bid for the December 2025 Timetable at D-40.

All Rights sought in this application are for train services which operate with diesel locomotives so there are no power supply concerns.

There is nothing outstanding from our initial representations on 28 June 2024.

Assurance / Assessments / Updates

The following section will address specific areas of consideration, opportunity and risk relevant to the application or where applicable to specific access rights in the application. Where the outputs relate to specific access rights instead of the application as a whole, this will be highlighted in the relevant section.

Industry Consultation

Industry Consultation for this application commenced on 24 May 2024, and concluded on 24 June 2024. No concerns were raised relating to any of the headcodes in this application during consultation. Network Rail have not identified any significant concerns regarding this application.

Network Rail Internal Consultation

The right for 4V44 (SO) Southampton Eastern Docks – Morris Cowley flagged a potential impact on Engineering Access Statement possessions between Didcot and Oxford. This has been resolved as the arrival time is 3.5 hours before the start of Saturday maintenance blocks, so this is not deemed to conflict.

None of the Rights sought interact with the East Coast Main Line Event Steering Group geography.

Capacity

Annex B shows the Rights that Network Rail can support as Firm with a 1 hour window. DB Cargo 84th aspired Rights present no unresolvable conflicts against any unsupported applications, for which Network Rail has been provided with information. All these trains have been accommodated into the May 2025 timetable. The trains in this category are all running in the current timetable and

meet the characteristics and timings consistent with what is included in this application. This support gives certainty to operators and their customers whose trains are already in the timetable and running.

The Rights in this application are not at any of the nine interacting locations. This application has not progressed further until this point due to potential interactions with aspirations within Cross Country's S17 application. It is now known that there are only 2 potential interactions between DB Cargo's services from the 84th SA and CrossCountry's 38th SA. Capacity has been identified for both the services involved in these interactions at the locations at which they could interact.

The Halewood – Warrington Arpley/Garston flows either wholly or predominantly use freight only infrastructure. These are amendments to timing windows in existing Firm Rights and tidying up the correct location name at Warrington Arpley. No additional capacity is sought as part of the changes to these flows on North West & Central Route so, if Network Rail did not support, the original Rights would remain in place. Where these services do interact with the Weaver Junction to Liverpool Lime Street route, any potential interaction with Virgin Trains S17 application has been checked and no conflicts have been found.

Network Rail supports the relinquishment of the one existing Firm Right made by DB Cargo. This can be found in Annex C.

Performance

For all freight applications, Network Rail has assessed the performance of each headcode against the following criteria:

- Right Time Departures - average above 80 % over 13 periods = pass
- FOC on Other Operators delay - less than 5 instances over 13 periods = pass

All the headcodes in this application passed these criteria, so Network Rail is satisfied that the services perform well and that no further analysis is required.

Conclusion

In this representation letter we have confirmed, for the reasons outlined above, that we support the Firm 1 hour window Rights sought in this application, as detailed in Annex B. We also support the relinquishment of one access right detailed in Annex C.

Network Rail considers that this final representation letter contains sufficient information needed for this application to enable the ORR to make a direction.

Yours sincerely

A black rectangular box redacting the signature of Jules Graham.

