



Jules Graham
Customer Relationships Executive
Network Rail
Waterloo General Office
London
SE1 8SW

Emyl Lewicki
Office of Rail and Road
25 Cabot Square,
London
WC2B 4AN

06 June 2025

Network Rail Final Representations for the proposed 83rd Supplemental Agreement submitted under Section 22A of the Railways Act 1993 for the Track Access Contract between Network Rail Infrastructure Limited and DB Cargo (UK) Limited dated 11 December 2016.

This letter provides final representations from Network Rail Infrastructure Limited (Network Rail) for the 83rd 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 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**.

This application is flagged as interacting at one of the ORR defined locations. 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 (UK) Limited 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 and there is nothing outstanding from our initial representations on 28 June 2024.

Summary of Access Rights sought in this application

In their application and as a high-level summary DB Cargo (UK) Limited is seeking:-

- 2 new Firm Access Rights with 1 hour windows to commence on approval until PCD 2026. These trains are currently running under Contingent Rights, originally for the December 2024 timetable as a General Approval in the 100th SA, and now dated until the end date of May 2025 timetable and were granted these Contingent Rights in the DB Cargo (UK) Limited 105th SA General Approval submitted in line with the Interim Approach taken by Network Rail.
- 14 amendments to existing Firm Access Rights (with 1 hour windows).
- 7 relinquishments of existing Firm Rights.

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 the operation of international traffic through the Channel Tunnel for several customers. Details of the exact services can be found in Annexes B, and C.

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 rights use West Coast Main Line (WCML) South. However, they do not operate into or out of London Euston on the WCML South fast lines.

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 in the proposed December 2025 ECML Timetable 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 this 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.

One Right sought in this application is for a train service which operates with an electric locomotive. This is an existing service with an existing Firm Access Right which currently runs on the WCML and only uses the infrastructure between Wembley Yard and Mitre Bridge Junction on AC power. The only amendment to this existing Firm Access Right is to give it 'Y' path characteristics so there are no changes to timing windows or anything else that would impact capacity. The path associated with this Right was included in the modelling for electric traction and currently runs in the timetable. There is no increase in the power draw as a result of this application. This Right would use power supply from Acton Lane feeder station, so subject to monitoring, existing services can be supported. In the meantime, we will continue to work with all operators to establish operational controls and mitigations so we can manage the power system as effectively as possible.

The remaining Rights sought are all for services which use diesel traction.

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.

Following further consultation with DB Cargo, they have informed Network Rail they wish to withdraw two 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. These paths are no longer required by DB Cargo as the traffic has now ceased from operating and so the corresponding Rights are no longer required. These are all shown in Annex C. As a result, all the Rights sought in this application are either amendments to existing Firm Rights or relinquishments.

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.

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 December 2025 timetable. The trains in this category are all running in the current timetable and meet the characteristics and timings consistent with rights included in this application. This support gives certainty to operators and their customers whose trains are already in the timetable

and running.

There is one service which has characteristics different to what was originally submitted (date split into 3 separate schedules). Using the Quantum Firm Rights approach for this is not suitable given DB Cargo have an existing Firm 1 hour window which they are seeking to amend the Right in order to align the timings of the Working Timetable path. As such, Network Rail would be supportive of a Firm Right with a 1 hour window providing that DB Cargo confirm to Network Rail and ORR that they are willing to amend the Right sought to align with the Working Timetable:-

- The Rights sought for 6X11 Wednesday, Thursday and Friday (WThFO) Toton North Yard – Dollands Moor Sidings is for a 06.31 – 07.31 departure window but the Working Timetable path departure time is at 07.52. Network Rail would support a 07.22 - 08.22 departure window. DB Cargo hold a separate right for MO and TO services but they are not seeking to amend the departure window for these days. However, we note that the departure window for these Rights does not align to the Working Timetable path in December 2025. Therefore, Network Rail requests DB Cargo to amend this departure windows as part of this application to 03.19 - 04.19 on MO and 07.19 - 08.19 on TO.

Network Rail supports the relinquishment of 7 existing Firm Rights made by DB Cargo. These can be found in Annex D.

Rights in the DB Cargo 83rd SA currently present conflicts against Rights in the Virgin Management Limited (Virgin) and East Coast Trains Limited (Lumo North West) Section 17 applications. Our final representations on Virgin and Lumo North West's section 17 applications have been shared and are dated 09 May 2025. Network Rail are not supportive of the conflicting services in these applications and so the ORR should be aware that if rights were directed for any of the applications listed above then this could involve a trade-off against the rights in the DB Cargo 83rd SA. You may wish to wait for final representations on related applications and the information provided therein prior to making your decision.

WCML

Please refer to the Network Rail letter to ORR "Network Rail representations on WCML to ORR" dated 25 April 2025 namely Section 5 'Congested Infrastructure', Section 6 'Performance Concerns Affecting WCML applications' and Section 7 'Power Supply Modelling related to WCML aspirations'.

