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Network Rail Final Representations for the proposed 92nd 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 92nd 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.

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 **partially supportive of this application**, subject to any comments, suggested amendments or specific issues highlighted in this representation.

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.

Summary of Access Rights sought in this application

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

- 19 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 in line with the Interim Approach taken by Network Rail. 6Y25 (SO) was not included in the DB Cargo 100th Supplemental Agreement for Contingent Rights in December 2024 but DB Cargo have confirmed this Right sought remains part of this application.

The Rights in this application are not at any of the nine interacting locations but they interact with Rights in other competing applications as detailed below. Full details of all Rights sought by this application are contained in the Schedule 5 Rights Table submitted with the S22A. These Rights represent a mix of traffic types including aggregates, intermodal, metals and parcels.

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

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:

- One prospective right crosses 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.
- Four prospective rights do cross into the geography of North West & Central Route but are not at the specific Birmingham area, Birmingham to Derby and WCML South geographies identified in ORR's initial call for applications at complex and potentially interacting locations.
- Four prospective rights do cross into the geography of Wales Route but are not at the specific Cardiff Central geography 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 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 application is aligned to a service 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/or in the proposed December 2025 Timetable, with characteristics (e.g. trailing load) not consistent with the timetable paths and / or with timings outside of the requested windows Network Rail is supportive of firm quantum 24hr rights in order to maintain sufficient flexibility to accommodate the request while maintaining the flexibility to accommodate other applications at the relevant locations. If characteristics are different, support may be offered on the basis of either a lesser capacity request or the associated WTT path characteristics.

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 withdrawn

Following further consultation with DB Cargo, they have informed Network Rail they wish to withdraw six 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. Five of the paths were removed through the quarterly Capacity Management Review Group process and, therefore, Network Rail would not look to support a Right where there is no corresponding path in the Working Timetable. These are 5G20 (SX), 5K21 (SX), 6K51 (MO), 6G78 (WO), 6F80 (WO), and 6F25 (ThO). The other aspiration is for 6G74 (ThO) which has been 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.

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.

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

Cardiff Central

Network Rail identified a piece of work on Cardiff Central as a priority strategic planning workstream for Control Period (CP) 6 due to the large number of commitments and aspirations from different stakeholders for the immediate Cardiff area and we wanted to have a holistic view of the impact of these.

The Rights sought in this application do not pass through Cardiff Central station. There are three Rights within this application for paths that run to/from Cardiff Tidal which use the main line between Newport and Cardiff Central as far as Pengam Junction (from the Newport direction) therefore, the Rights sought should not be impacted by that strategic workstream..

Capacity

Annex B shows the Rights that Network Rail can support as Firm with a 1 hour window. Train slots associated with the access rights requested in this DB Cargo 92nd Supplemental Agreements have

been accommodated into the May 2025 and are in the proposed December 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.

Rights in the DB Cargo 92nd SA present one unresolvable conflict against a service in the Freightliner Limited 26th Supplemental Agreement. This means that trade-off decisions would be required to support either of the operator aspirations. However, Network Rail are not supportive of the relevant conflicting services, which are aspirational traffic not bid into the May 2025 or December 2025 (D-40) timetables, and therefore, they do not prevent support of the supported elements of this application

In addition to this, DB Cargo's 92nd SA would be likely to interact with other long distance West Coast Main Line Access Aspirations which ORR may want to consider alongside this application. Decisions on those applications could impact this application and vice versa.

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

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.

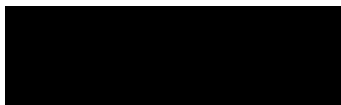
Conclusion

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.

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 as they have no future requirement but have not yet done so.

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



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
6K75	TO	14:29	15:29	ARPLEY SIDINGS	CREWETMD (ELECTRIC)I	16:27	17:27
6F94	TO	17:01	18:01	CREWETMD (ELECTRIC)I	ARPLEY SIDINGS	18:29	19:29
6K75	ThO	14:29	15:29	ARPLEY SIDINGS	CREWETMD (ELECTRIC)	16:27	17:27
4D79	SO	14:26	15:26	EAST MIDS GATEWAY TML DBC	TOTON NORTH YARD	15:27	16:27
4F35	MTThO	09:58	10:58	ARPLEY SIDINGS	SEAFORTH C.T. MDHC	11:18	12:18
4F66	SO	08:50	09:50	TRAFORD PARK EUTO TERM	ARPLEY SIDINGS	12:30	13:30
4H72	MO	03:32	04:32	ARPLEY SIDINGS	TRAFORD PARK EUTO TERM	06:19	07:19
6H43	FSX	08:38	09:38	ALEXANDRA DOXK JN. T.C.	LLANWERN EXCHANGE SDGS	09:06	10:06
6B43	MWFO	10:01	11:01	LLANWERN EXCHANGE SDGS	CARDIFF TIDAL T.C.	12:03	13:03
6B43	TThO	10:01	11:01	LLANWERN EXCHANGE SDGS	CARDIFF TIDAL T.C.	12:03	13:03

6B44	FSX	15:32	16:32	CARDIFF TIDAL T.C.	ALEXANDRA DOCK JN. T.C.	16:05	17:05
6Y25	SO	13:29	14:29	ACTON T.C.	HOO JUNCTION UP YARD	16:36	17:36

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
5G20	SX	11:08	11:38	CREWE T.M.D. (ELECTRIC)	STAFFORD	11:35	12:05
5K21	SX	12:13	12:43	STAFFORD	CREWE T.M.D. (ELECTRIC)	12:51	13:21
6K51	MO	07:25	08:25	ARPLEY SIDINGS	MARCROFT ENGINEERING	08:55	09:55
6G78	WO	13:35	14:35	ARPLEY SIDINGS	BESCOT YARD	15:34	16:34
6F80	WO	18:21	19:21	BESCOT YARD	ARPLEY SIDINGS	20:17	21:17
6G74	ThO	17:09	18:09	CREWETMD (ELECTRIC)	BESCOT YARD	18:31	19:31
6F25	ThO	20:21	21:21	BESCOT YARD	ARPLEY SIDINGS	22:41	23:41