Jules Graham
Customer Relationships Executive

Annex A – Interacting Locations matrix

| Operator/Application/Type | Status of Application | WCM L south | Birmingham | BHM - Derby | Derby- Sheffield | Sheffield | ECML&Leeds | Oxford | Gloucester | Cardiff |
|--------------------------------------|-----------------------|-------------------|------------|-------------------|---------------------|-----------|------------|--------|------------|---------|
| Alliance Rail Cardiff - Edinburgh 17 | Withdrawn | | x | x | x | x | x | | x | x |
| Avanti 3rd SA 22a | Live | x | x | | | | | | | |
| Avanti 11th SA 22A | Withdrawn | x | x | | | | | | | |
| Avanti 14th SA 22A | Withdrawn | x | x | | | | | | | |
| Avanti 17th SA 22a | Live | x | x | | | | | | | |
| Avanti 18th SA 22a | Live | x | | | | | | | | |
| Caledonian Sleeper 9th SA 17 | Live | x | x | | | | x | | | |
| Colas 10th SA 22a | Live | | | x | x | x | x | | | x |
| CrossCountry 38th SA 22a | Live | | x | x | x | x | x | x | x | x |
| DBC 72nd SA 22a | Live | | | | x | x | x | | | |
| DBC 73rd SA 22a | Live | | | | | x | x | | | |
| DBC 79th SA 22a | Live | | | x | | | x | x | | x |
| DBC 81st SA 22a | Live | | x | x | x | x | x | x | x | x |
| DBC 86th SA 22a | Live | | | | | x | x | | | |
| DBC 87th SA 22a | Live | | x | x | x | x | x | | x | x |
| DBC 88th SA 22a | Live | | | | x | x | x | | | |
| DBC 83rd SA 22a | Live | x | | | | | | | | |
| DBC 84th SA 22a | Live | | | | | | | x | | |
| DBC 85th SA 22a | Live | | | | | | | | | |
| DBC 91st SA 22a | Withdrawn | x | | | | | | | | |
| DBC 92nd SA 22a | Live | | | | | | | | | x |
| DCR 2nd SA 22a | Live | x | x | x | x | | x | x | | |
| DRS 17th SA 22A | Live | x | x | x | x | x | x | | x | x |
| EMR 19th SA 22A | Live | | | | | | x | | | |
| EMR 20th SA 22A | Live | | | | x | x | x | | | |
| EMR 21st SA 22A | Live | | | | x | x | x | | | |
| FLHH 24th SA 22A | Live | x | | | | | | x | | |
| FLHH 25th SA 22A | Live | x | x | x | x | x | x | x | x | |
| FLHH 26th SA 22A | Live | | | | x | x | x | | | |
| FLHH 27th SA 22A | Live | x | x | x | x | x | x | x | x | x |
| FLHH 28th SA 22A | Live | x | x | x | x | x | x | x | x | x |
| FLIM 21st SA 22A | Live | | x | x | x | x | x | x | | |
| FLIM 22nd SA 22A | Live | | x | x | x | x | x | x | | |
| FLIM 23rd SA 22A | Live | x | x | | | | | | | |
| FLIM 24th SA 22A | Live | x | x | x | x | x | x | x | | |
| FLIM 25th SA 22A | Live | x | x | x | | x | x | x | | x |
| FLIM 26th SA 22A | Live | x | | | x | x | x | x | | x |

| | | | | | | | | | | |
|---------------------------------------|--|---|---|---|---|---|---|---|---|---|
| GBRf 25th SA 22a | Live | x | x | x | x | x | x | x | | |
| GBRf 34th SA 22a | Live | x | x | x | x | x | x | x | x | x |
| GBRF 41st SA 22A | Live | | | | | | x | | | |
| Govia Thames Railway 62nd SA 22A | Live | | | | | | x | | | |
| Govia Thames Railway 63rd SA 22A | Live | | | | | | x | | | |
| Grand Central 24th SA 22A | Directed by ORR | | | | | | x | | | |
| Grand Central 28th SA 22A | Live | | | | | | x | | | |
| GWR 201st SA 22a | Live | | | | | | | x | x | |
| GWR 202nd SA 22a | Live | | | | | | | | x | |
| Hull Trains 27th SA 22A | Live | | | | | x | x | | | |
| Hull Trains 28th SA 22A | Directed by ORR | | | | | | x | | | |
| Hull Trains 29th SA 22A | Live | | | | | | x | | | |
| LIS 2nd SA 22a | Live | | | | | | x | | | |
| LNER 34th SA 22A | Live | | | | | | x | | | |
| LNER 35th SA 22A May '28 | Live | | | | | | x | | | |
| LNER 36th SA 22A | Live | | | | | | x | | | |
| LNER 37th SA 22A | Rights were being sought until Dec 2025 so not included in analysis | | | | | | x | | | |
| LNER 38th SA 22A | Live | | | | | | x | | | |
| Lumo 11th SA 22A | Live | | | | | | x | | | |
| Lumo 12th SA 22A | Live | | | | | | x | | | |
| Lumo London-Rochdale New Contract S17 | Live | x | | | | | | | | |
| Northern 57th SA 22 | Directed by ORR (some of the access Rights in this application were withdrawn before direction and added to the Northern 60thSA) | | | | x | x | x | | | |
| Northern 59th SA 22a | Live | | | | | x | x | | | |
| Northern 60th SA 22a | Live | | | | | x | x | | | |
| Scotrail 49th SA 22a | Withdrawn | | | | | | x | | | |
| Scotrail 50th SA 22a | Live | | | | | | x | | | |
| Scotrail 51st SA 22a | Live | | | | | | x | | | |
| Super Tram 11th SA 22a | Live | | | | | x | | | | |
| TfW 28th SA 22a | Live | | x | x | | | | | x | x |
| TfW 31st SA 22a | Live | | | | | | | | x | x |
| TfW 32nd SA 22a | Live | | | | | | | | | x |
| TPT 58th SA 22a | Live | | | | | x | x | | | |
| TPT 62nd SA 22a | Rights were being sought until Dec 2025 so not included in analysis | | | | | | x | | | |
| TPT 63rd SA 22a | Live | | | | | | x | | | |
| TPT 64th SA 22a | Live | | | | | x | x | | | |
| TPT 65th SA 22a | Live | | | | | | x | | | |
| Varamis 2nd SA 22a | Live | x | x | | | | x | | | |

