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Network Rail Final Representations for the proposed 86th 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 (NR) for the 86th 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, and also relates to the the 14 March 2025 General Representation on Complex and/or Competing Applications interacting on Location ECML Kings Cross - Edinburgh and Leeds.

The latter of these letters provided important information to support ORR when it comes to making decisions on applications in this geography including context on the work in developing the ECML Policy, ECML Industry Task Force, key performance information, as well as updates on power supply assessment. The annexes to that letter include relevant information including Timetable Performance Analysis and ECML Power Supply Modelling and where there is specific relevance to this application, reference will be made in this representation.

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 and the ECML General Representation letter dated 14 March 2025, it is **partially supportive of this application**.

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.

East Coast Mainline (ECML) General Representation Letter dated 14 March 2025

Network Rail can confirm that this application is seeking the proposed access rights at the interacting location ECML: Kings Cross – Edinburgh and Leeds and therefore the General Representation to ORR on the ECML dated 14 March 2025 is relevant to this application.

Whilst the entire letter is relevant to this application, we would like to highlight key points of that letter which are more pertinent to this application namely "Congested Infrastructure".

Congested Infrastructure

As stated in the ECML General Representation letter dated 14 March (paragraph 6) Network Rail has declared Congested Infrastructure for the December 2025 New Working Timetable for three lines of route on the ECML.

This application covers one of those locations:-

- Between Huntingdon North Jn and New England North Jn (Peterborough)

ECML Proposed December 2025 Timetable

As referred to in the ECML General representation letter dated 14 March 2025, in February 2024 the ESG closed following an ECML Programme Board endorsement on 17 January 2024 to deploy the new ECML Timetable in December 2024, subject to the outputs of the completed performance modelling.

At the point in time of ORR's letter to the Industry on 24 April 2024, the Department for Transport (DfT) had accepted a recommendation from the Industry Timetable Assurance Project Management Office (PMO) to funders that the ECML ESG Timetable should be deferred from the December 2024 timetable change.

An ECML Industry Task Force (herein referred to as "the Task Force") commenced in June 2024 as an independently led executive-level cross-industry meeting that provides strategic direction for the work programme. The Task Force develops solutions to the problems of the new ECML Timetable, drives consensus on the outcome(s), and delivers recommendations for industry funders and specifiers.

On 17 October 2024 the Independent Chair of the Task Force wrote to the DfT to advise that the Task Force met on 10 October 2024, reviewed the considerations, issues, and risks, and recommended proceeding with implementation of the new timetable for ECML in December 2025. This was on the basis that the timetable is deliverable and meets the Task Force objectives that were set. Concerns were noted from GB Railfreight (representing themselves and other Freight Operating Companies), ScotRail and Transport Scotland. The Task Force recommendation was accepted by the DfT and subsequently endorsed by the Secretary of State in December 2024.

The Task Force had worked collaboratively up to 31 January 2025 to further de-risk the transition of the ECML ESG timetable from development to timetable production.

Advanced work completed by Network Rail Capacity Planning, to inform the December 2025 timetable risk, involved aligning cross boundary paths in the ECML ESG developed timetable with the latest developments in the wider National Working Timetable (WTT) and associated Rolling Spot Bids (RSB). This process has highlighted that, despite previous timetable development work, the national freight and passenger timetable has evolved and this work has been necessary to reduce the risk that capacity decisions may need to be made during the timetable production period between D-40 to D-26.

Therefore, where in this letter and in the ECML General Representation letter we have referred to the proposed ECML December 2025 Timetable, we are referring to timetable work above namely, either full or in part, the:

- Timetable which was developed by the ECML ESG and later deferred in April 2024;
- Timetable where solutions were developed to the problems of the ECML Timetable as part of the Task Force;
- Advanced Timetable Work (undertaken between April and October 2024) to de-risk the transition of the ECML ESG timetable from development to timetable production; and
- Advanced work to inform timetable risk including aligning cross boundary paths in the ECML ESG developed timetable with the latest developments in the wider National Working Timetable and associated Rolling Spot Bids.

So where Network Rail highlight in this representation and the ECML General Representation letter (in the relevant annexes to that letter) whether the access rights sought on ECML in each application are as Network Rail expects in the proposed ECML December 2025 Timetable, we are referring to whether the access rights align to the above Timetable work which makes up the proposed ECML December 2025 Timetable.

Summary of Access Rights sought in this application

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

- 11 amendments to existing Firm Access Rights (with 1 hour windows).
- 2 relinquishments of existing Firm Rights.

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 86th 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 relate to both recycling and Intermodal traffic on the Ripple Lane – Tinsley, Cricklewood – Peterborough and Felixstowe – East Midlands Gateway corridors. Details of the services can be found in Annexes B, C and D.

In line with Network Rail's ECML letter to ORR on 14 March 2025, Network Rail can confirm that the rights supported in this Application are in line with the proposed December 2025 ECML Timetable. Annex A shows the Interacting Locations Matrix. In addition, three of the Rights sought pass the Sheffield area which was listed by ORR in its 24 April 2024 letter to industry.

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:

- All of the prospective access rights interact with the ECML and as a result of the development work undertaken by Network Rail are among the expected pattern of services that we are confident can be accommodated. In keeping with our approach to passenger applications we would look to the ORR supporting these without any significant changes to the characteristics and expression of rights sought - and further advice should be sought from Network Rail were the ORR to consider allocating the capacity concerned in any significantly different manner.
- One prospective right is in the Sheffield / Derby Sheffield area and our representations here will be consistent with our wider representations in respect of Eastern Region's consideration of passenger and freight applications.
- Two 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.