In addition to this, DB Cargo's 83rd 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. You may wish to wait for final representation on related applications and the information provided therein prior to making your decision.

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 of 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 that we can partially support the access rights sought in this application, either with Firm 1 hour windows, with amendments to timing loads and windows where relevant, as outlined in this representation, Annex B.

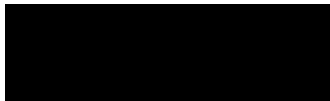
We also support the relinquishment of 7 access right detailed in Annex D.

This letter also confirms we do not support the access rights detailed in Annex C as the services are no longer required by DB Cargo or cannot be supported by Network Rail at this time for the reasons outlined in the **Rights not supported** section.

If ORR chooses to direct this application, we would like the opportunity to review any finalised Schedule 5 table drafting before ORR directs.

Network Rail considers that this letter provides information that could be used as a final representation for this application and could 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
6M13	MSX - Y	00:42	01:42	DOLLANDS MOOR SDGS	DITTON FOUNDRY LN (AHC-EWS)	42:32 11:56	43:32 12:56
6M13	MSX - Y	00:42	01:42	DOLLANDS MOOR SDGS	DITTON FOUNDRY LN (AHC-EWS)	42:32 11:56	43:32 12:56
6X13	TThFO	00:56 01:54	01:56 02:54	DOLLANDS MOOR SDGS	TOTON NORTH YARD	09:26 09:09	40:26 10:09
6X13	SO	02:05	03:05	DOLLANDS MOOR SDGS	TOTON NORTH YARD	40:45 08:31	41:45 09:31
6M45	MO MTWO	00:00 06:23	24:00 07:23	DOLLANDS MOOR SDGS	DAVENTRY IRFT	00:00 12:19	24:00 13:19
6M45	SUN - Y	00:00 10:37	24:00 11:37	DOLLANDS MOOR SDGS	DAVENTRY IRFT	00:00 16:16	24:00 17:16
6M45	SUN - Y	00:00 11:03	24:00 12:03	DOLLANDS MOOR SDGS	DAVENTRY IRFT	00:00 16:16	24:00 17:16
6X11***	MO	02:27	03:27	TOTON NORTH YARD	DOLLANDS MOOR SDGS	46:24 14:34	47:54 15:34
6X11***	TO	06:28	07:28	TOTON NORTH YARD	DOLLANDS MOOR SDGS	46:24 14:34	47:54 15:34
6X11***	WThFO	06:30 06:31	07:30 07:31	TOTON NORTH YARD	DOLLANDS MOOR SDGS	46:24 14:34	47:54 15:34
6B71	SX SX - Y	19:30	20:30	WEMBLEY EFOC	DOLLANDS MOOR SDGS	21:47	22:47
6O71	SUN - Y	00:00 17:33	24:00 18:33	DAVENTRY IRFT	DOLLANDS MOOR SDGS	00:00 22:13	24:00 23:13
6O71	SUN - Y	00:00 17:39	24:00 18:39	DAVENTRY IRFT	DOLLANDS MOOR SDGS	00:00 22:53	24:00 23:53
6O71	SUN - Y	00:00 17:39	24:00 18:39	DAVENTRY IRFT	DOLLANDS MOOR SDGS	00:00 23:20	24:00 00:20

***This is dependent on DB Cargo confirming to Network Rail and ORR that they are willing to amend the Right sought to align with the Working Timetable. The detail of this can be found in the Capacity section in the main letter.

Annex C – Rights that Network Rail do not currently support

Train Reporting Number	Days per Week	Departure Window From	Departure Window To	Origin	Destination	Arrival Window From	Arrival Window To
------------------------	---------------	-----------------------	---------------------	--------	-------------	---------------------	-------------------

6M10	MO - Y	00:34	01:34	DOLLANDS MOOR SDGS	DITTON FOUNDRY LN (AHC-EWS)	12:11	13:11
6O26	FSX - Y	10:45	11:45	DITTON FOUNDRY LN (AHC-EWS)	DOLLANDS MOOR SDGS	21:42	22:42

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
6M45	TWO	07:15	08:15	DOLLANDS MOOR SDGS	WEMBLEY EFOC	09:40	10:40
6M45	TWO	00:00	24:00	WEMBLEY EFOC	DAVENTRY IRFT	00:00	24:00
6M63	TO - Y	22:30	23:30	DOLLANDS MOOR SDGS	BESCOT DOWN SIDE	03:21	04:21
6M63	TO - Y	22:30	23:30	DOLLANDS MOOR SDGS	BESCOT DOWN SIDE	03:21	04:21
6V08 NOT USED	MO - Y \$	02:54	03:54	WEMBLEY EFOC	SWINDON COCKLEBURY	05:01	06:01
6V08	MSX - Y \$	02:54	03:54	WEMBLEY EFOC	SWINDON COCKLEBURY	04:44	05:44
6M96	SX - Y'	11:48	12:48	SWINDON COCKLEBURY	WEMBLEY EFOC	14:07	15:07