| | | | | | | | | | | |
|------------------------|-----------|---|---|---|--|--|--|--|--|--|
| Virgin New Contract 17 | Live | x | x | | | | | | | |
| WMT 22nd SA 22A | Live | | x | x | | | | | | |
| WMT 28th SA 22A | Live | | x | x | | | | | | |
| WMT 30th SA 22A | Withdrawn | | x | x | | | | | | |
| WMT 31st SA 22A | Withdrawn | | x | | | | | | | |
| WMT 32nd (29th) SA 22A | Live | x | x | x | | | | | | |
| WSMR New Contract 17 | Live | x | x | x | | | | | | |

Annex B – Rights that Network Rail can support as Firm with a 1 hour window

| Train Reporting Number | Days per Week | Departure Window From | Departure Window To | Origin | Destination | Arrival Window From | Arrival Window To |
|-------------------------|---------------------|---------------------------|---------------------------|--|--|---------------------------|--------------------------------|
| 6B48 | FO | 07:44 | 08:44 | EASTLEIGH ARLINGTON (ZG) | SOUTHAMPTON EASTERN DOCKS | 08:53 | 09:53 |
| 6F42 | WO TO | 05:50 06:06 | 06:50 07:06 | WARRINGTON ARPLEY ARPLEY SIDINGS | GARSTON (SPEKE) T.C. | 17:41 08:01 | 18:41 09:01 |
| 6F82 | WO TO | 09:00 09:05 | 10:00 10:05 | GARSTON (SPEKE) T.C. | HALEWOOD (JAGUAR CARS) | 09:10 09:15 | 10:10 10:15 |
| 6F49 | WO TO | 12:35 11:14 | 13:35 12:14 | HALEWOOD (JAGUAR CARS) | WARRINGTON ARPLEY ARPLEY SIDINGS | 13:36 12:19 | 14:36 13:19 |
| 4V44 | SO - Y | 17:54 | 18:54 | SOUTHAMPTON EASTERN DOCKS | MORRIS COWLEY MAT | 20:31 | 21:31 |
| 4A40 | SX FO | 08:15 22:28 | 00:15 23:28 | MORRIS COWLEY MAT | DIDCOT T.C. | 00:12 23:25 | 10:12 00:25 (SO) |
| 4O40 4O39 | SO | 08:30 09:37 | 00:30 10:37 | MORRIS COWLEY MAT | SOUTHAMPTON EASTERN DOCKS | 13:56 14:14 | 14:56 15:14 |
| 4V39 | SX | 17:06 | 18:06 | SOUTHAMPTON EASTERN DOCKS | MORRIS COWLEY MAT | 20:30 21:19 | 21:30 22:19 |

Annex C – Rights that DB Cargo want to relinquish

| Train Reporting Number | Days per Week | Departure Window From | Departure Window To | Origin | Destination | Arrival Window From | Arrival Window To |
|------------------------|---------------|-----------------------|---------------------|---------------------------|-------------|---------------------|-------------------|
| 4V42 | SO | 18:55 | 19:55 | SOUTHAMPTON EASTERN DOCKS | DIDCOT T.C. | 20:41 | 21:41 |