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 24th April (if they exist) and/or in the ECML proposed December 2025 Timetable and with characteristics and timings consistent with the application (including where the right for a path extends to an outlying geography).

This recognises the significant industry-wide effort as described above and further set out in General Representation on the ECML dated 14 March 2025 to undertake the advanced timetabling work to de-risk the transition of the proposed December 2025 ECML timetable from development to timetable production, including advanced work to inform timetable risk including aligning cross boundary paths in the proposed December 2025 ECML timetable with the latest developments in the wider National Working Timetable and associated Rolling Spot Bids. If characteristics are different, support will be on the basis of either a lesser capacity request or the associated WTT path characteristics.

This includes support for freight rights sought for services that are in the proposed December 2025 ECML Timetable and with characteristics and timings consistent with the application and that already run beyond the ECML geography.

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 withdrawn

Following further consultation with DB Cargo, they have informed Network Rail they wish to withdraw three of the Rights sought from this application. Network Rail understands DB Cargo have not provided an up-to-date application to Network Rail or the ORR. One of these paths was removed through the quarterly Capacity Management Review Group (CMRG) process and, therefore, Network Rail would not look to support a Right where there is no corresponding path in the Working Timetable. The other two aspirations are being withdrawn by DB Cargo as they are no longer resourced. These are all shown in Annex C.

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 specific concerns were raised relating to any of the access rights in this application during consultation.

Capacity

Annex B shows the Rights that Network Rail can support as Firm with a 1 hour window. All these trains have been accommodated into the May 2025 timetable and are in line with the proposed ECML December 2025 timetable. The trains in this category are all running in the current timetable and meet the characteristics and timings consistent with this what is included in this application. This support gives certainty to operators and their customers whose trains are already in the timetable and running.

Performance

For all freight applications, Network Rail has assessed the performance of each headcode in this application 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

4M34 MSX initially failed this assessment but has since shown signs of improvement and will continue to be supported as part of this application. Additional performance monitoring will be undertaken for this headcode.

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

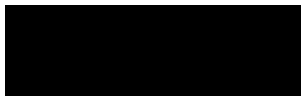
Conclusion

In this representation letter we have confirmed, for the reasons outlined above, that we partially support the access rights sought in this application with Firm 1 hour windows, as detailed in Annex B.

This letter also confirms we do not support the access rights detailed in Annex C as the Operator has confirmed they will be withdrawing them from the application but have not yet done so, hence why Network Rail is not supporting.

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

Yours sincerely

A solid black rectangular box used to redact 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
6E70	SO	01:37 03:30	02:37 04:30	RIPPLE LANE WEST S.S.	TINSLEY S.S.	10:36 10:12	11:36 11:12
6L60	FSX - Y	23:19 19:22	00:19 20:22	PETERBOROUGH L.I.P.	ACTON T.C.	02:44 22:44	03:44 23:44
6M01 6V01	FO	23:16 19:24	00:16 20:24	PETERBOROUGH L.I.P.	CRICKLEWOOD AGGREGATES DBC ACTON T.C.	04:00 22:44	05:00 23:44
4L38	MO	10:25	11:25	EAST MIDS GATEWAY TML DBC	FELIXSTOWE CENTRAL DBC FELIXSTOWE NORTH DBC	16:40	17:40
4L38	MSX	10:27 10:25	11:27 11:25	EAST MIDS GATEWAY TML DBC	FELIXSTOWE CENTRAL DBC FELIXSTOWE NORTH DBC	16:40	17:40
4M34	MSX	00:41	01:41	FELIXSTOWE CENTRAL DBC FELIXSTOWE NORTH DBC	EAST MIDS GATEWAY TML DBC	06:09	07:09
4M34	SO	23:44 (FO)	00:44	FELIXSTOWE CENTRAL DBC FELIXSTOWE NORTH DBC	EAST MIDS GATEWAY TML DBC	07:13 06:35	08:13 07:35
4M79	TO	07:30	08:30	FELIXSTOWE SOUTH DBC	EAST MIDS GATEWAY TML DBC	15:53 13:13	16:53 14:13

Annex C – Rights that DB Cargo have withdrawn from the application

Train Reporting Number	Days per Week	Departure Window From	Departure Window To	Origin	Destination	Arrival Window From	Arrival Window To
6L55	MWQ MWFO	18:57 18:30	19:57 19:30	TINSLEY S.S.	BARKING EUROHUB (DBC) RIPPLE LANE H GROUP SDGS	01:28 01:24	02:28 02:24
6L55	TThO	17:57 16:49	18:57 17:49	TINSLEY S.S.	BARKING EUROHUB (DBC) RIPPLE LANE H GROUP SDGS	00:23 10:08	01:23 11:08
6V73	SX MWFO	11:51	12:51	CRICKLEWOOD AGGREGATES DBC	ACTON T.C.	12:32	13:32

Annex D – 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
6L55	FO	18:57	19:57	TINSLEY S.S.	RIPPLE LANE H GROUP SDGS	01:19	02:19
6L01	SX	07:30	08:30	ACTON T.C.	CRICKLEWOOD AGGREGATES DBC	07:30	08:30